

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 04/10/06
8. DOCKET NO: C-20066236	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: GROVETON HOUSING PARTNERSHIP LP

RESPONDENT/APPLICANT: DUQUESNE LIGHT COMPANY

COMP/APP COUNTY: UTILITY CODE: 110150

ALLEGATION OR SUBJECT

COMPLAINT OF GROVETON HOUSING PARTNERSHIP, LP FOR DECLARATORY RELIEF CONCERNING THE APPLICATION OF DUQUESNE LIGHT COMPANY TARIFF NO. 13.2 AND REFUND PURSUANT TO 66 PA C.S.A 1312.

**DOCKETED**

APR 19 2006

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FOLDER



David J. Montgomery  
Direct Dial 412 394 7763  
Email: dmontgomery@thorpreed.com

ORIGINAL

ATTORNEYS AT LAW SINCE 1895

VIA FEDERAL EXPRESS

April 10, 2006

Pennsylvania Public Utility Commission  
Jamie Henry, Legal Assistant  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

RECEIVED

APR 10 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

C-20066236

Re: Ohioview Infrastructure, Inc. v. Duquesne Light Company  
Groveton Housing Partnership, LP v. Duquesne Light Company

Dear Ms. Henry:

On behalf of the Complainants, I have enclosed the original and three copies of the following documents:

- Complaint of Ohioview Infrastructure, Inc. for Declaratory Relief Concerning the Application of Duquesne Light Company Tariff No. 13.2 and Refund Pursuant to 66 Pa. C.S.A. §1312; and
- Complaint of Groveton Housing Partnership, LP for Declaratory Relief Concerning the Application of Duquesne Light Company Tariff No. 13.2 and Refund Pursuant to 66 Pa. C.S.A. §1312

Because these Complaints involve the same defendant and related questions of law and fact, we respectfully request that they be consolidated.

Please return a time-stamped copy to our attention. Thank you for your attention to this matter.

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DOCKETED

APR 19 2006

Very truly yours,

David J. Montgomery

DJM/kak  
Enclosures

Cc: Ralph A. Falbo, Ralph A. Falbo, Inc. (w/encl.)  
Walter D. MacFann, Allegheny County Housing Authority (w/encl.)  
Clifford B. Levine, Esquire (w/o encl.)  
Tanya J. McCloskey, Esquire, Office of Consumer Advocate (w/encl.)

Pittsburgh  
Philadelphia  
Princeton  
Wheeling

Thorpe Reed & Armstrong, LLP  
One Oxford Centre  
301 Grant Street, 14th Floor  
Pittsburgh, PA 15219-1425  
412 394 7711  
412 394 2555 Fax

139  
125

BEFORE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

GROVETON HOUSING PARTNERSHIP, LP

Plaintiff,

v.

DUQUESNE LIGHT COMPANY,

Defendant.

Docket No. *0-2006 6236*

COMPLAINT OF GROVETON HOUSING  
PARTNERSHIP, LP FOR  
DECLARATORY RELIEF CONCERNING  
THE APPLICATION OF DUQUESNE  
LIGHT COMPANY TARIFF NO. 13.2  
AND REFUND PURSUANT TO 66 Pa.  
C.S.A. §1312

Filed on Behalf of Plaintiff  
GROVETON HOUSING  
PARTNERSHIP, LP

Counsel of Record for this Party:

Clifford B. Levine  
Pa. I.D. #33507

David J. Montgomery  
Pa. I.D. #78874

Thorp Reed & Armstrong, LLP  
Firm I.D. No. #282  
One Oxford Centre  
301 Grant Street, 14<sup>th</sup> Floor  
Pittsburgh, PA 15219-1425  
(412) 394-7763

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APR 10 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEFORE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

COMPLAINT OF GROVETON HOUSING )  
PARTNERSHIP, LP FOR DECLARATORY )  
RELIEF CONCERNING THE APPLICATION )  
OF DUQUESNE LIGHT COMPANY TARIFF )  
NO. 13.2 AND REFUND PURSUANT TO 66 )  
Pa. C.S.A. §1312 )

Docket No. C-2006 6236

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APR 10 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**COMPLAINT OF GROVETON HOUSING PARTNERSHIP, LP FOR DECLARATORY  
RELIEF CONCERNING THE APPLICATION OF DUQUESNE LIGHT COMPANY  
TARIFF NO. 13.2 AND REFUND PURSUANT TO 66 PA. C.S.A. §1312**

AND NOW, comes the Plaintiff, Groveton Housing Partnership, LP, by its counsel, and hereby files the following Complaint for Declaratory Relief.

**The Parties**

1. Plaintiff Groveton Housing Partnership, LP ("the Partnership"), is a partnership formed under and pursuant to the laws of the Commonwealth of Pennsylvania and is located at 230 Wyoming Avenue, Kingston, Pennsylvania 18704.

2. The Partnership is a land developer and general contractor.

3. The name and address of the Partnership's attorneys are Clifford B. Levine and David J. Montgomery, Thorp Reed & Armstrong, LLP, Firm I.D. No. #282, One Oxford Centre, 301 Grant Street, 14<sup>th</sup> Floor, Pittsburgh, PA 15219-1425.

4. Defendant Duquesne Light Company ("Duquesne Light") is a public utility located at 411 Seventh Avenue, Pittsburgh, Pennsylvania 15219.

**Groveton Village**

5. In 2001 and 2002, the Partnership constructed Groveton Village, an affordable housing development located in Township of Robinson, Pennsylvania.

6. In the course of construction of Groveton Village, the existing 100 unit barracks-style public housing was demolished.

7. In addition, the streets within Groveton Village were vacated and excavated and replaced with a new pattern of streets.

8. The Partnership then constructed sixty-nine townhouse units of affordable housing in twenty-four buildings.

9. In addition, the Partnership granted Duquesne Light new easements permitting Duquesne Light to install underground facilities for the supply of electric power.

10. Furthermore, in the course of the project, the site was resubdivided into new parcels of land.

**Groveton Village Qualifies as a “New Residential Development”  
under Section 13.2.A of Duquesne Light’s Tariff**

11. As required by the Public Utility Code, Duquesne Light has filed a Tariff with the Public Utility Commission (“the PUC”). See Duquesne Light Company Schedule of Rates.

12. Under its Tariff, Duquesne Light is required to pay the costs incurred during the construction and installation of facilities for New Residential Developments. See Tariff Nos. 13.2B and 13.2.C(6) (Exhibit A).

13. Under the section of Duquesne Light’s Tariff regarding New Residential Developments, a “Development” is defined as follows:

A planned project which is developed by a developer/Applicant for electric service set out in a recorded plot plan of five or more adjoining unoccupied lots for the construction of single family residences, detached or otherwise, or mobile homes and one or more five-unit apartment houses, all of which are intended for year-round occupancy, if providing electric services to such project necessitates extending the Company’s existing distribution lines.

See Tariff No. 13.2.A.

14. The Groveton Village development meets all of the elements of the foregoing definition:

- a) Groveton Village is a “planned project”;
- b) developed by a developer;
- c) set out in a recorded plot plan of five or more adjoining unoccupied lots;
- d) for the development of single family residences, detached or otherwise, or mobile homes and one or more five-unit apartment houses;
- e) all of which are intended for year-round occupancy; and
- f) the project necessitated extending Duquesne Light’s existing distribution lines.

15. Although subsection 13.2.A does not define what constitutes a “New” development, Groveton Village satisfies that criterion because the project involves the construction of sixty-nine **new** townhouse units of affordable housing in twenty-four buildings, on vacant land that has been subdivided with new lot lines, streets and rights of way.

16. Prior to beginning construction of Groveton Village, the Partnership supplied Duquesne Light with a copy of the project subdivision plan, identifying boundaries and any necessary easements or rights of way, as required under subpart 13.2.C(1).

17. The Partnership also advised Duquesne Light that it would comply with subpart 13.2.C(2)’s requirement that the Plaintiff clear and grade the installation area.

**Duquesne Light’s Improper Charges for the Installation of Underground Facilities at Groveton Village**

18. On March 27, 2002, Duquesne Light submitted a cost estimate to Mistick Construction, the general contractor acting on behalf of the Partnership, for the cost of installing

the underground electric facilities (and the removal of existing overhead lines) at Groveton Village. See Exhibit B.

19. The cost estimate required the payment of \$117,590.05.

20. The Partnership paid Duquesne Light the \$117,590.05.

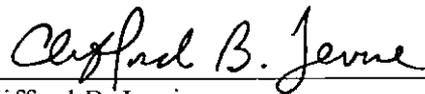
21. Because Groveton Village qualifies as a New Residential Development, Duquesne Light erred in the Application of its Tariff when it required the Partnership to pay the \$117,590.05 payment for the installation of the underground facilities.

22. Accordingly, pursuant to 66 Pa. C.S.A. §1312, the Partnership is entitled to a refund of its \$117,590.05 payment, with interest.

WHEREFORE, Plaintiff Groveton Housing Partnership, LP, by its counsel, requests that the Pennsylvania Public Utility Commission approve this Complaint and declare that: (a) that Groveton Village qualifies as a New Residential Development under the Duquesne Light Tariff No. 13.2, (b) Duquesne Light's Application of its Tariff violated 66 Pa. C.S.A. §1303, 1304 (c) Duquesne Light is required to refund the \$117,590.05 payment, including the permitted statutory interest, to Groveton Housing Partnership, LP; (d) Groveton Housing Partnership, LP, is entitled to whatever other relief is deemed just and equitable; and (e) the Partnership be awarded all attorneys' fees and costs.

Respectfully submitted,

THORP REED & ARMSTRONG, LLP



---

Clifford B. Levine  
Pa. I.D. #33507  
David J. Montgomery  
Pa. I.D. #78874  
Firm I.D. No. #282  
One Oxford Centre  
301 Grant Street, 14<sup>th</sup> Floor  
Pittsburgh, PA 15219-1425  
(412) 394-7763

Counsel for Plaintiff, Groveton Housing  
Partnership LP

VERIFICATION

I, Ralph A. Falbo, of the GROVETON HOUSING

PARTNERSHIP, LP, state that the averments of fact set forth in the foregoing COMPLAINT OF GROVETON HOUSING PARTNERSHIP, LP FOR DECLARATORY RELIEF CONCERNING THE APPLICATION OF DUQUESNE LIGHT COMPANY TARIFF NO. 13.2 AND REFUND PURSUANT TO 66 Pa. C.S.A. §1312 are true and correct to the best of my knowledge, information, and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments, I may be subject to criminal penalties.

Date: April 10, 2006



**RULES AND REGULATIONS - (Continued)**

**INSTALLATION OF SERVICE - (Continued)**

**13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS**

**A. Definitions**

The following words and terms, when used in this rule shall have the following meanings, unless the text clearly indicates otherwise.

- (1) **Applicant for Electric Service** - The developer of a recorded plot plan consisting of five or more lots, or of one or more five-unit apartment houses.
- (2) **Developer** - The party responsible for constructing and providing improvements in a development, that is, streets, sidewalks, and utility-ready lots.
- (3) **Development** - A planned project which is developed by a developer/applicant for electric service set out in a recorded plot plan of five or more adjoining unoccupied lots for the construction of single-family residences, detached or otherwise, or mobile homes and one or more five-unit apartment houses, all of which are intended for year-round occupancy, if providing electric service to such project necessitates extending the Company's existing distribution lines.
- (4) **Distribution line** - An electric supply line of untransformed voltage which delivers energy to one or more service lines.
- (5) **Service line** - An electric supply line of transformed voltage which delivers service to a residence or building as described in the Company's Construction Standards.
- (6) **Subdivider** - The party responsible for dividing a tract of land into building lots which are not to be sold as utility-ready lots.
- (7) **Subdivision** - A tract of land divided by a subdivider into five or more adjoining unoccupied lots for the construction of single-family residences, detached or otherwise, or one or more five-unit apartment houses, all of which are intended for year-round occupancy, if providing electric delivery service to such subdivision necessitates extending the Company's existing distribution lines.

**RULES AND REGULATIONS - (Continued)**

**INSTALLATION OF SERVICE - (Continued)**

**13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS - (Continued)**

**B. Installation of Distribution and Service Lines**

Distribution and service lines installed under an application for electric service within a development will be installed underground; will conform to the Company's construction standards, the Pennsylvania PUC regulation 57.26 of Title 52 (relating to construction and maintenance of facilities), the specifications set forth in the National Electric Safety Code (NESC), and will be owned and maintained by the Company. Pad-mounted transformers will be installed as a Company construction standard. Excavating and backfilling shall be performed by the developer of the project or by another agent as the developer may authorize. Installation of service-related Company facilities will be performed by the Company or by another agent as the Company may authorize. Street-lighting lines installed then or thereafter within the same development will also be installed underground, upon terms and conditions prescribed elsewhere in the Company's tariff. The Company will not be liable for injury or damage occasioned by the willful or negligent excavation, breakage, or other interference with its underground lines occasioned by anyone other than its own employees or agents.

Nothing in this rule shall prohibit the Company from performing its own excavating and backfilling for greater system design flexibility. However, no charges to the developer other than those specified in C(4) of this rule will be charged.

**C. Applicants for Electric Service**

The applicant for electric service to a development shall conform with the following:

- (1) At its own cost, provide the Company with a copy of the recorded development plot plan identifying property boundaries, and with easements satisfactory to the Company for occupancy by distribution, service and street-lighting lines and related facilities.
- (2) At its own cost, clear the ground in which the lines and related facilities are to be laid of trees, stumps and other obstructions, provide the excavating and backfilling subject to the inspection and approval of the Company, and rough grade it to within six inches of final grade, so that the Company's part of the installation shall consist only of laying of the lines and installing other service-related facilities. Excavating and backfilling performed or provided by the applicant will follow the Company's underground construction standards and specifications set forth by the Company in written form and presented to the applicant at the time of application for service and presentation of the recorded plot plan to the Company. If the Company's specifications have not been met by the applicant's excavating and backfilling, the excavating and backfilling will be corrected or redone by the applicant or its authorized agent. Failure to comply with the Company's construction standards and specifications permits the Company to refuse utility service until the standards and specifications are met.

**RULES AND REGULATIONS - (Continued)**

**INSTALLATION OF SERVICE - (Continued)**

**13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS - (Continued)**

**C. Applicants for Electric Service - (Continued)**

- (3) Request electric service at such time that the lines may be installed before curbs, pavements and sidewalks are laid; carefully coordinate scheduling of the Company's line and facility installation with the general project construction schedule, including coordination with other utilities sharing the same trench; keep the route of lines clear of machinery and other obstructions when the line installation crew is scheduled to appear; and otherwise cooperate with the Company to avoid unnecessary costs and delay.
- (4) Pay to the Company any necessary and additional costs incurred by the Company as a result of the following:
  - (a) Installation of underground facilities that deviate from the Company's underground construction standards and specifications if such deviation is requested by the applicant for electric service and is acceptable to the Company.
  - (b) A change in the plot plan or final grade elevations by the applicant for electric service after the Company has completed engineering for the project and/or has commenced installation of its facilities.
  - (c) Physical characteristics such as oversized lots or lots with extreme set-back where under the Company's line extension policy contained in its tariff a charge is mandated for overhead service.
- (5) No charges other than those described in paragraph (4) of this rule shall be borne by the applicant for electric service or by any other utility sharing the same trench, even if the Company elects to perform its own excavating and backfilling.
- (6) No charges other than those described in paragraphs (4) or (5) will be borne by the applicant, even if the Company elects to perform its own trenching and backfilling.

**D. Installing Distribution Lines Beyond Boundary of Development**

Whenever the distance from the end of the Company's existing distribution line to the boundary of the development is 100 feet or more, the 100 feet of new distribution line nearest to but outside such boundary shall be installed underground if practicable; and whenever such distance is less than 100 feet from said boundary, all of the new distribution line nearest to but outside such boundary shall be installed underground if practicable. The installation required by this paragraph shall be provided by the Company, without cost to the applicant. However, the developer must provide the excavating and backfilling.

**RULES AND REGULATIONS - (Continued)**

**INSTALLATION OF SERVICE - (Continued)**

**13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS - (Continued)**

**E. Classification of Charges**

Amounts the Company receives under paragraph C(4) (relating to applicant for electric service) will be credited to Contributions in Aid of Construction.

**F. Exceptions**

- (1) Whenever the Company or any affected person believes that the application of the tariff rule works an undue hardship, involves a physical impossibility, or is otherwise inappropriate, the Company or persons may request an exception from the underground requirements of paragraphs A through E of this rule (relating to definitions, installation of distribution and service lines, applicant for electric service, installing distribution lines beyond boundary of development, and calculation and classification of charges) by providing the Pennsylvania Public Utility Commission with the following:
  - (a) A copy of the recorded plot plan of the development for which the exception is being sought.
  - (b) A letter petition setting forth:
    - (i) the name of the applicant
    - (ii) the location and size of the development involved
    - (iii) the names of the electric utility and telephone utility which will provide service to that development
    - (iv) the date on which construction began or will begin; whether the development is a new development or one phase in a development to be completed in several phases; and whether facilities in the area surrounding the development have been installed underground or overhead.
- (2) Upon the filing of an exception request, the Pennsylvania Public Utility Commission (Commission) Staff will notify the utilities involved and the appropriate local government authority, review the facts stated in the request, and issue to the applicant and the utility an informal written report and decision within 180 days of the request for an exception. Failure of the party requesting an exception to supply sufficient data within 180 days of the period shall result in the automatic denial of the request.

**RULES AND REGULATIONS - (Continued)**

**INSTALLATION OF SERVICE - (Continued)**

**13.2 UNDERGROUND ELECTRIC SERVICE IN NEW RESIDENTIAL DEVELOPMENTS - (Continued)**

**F. Exceptions - (Continued)**

- (3) A public utility or any affected person may appeal the informal decision rendered by Commission Staff by filing a letter petition with the Secretary of the Commission stating the facts in question and requesting a hearing. All appeals shall be referred to the Commission's Office of Administrative Law Judge for hearing and decision.
- (4) If an exception request initiated by an applicant for electric service is granted, and the applicant thereafter desires underground electric service, then paragraphs B and C (relating to installation of distribution and service lines and applicant for electric service) will apply as if no exception had been granted.

**G. Applicability**

This rule shall apply to applications for service to developments, which are filed with the Company after June 30, 1984.

**H. Subdivisions**

Underground facilities in new residential developments are only required by paragraphs A through G (relating to underground electric service in new residential developments) when a bona fide developer exists, that is, only when utility-ready lots are provided by the developer. A mere subdivision is not required to have underground service. Should the lot owner or owners in a subdivision desire underground service, the service will be provided by the Company if the lot owner or owners, at their option, either comply with paragraph C (relating to applicants for electric service) or pays to the Company charges that are contained in the Company's tariff for underground electric service not required by this rule.

**13.3 BUILDING ENERGY CONSERVATION STANDARDS FOR RECEIPT OF UTILITY SERVICE FOR RESIDENTIAL BUILDINGS** Pursuant to the requirements of amended Pa. Code §69.101 through §69.107, the following provisions are incorporated in this Tariff:

The Company must receive proof of compliance with, or exemption from, the insulation standards set forth in the Building Energy Conservation Act (Act 222) prior to providing electric service for any purpose, including temporary electric service for residential building construction purposes, to (1) new residential buildings, (2) additions to existing residential buildings, and (3) renovated residential buildings located in municipalities that have not elected to administer Act 222.

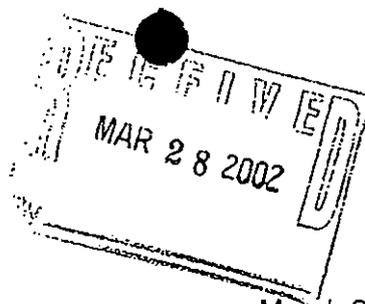
Proof of compliance shall be made by furnishing the Company with a "Notice of Intent to Construct" form certified by Pennsylvania's Department of Community Affairs.

Upon request, the Company will provide information and the required forms for compliance with Act 222.



**Duquesne Light**

A DQE Company  
2601 Preble Ave.  
Pittsburgh Pa. 15233



March 27, 20021

Mr. Jeff Anderson  
Mistick Construction  
1300 Brighton Rd.  
Pittsburgh, Pa. 15233

Re: Cost Estimate  
Groveton Village  
Robinson Twp., Pa.

Dear: Mr. Anderson:

Thank you for giving Duquesne Light the opportunity to serve your electric needs.

To provide the service you requested to the above location, a design has been completed that provides for the most efficient, convenient installation, at the least possible cost to you. The work that Duquesne Light will perform is described as follows:

**Remove the existing overhead facilities and install an underground plan according to your request.**

The estimated customer cost for providing underground service is \$117,590.05.

**Install 25 colonial URD street light per your request with the customer paying the up front costs and Robinson paying the monthly usage cost.**

The street light installation cost is \$24650.00.

Please forward a check, payable to Duquesne Light Company, to my attention at the following address:

2601 Preble Ave.  
Pittsburgh, Pa. 15233

These costs will remain in effect until March 26, 2003, after which time we will need to reevaluate this cost.

If you have any questions concerning this cost estimate, please call me at 412-393-8013.

Sincerely,

John E. Khalil  
Account Manager

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

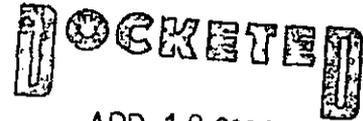
DATE SERVED: April 20, 2006

Groveton Housing Partnership, LP  
Complainant

v.

DUQUESNE LIGHT COMPANY  
Respondent

Complaint Docket  
No: C-20066236



APR 19 2006

DOCUMENT  
FOLDER

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: DUQUESNE LIGHT COMPANY

**TAKE NOTICE:**

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

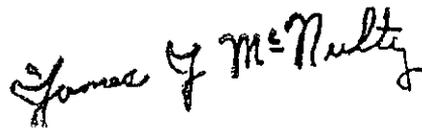
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

**DATE SERVED: April 20, 2006**

C-20066236

MORGAN O'BRIEN PRESIDENT  
DUQUESNE LIGHT COMPANY  
411 7<sup>TH</sup> AVENUE 16-1  
PITTSBURGH PA 15219-1905

DOCUMENT  
FOLDER

Dear Mr. O'Brien:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Groveton Housing Partnership, LP. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

**CUSTOMER OF A UTILITY**

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

**COMPANY/UTILITY**

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

April 20, 2006

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

A handwritten signature in black ink that reads "James J. McNulty". The signature is written in a cursive style with a large, stylized "J" and "M".

James J. McNulty  
Secretary

ksb