

November 16, 2015

*Via Electronic Filing*

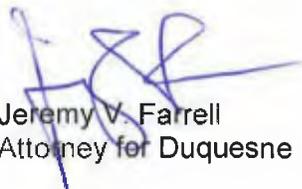
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**RE: Patricia O'Malley v. Duquesne Light Company**  
Docket No. C-2015-2510131

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,



Jeremy V. Farrell  
Attorney for Duquesne Light Company

Enclosure

cc: Patricia O'Malley (with enclosure)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PATRICIA O'MALLEY

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2015-2510131

**PRELIMINARY OBJECTIONS**

Filed on behalf of Respondent  
Duquesne Light Company

Counsel of Record for this Party:

Jeremy V. Farrell, Esquire  
PA I.D. No. 316258  
(412) 594-3938

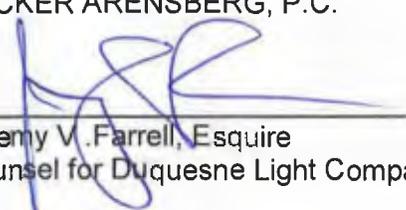
1500 One PPG Place  
Pittsburgh, PA 15222  
Counsel for Respondent

**NOTICE TO PLEAD**

**TO: COMPLAINANT, PATRICIA O'MALLEY**

**YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE WITHIN PRELIMINARY OBJECTIONS OF RESPONDENT, DUQUESNE LIGHT COMPANY, WITHIN TEN (10) DAYS OF SERVICE HEREOF, OR A JUDGMENT MAY BE ENTERED AGAINST YOU.**

TUCKER ARENSBERG, P.C.

  
\_\_\_\_\_  
Jeremy V. Farrell, Esquire  
Counsel for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PATRICIA O'MALLEY

Complainant,

vs.

No: C-2015-2510131

DUQUESNE LIGHT COMPANY,

Respondent.

**PRELIMINARY OBJECTIONS**

Pursuant to 52 Pa. Code. § 5.101, Duquesne Light files its preliminary objections to Patricia O'Malley's Formal Complaint:

**I. Factual Background**

1. On or about October 26, 2015, Duquesne Light was served with Complainant Patricia O'Malley's Formal Complaint ("Complaint") initiating this matter.

2. Complainant contends that she has incorrect charges on her bill. (Complaint, ¶¶ 4-5.)

3. As relief, Complainant seeks monetary damages, including reimbursement in the amount of "\$300.00 for [her] time to research, write and file this complaint." (Complaint, ¶ 5.)

**II. Law and Argument**

4. Pursuant to 52 Pa. Code. § 5.101(a)(1), a party may file preliminary objections on the grounds of "[l]ack of Commission jurisdiction."

5. Duquesne Light files these Preliminary Objections because the Commission lacks jurisdiction over the Complaint's requested relief to the extent that it requests monetary damages.

6. "The Commission must act within, and cannot exceed, its jurisdiction." *City of Pittsburgh v. Pa. Public Utility Comm'n*, 43 A.2d 348 (Pa. Super. Ct. 1945).

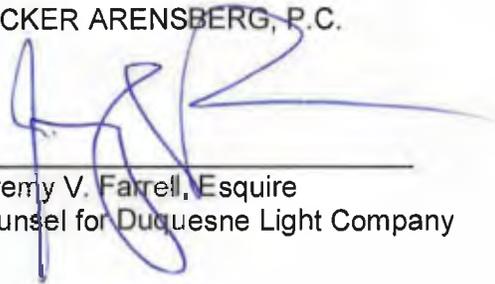
7. The Commission lacks jurisdiction to award damages or to litigate a private action for damages on behalf of a complainant. *Poorbaugh v. Pa. Public Utility Comm'n*, 666 A.2d 744 (Pa. Cmwlth. 1995).

8. Accordingly, the Commission lacks the jurisdiction to award the monetary damages sought in the Complaint.

9. For these reasons, the Complaint should be dismissed to the extent that it seeks money damages beyond the Commission's jurisdiction.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objections and dismiss the Complaint with prejudice to the extent that it seeks recovery of monetary damages.

TUCKER ARENSBERG, P.C.



---

Jeremy V. Farrell, Esquire  
Counsel for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PATRICIA O'MALLEY

Complainant,

vs.

No: C-2015-2510131

DUQUESNE LIGHT COMPANY,

Respondent.

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document upon the participant listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant):

Patricia O'Malley  
2923 Brevard Avenue  
Brentwood, Pa 15227

Dated this 16<sup>th</sup> day of November, 2015

  
\_\_\_\_\_  
Jeremy V. Farrell, Esquire  
PA I.D. No. 316258  
(412) 594-3938  
jfarrell@tuckerlaw.com

1500 One PPG Place  
Pittsburgh, PA 15222  
(412) 594-5619 (fax)  
Counsel for Respondent, Duquesne Light  
Company