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December 14, 2015

*Via Electronic Filing*

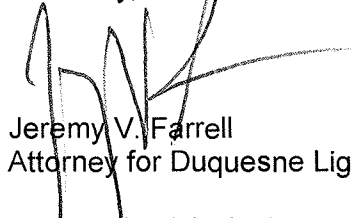
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**RE: Donna Walker v. Duquesne Light Company**  
Docket No. C-2015-2514324

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

Lauren N. Woleslagle  
Attorney for Duquesne Light Company

Enclosure

cc: Donna Walker (with enclosure)

LIT:597130-1 014657-158498

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DONNA WALKER,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2015-2514324

**PRELIMINARY OBJECTIONS**

Filed on behalf of Respondent  
Duquesne Light Company

Counsel of Record for this Party:  
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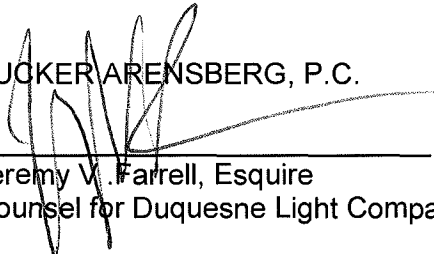
1500 One PPG Place  
Pittsburgh, PA 15222  
Counsel for Respondent

**NOTICE TO PLEAD**

**TO: COMPLAINANT, DONNA WALKER**

**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**

DONNA WALKER,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2015-2514324
	:	
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 November 23, 2015, Duquesne Light was served with Complainant Donna Walker's Formal Complaint ("Complaint") initiating this matter.

2. Complainant contends that she has property damage due a power surge as the result of a tree falling on a Duquesne Light transformer. (Complaint, ¶¶ 4-5.)

3. As relief, Complainant seeks monetary damages. (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.

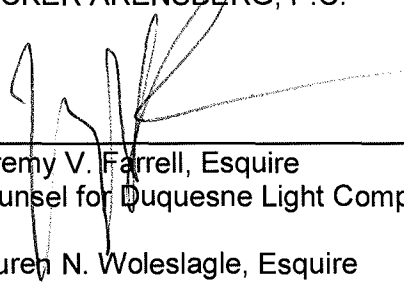
9. Additionally, pursuant to 52 Pa. Code. § 5.101(a)(2), a party may file preliminary objections on the grounds that the complaint includes "scandalous and impertinent matter."

10. Duquesne Light objects to Complainant's allegations that Duquesne Light carries insurance on the grounds that these matters are scandalous and impertinent and have no bearing on the subject action. (Complaint, ¶ 5).

11. For these reasons, the Complaint should be dismissed.

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.

A handwritten signature in black ink, appearing to read 'J. Farrell', is written over a horizontal line. The signature is stylized and somewhat abstract.

Jeremy V. Farrell, Esquire  
Counsel for Duquesne Light Company

Lauren N. Wolesslagle, Esquire  
Counsel for Duquesne Light Company

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