

# BERGER | HARRIS

JOHN G. HARRIS, ESQUIRE  
E-mail: [jharris@bergerharris.com](mailto:jharris@bergerharris.com)

December 18, 2015

**VIA OVERNIGHT DELIVERY**

**RECEIVED**

Rosemary Chiavetta, Secretary  
Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Keystone Bldg.  
Harrisburg, PA 17120

DEC 18 2015

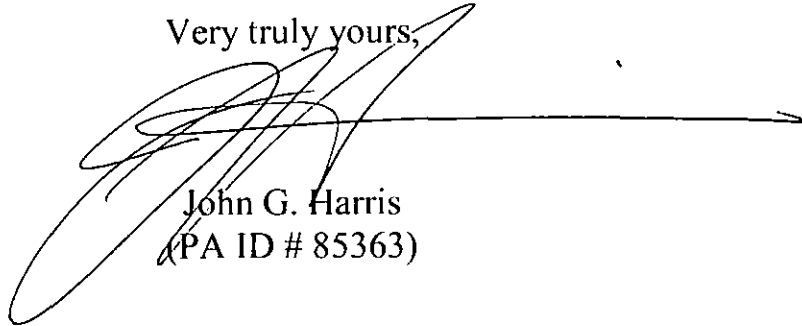
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

RE: One Ten Associates (Draxxhall Management)  
v. Duquesne Light Company  
Docket No. C-2015-2507068

Dear Secretary Chiavetta:

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

Very truly yours,



John G. Harris  
(PA ID # 85363)

JGH/mn

cc: Jeremy V. Farrell (via certified mail/return receipt)  
Lindsay N. Kreppel (via certified mail/return receipt)

DEC 18 2015

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Formal Complaint

*Filing this form begins a legal proceeding and you will be a party to the case.  
If you do not wish to be a party to the case, consider filing an Informal complaint.*

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name: John G. Harris, Esquire for and on behalf of One Ten Associates  
(P.A. Bar Id. No. 85363) (Draxxhall Management)

Street/P.O. Box: 1105 N. Market Street, 11th Fl.

City: Wilmington State: DE Zip: 19801

County: New Castle County

Telephone Number(s) Where We Can Contact You During the Day:

(302) 655-1140 x 206 x (work) ( ) (mobile)

E-mail Address (optional): [jharris@bergerharris.com](mailto:jharris@bergerharris.com)

Utility Account Number (from your bill) Acct# 5932200000

**If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.**

Name: ONE TEN ASSOCIATES/DRAXXHALL MANAGEMENT CORPORATION

Street/P.O. Box: 435 7TH AVENUE

City: PITTSBURGH State: PA Zip: 15219

County: ALLEGHENY COUNTY

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

Duquesne Light Company

**3. Type of Utility Service**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC                       WASTEWATER/SEWER  
 GAS                                       TELEPHONE/TELECOMMUNICATIONS (local, long distance)  
 WATER                                       MOTOR CARRIER (e.g. taxi, moving company, limousine)  
 STEAM HEAT

**4. Reason for Complaint**

**What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.
- I would like a payment agreement.
- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- Other (explain).

Draxxhall Management Corporation has authorized the undersigned to file and prosecute this complaint on behalf of One Ten Associates, the account holder of record and an affiliate of Draxxhall Management Corporation.

During the course of reviewing the billing for this account, it was discovered that the recorded demand is billed on a non-coincident maximum demand basis. This account has plural meters and has 15 minute interval readings recorded by an Interval Data Recorder for each meter. Billing demand for this account is derived as a sum of non-coincident peak demands for these meters.

The account should be billed on the basis of coincident peak demand based on Complainant's interpretation of Duquesne Light Company's Retail Tariff Rate GL-General Service Large page 48 which states:

"Individual demand, except in unusual cases, will be determined by measurement of the average kilowatts during the fifteen-minute period of greatest kilowatt-hour use during the billing period"

and

"The Billing Demand will be the sum of the individual demands of each metered service..."

**Billing a customer on a coincident peak demand basis is typically beneficial for customers and more accurately identifies the customer's impact on the system. Duquesne Light Company's stance is that coincident peak demand billing applies to electric meters under the same service, and non-coincident peak demand billing applies to meters under separate services(different voltages). The utility's position on non-coincident demand billing is not supported anywhere in Duquesne Light Company's tariff, nor does it explain why a different voltage makes a customer ineligible for coincident demand billing.**

If the intent was to bill on a non-coincident demand basis, the tariff should have stated "The Billing Demand will be the sum of the individual non-coincident demand of each metered service ... "

Additionally, Complainant's proposed methodology is more accurate as to the true impact on the utility's infrastructure, and no client should be billed for more costs than is accurate, that is essentially the case under the current billing situation.

*Thus far, respondent's objections have been primarily technical in nature, and avoid the central, most important element of the complaint regarding Duquesne Light's monthly overbilling of the customer's electric service. Complainant respectfully requests that respondent address the heart of the matter, namely the reason why this account is billed on a non-coincident demand basis, in violation of the terms of Duquesne Light's tariff, resulting in higher monthly electric charges to the customer.*

**Note: if your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.**

**In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.**

## **5. Requested Relief**

**How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.**

Billed demands should be revised from the initiation of the IDR-readings. IDR readings permit Duquesne Light Company to accurately bill the client as Complainant asserts here, and so Complainant requests that such a recalculation be undertaken.

*If your findings reveal that this proposed methodology results in a lower charge, kindly direct Duquesne Light Company to remit payment for the adjustment, with any applicable interest, to John G. Harris, Esquire of Berger Harris LLP.*

**Note:** The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

**6. Protection From Abuse (PFA)**

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

**Note:** You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

**7. Prior Utility Contact**

**a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?**

YES

NO

**Note:** If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

**b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?**

YES

NO

**Note:** You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a

water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

**Note:** Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

**8. Legal Representation**

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name: John G. Harris, Esquire (P.A. Bar Id. No. 85363)

Street/P.O. Box: 1105 N. Market Street, 11th Fl.

City: Wilmington State: DE Zip: 19801

Area Code/Phone Number (302) 655-1140 x 206

E-mail Address (if known) [jharris@bergerharris.com](mailto:jharris@bergerharris.com)

**Note:** Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

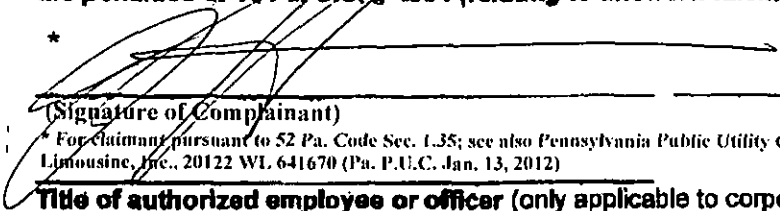
9. **Verification and Signature**

**You must sign your complaint.** Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

**Verification:**

I John G. Harris, Esquire (PA Bar ID-85363), hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4804 (relating to unsworn falsification to authorities).

\*

  
(Signature of Complainant)

12/18/15

(Date)

\* For Chairman pursuant to 52 Pa. Code Sec. 1.35; see also Pennsylvania Public Utility Commission v. Best Value Limousine, Inc., 20122 WL 641670 (Pa. P.U.C. Jan. 13, 2012)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

**Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.**

10. **Two Ways to File Your Formal Complaint**

**Electronically.** You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

**Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.**

**Mail.** Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, Pennsylvania 17120

**Note: Formal Complaints sent by fax or e-mail will not be accepted.**

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

**Keep a copy of your Formal Complaint for your records.**

# DRAXXHALL MANAGEMENT CORPORATION

707 GRANT STREET SUITE 898, PITTSBURGH, PA 15210

AND: 2250 ROSWELL ASSOCIATES, WILMINGTON LENDER ASSOCIATES LP,  
110 ASSOCIATES-GULFTOWER, FRICK LENDER ASSOCIATES LP, MANOR BLDG  
ASSOCIATES LP, KOPPERS LENDER ASSOC LP, AND ONE TEN ASSOCIATES

## LETTER OF AUTHORIZATION

Property Address: SEE EXHIBIT A Block#: \_\_\_\_\_ Lot#: \_\_\_\_\_

Acct Number(s) \_\_\_\_\_

*For multiple properties/accounts, please see Exhibit A*

This letter is to authorize UtiliSave, LLC, and its affiliates, and John G. Harris, Esquire and the firm of Berger Harris LLP, to act as our agent to represent us in complaints submitted to the Pennsylvania Public Utility Commission, and to audit and otherwise review our accounts and services provided by your entity. The specific accounts and/or block and lot numbers covered by this authorization are listed in the attached Appendix, and may be updated by us with written notification to your company. This authorization includes providing UtiliSave with access to EDI, CD ROM, web-based systems, or similar electronic or digital historical usage, billing, payment and credit information that we are entitled to receive, or that UtiliSave is entitled to receive as an appropriately licensed energy services business in your state or jurisdiction. This authorization explicitly permits UtiliSave to register on our behalf for access to any online utility billing and/or metering data systems that we are entitled to access.

Upon their request, please provide directly to UtiliSave's representatives whatever information and materials we are entitled to receive from you, including any contracts, bills, interval data, Personal Identification Number (PIN) codes required to access any and all utility related information that your company provides to us in hard copy format or via online systems.

UtiliSave, LLC and its affiliates, are authorized to investigate our records; including details of contracted account information for confidential use, negotiate any adjustments in past or future billings, select alternate service classifications for our accounts, apply for any refunds and credits, and pursue any claims against you relating to the reduction of recovery of costs of utilities in the event that such a claim should arise. We also request that any refunds issued to our account be in the form of a check made payable to our organization and mailed to UtiliSave, LLC, 128 West 27<sup>th</sup> Street, 11<sup>th</sup> Floor, New York, NY 10001 for delivery to us.

This authorization remains in effect until it is revoked in writing.

Your cooperation and assistance are greatly appreciated.

Signature: WR Baldauff

Print Name: W R BALDAUFF

Title: President

**DRAXXHALL MANAGEMENT  
CORPORATION**  
707 GRANT STREET SUITE 838, PITTSBURGH, PA 15219

EXHIBIT A

<u>Account Name</u>	<u>Building &amp; Service Address</u>	<u>Parcel ID</u>	<u>Electric Acc#</u>	<u>Gas Acc#</u>	<u>Water Acc#</u>	<u>Steam Acc#</u>
2250 ROWELL ASSOCIATES LP	2250 Rowell Dr, Pittsburgh P.A. 15205	0107-B-06306-0000-00	9001-713-842-001 8504270000	006892954000018	1024-210032297059	
WHARTON LENDER ASSOC LP	2100 Wharton St, Pittsburgh P.A. 15203	0012-F-00270-0000-00	2001-783-851-001 6379620000	007131918000018	5050605-1013846	
110 ASSOCIATES-GULF TOWER	825 Liberty Ave, Pittsburgh P.A. 15222	0008-N-0008-0000-00	5000-432-200-002 5830900000	004101184000018	5114180-1000028	
FRICK LENDER ASSOCIATES LP	437 Grant St, Pittsburgh P.A. 15219	0002-E-00160-0000-00	7001-389-470-001 2321320000	006305585000026	5001063-1031902	
MANOR BLDG ASSOCIATES LP	804 Forbes Ave, Pittsburgh P.A. 15219	0002-K-00174-0000-00 0002-K-00173-0000-00	7001-389-470-002 3321320000	005802125000018	6000379-1111775	
KOPPERS LENDER ASSOC LP	438 7 <sup>th</sup> Ave, Pittsburgh P.A. 15219	0002-A-00275-0000-00	2001-439-768-001 3380030000		5001026-1180351	5215-3-1
ONE TEN ASSOCIATES	707 Grant St, Pittsburgh P.A. 15219	0002-B-00013-0000-00			5001038-1000028	2921-3-1
ONE TEN ASSOCIATES	438 7 <sup>th</sup> Ave, Pittsburgh PA 15219		6000-004-650-001 5932200000			
DRAXXHALL MGT CORP	923 Penn Ave, Pittsburgh PA 15222			006602125000034		

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ONE TEN ASSOCIATES,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2105-2507068

**CERTIFICATE OF SERVICE**

I, John G. Harris, Esquire, hereby certify that I have served a true and correct copy of the foregoing document upon the participant listed below in accordance with the requirement of 52 PA. Code 1.54 this 18<sup>th</sup> day of December, 2015 as follows:

**VIA U.S. MAIL - CERTIFIED/RETURN RECEIPT**

Jeremy V. Farrell  
Lindsay N. Kreppel  
Tucker Arensberg, P.C.  
1500 One PPG Place  
Pittsburgh, PA 15222

*Attorneys for Respondent  
Dequesne Light Company*

**RECEIVED**

DEC 18 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**BERGER HARRIS LLP**

By /s/ John G. Harris

John G. Harris, Esq. (PA ID No. 85363)  
1105 N. Market Street, 11th floor  
Wilmington, DE 19801  
(302) 655-1140 telephone  
(302) 655-1131 fax  
[jharris@bergerharris.com](mailto:jharris@bergerharris.com)

*Attorneys for Complainant  
One Ten Associates (Draxxhall Management)*

Dated: December 18, 2015  
Wilmington, Delaware

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

ORIGIN ID: ZWIA (302) 655-1140  
JOHN G. HARRIS, ESQUIRE  
BERGER HARRIS LLP  
1105 N MARKET ST, 11TH FLOOR

WILMINGTON, DE 19801  
UNITED STATES US

SHIP DATE: 18DEC15  
ACTWGT: 0.10 LB  
CAD: 101608704/NET3670

BILL SENDER

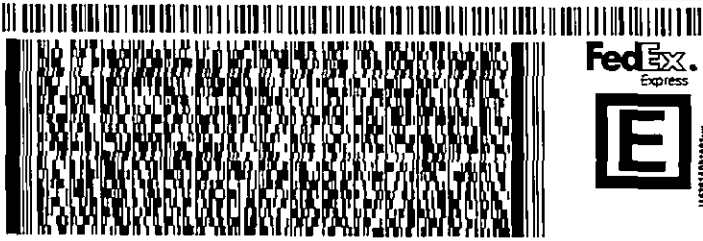
TO ROSEMARY CHIAVETTA (SECRETARY)  
PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET  
HARRISBURG PA 17120

530J1130831D0

(302) 655-1140  
INV.  
PO

REF: UTILSAVE/DUQUESNE

DEPT:

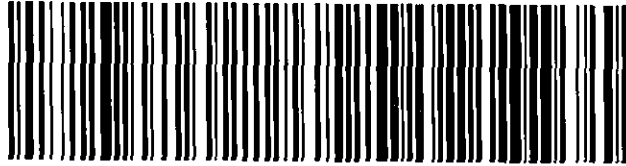


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17120  
PA-US MDT



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