

May 16, 2016

Via Electronic Filing

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

RE: Kyle Reynolds v. Duquesne Light Company
Docket No. F-2016-2541646

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion to Join Additional Respondent. A copy of this document has been served upon the Additional Respondent and Complainant.

Sincerely,



Lauren N. Woleslagle
Attorney for Duquesne Light Company

Enclosure

cc: Kyle Reynolds (with enclosure)
Steven Robinson, Esq. (with enclosure)

LIT:605852-1 014657-158498

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

KYLE REYNOLDS,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

vs.

PALMCO POWER PA, LLC

Additional Respondent.

No: F-2016-2541646

**MOTION TO RE-JOIN ADDITIONAL
RESPONDENT PALMCO POWER PA,
LLC**

Filed on behalf of Respondent
Duquesne Light Company

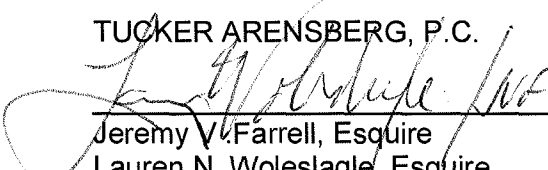
Counsel of Record for this Party:
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1500 One PPG Place
Pittsburgh, PA 15222

NOTICE TO PLEAD

TO: MOTION TO JOIN, PALMCO POWER PA, LLC

**YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE WITHIN NEW
MATTER OF RESPONDENT, DUQUESNE LIGHT COMPANY, WITHIN TWENTY (20) DAYS
OF SERVICE HEREOF, OR A JUDGMENT MAY BE ENTERED AGAINST YOU.**

TUCKER ARENSBERG, P.C.



Jeremy V. Farrell, Esquire
Lauren N. Woleslagle, Esquire
Attorneys for Duquesne Light Company

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**MOTION TO JOIN ADDITIONAL
RESPONDENT**

MOTION TO RE-JOIN ADDITIONAL RESPONDENT PALMCO POWER PA, LLC

TO THE HONORABLE COMMISSION:

AND NOW comes Respondent, Duquesne Light Company ("Duquesne Light"), by and through its attorneys, Tucker Arensberg, P.C., hereby files the following Motion to Re-Join Additional Respondent, Palmco Power PA, LLC ("Palmco Power").

1. Pursuant to 52 Pa. Code § 5.103, Duquesne Light files this Motion to Re-Join Additional Respondent, Palmco Power PA, LLC ("Palmco Power"), because it is an indispensable party.
2. Palmco Power is an electric generation supplier that is licensed by the Pennsylvania Utility Commission ("PUC") to do business in Pennsylvania, as shown by the PUC's website.
3. Complainant filed a formal complaint with the PUC against Duquesne Light and Palmco Power alleging that Palmco Power's rate was not based on market conditions and that the Palmco Power tripled the cost of electric supply. (Formal Complaint at ¶¶ 4-5).

4. Complainant admits on the face of the Complaint that his allegations are directed at Palmco Power, and not Duquesne Light. (Formal Complaint, ¶ 2).

5. On May 5, 2016, Palmco Power filed a Certificate of Satisfaction with this Commission indicating that it had reached a resolution with Complainant, and that the Formal Complaint filed by Complainant against Palmco Power had been satisfied.

6. "In Pennsylvania, an indispensable party is one whose rights are so directly concerned with and affected by litigation that he must be a party of record to protect such rights, and his absence renders any order or decree of court null and void for want of jurisdiction." Columbia Gas Transmission Corp. v. Diamond Fuel Co., 346 A.2d 788, 789 (Pa. 1975); Randall Gyory, 2013 WL 3043426, at *8 (Pa. P.U.C. May 24, 2013).

11. Here, Palmco Power is an indispensable party because its rights are directly affected by litigation in this matter. Complainant acknowledges this by stating that his allegations are directed at Palmco Power, not Duquesne Light. (Formal Complaint, ¶ 2).

12. There is no dispute that the charges at issue were rendered to the Complainant by Palmco Power. The rates were set by Palmco Power because it was Complainant's supplier during the billing cycle in question. As such, any liability assessed to Duquesne Light in this matter would be the direct result of Palmco Power's actions in setting the rates complained of by Complainant.

13. The Certificate of Satisfaction filed on May 5, 2016 does not dispose of Duquesne Light's claims that exist against Palmco Power.

12. In order to protect its rights in dispute in this litigation, Palmco Power must be re-joined in this matter in order for it to continue to be a party of the record.

13. Therefore, Palmco Power must be re-joined and continue to be an Additional Respondent in this matter, because it is an indispensable party.

WHEREFORE, Respondent, Duquesne Light Company, respectfully requests that the Pennsylvania Public Utility Commission re-join Palmco Power PA, LLC as an Additional Respondent because it is an indispensable party.

Respectfully submitted,

TUCKER ARENSBERG, P/C.



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RESPONDENT**

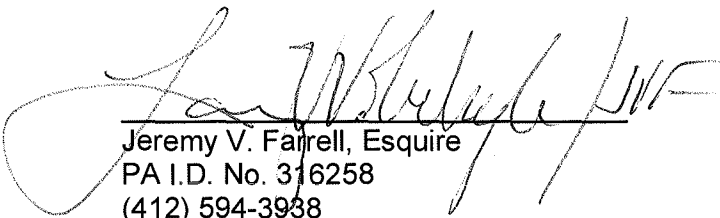
CERTIFICATE OF SERVICE

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):

Kyle Reynolds
225 Washington Avenue
Oakmont, PA 15139

Palmco Power PA, LLC
c/o Steven Robinson, Esq.
Cullen and Dykman, LLP
44 Wall Street
New York, NY 10005
(Via Fax and Regular Mail)

Dated this 16th day of May, 2016


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