

June 1, 2016

*Via Electronic Filing*

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

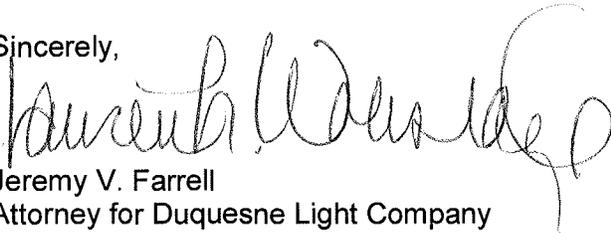
**RE: Cynthia Cawley v. Duquesne Light Company**  
Docket No. C-2016-2544803

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.

Please feel free to contact me if you have any questions.

Sincerely,



Jeremy V. Farrell  
Attorney for Duquesne Light Company

Lauren N. Wolesslagle  
Attorney for Duquesne Light Company

Enclosure

cc: Cynthia Cawley (with enclosure)

LIT:606568-1 014657-158498

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CYNTHIA CAWLEY, :  
 :  
 Complainant, :  
 :  
 vs. :  
 :  
 DUQUESNE LIGHT COMPANY, :  
 :  
 Respondent. :

No: C-2016-2544803

**PRELIMINARY OBJECTIONS**

Filed on behalf of Respondent  
Duquesne Light Company

Counsel of Record for this Party:  
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**NOTICE TO PLEAD**

**TO: COMPLAINANT, CYNTHIA CAWLEY**

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

TUCKER ARENSBERG, P.C.

  
Lauren N. Woleslagle, Esquire  
Counsel for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CYNTHIA CAWLEY,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2016-2544803
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**PRELIMINARY OBJECTIONS**

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

**I. Factual Background**

1. On or about May 12, 2016, Duquesne Light was served with Complainant Cynthia Cawley's ("Complainant's") Formal Complaint (the "Complaint") initiating this matter.

2. In her Complaint, Complainant claims that she was incorrectly charged for usage as a result of a meter twist at her property, which was discovered and corrected by Duquesne Light in July 2015. (Complaint, ¶ 4).

3. After discovering the meter twist, Duquesne Light re-billed Complainant for the correct meter, and refunded Complainant \$986.46 in overpayments made from December 2010 (a five (5)-year look back) as a result of the meter twist.

4. The only remedy that Complainant seeks in this matter is refund in the amount of \$2,959.38, which allegedly represents the difference between her actual bill and the bill that she paid for fifteen (15) years as a result of the meter twist. (See Complaint, ¶¶ 4 and 5).

Complainant also claims monetary damages in an unspecified amount to reimburse her for personal expenses paid in connecting with filing her Formal Complaint (i.e. postage, travel, etc.).

## II. Law and Argument

5. The Commission's Rules of Practice and Procedure permit parties to file preliminary objections for the inclusion of scandalous or impertinent matter. 52. Pa. Code. § 5.101(a)(2).

6. A preliminary objection in the nature of a motion to strike impertinent matter is the appropriate method to challenge an erroneous prayer for relief. Hudock v. Donegal Mut. Ins. Comp., 264 A.2d 688 (Pa. 1970).

7. Pursuant to 66 Pa.C.S.A. § 1312, "the [C]ommission shall have the power and authority to make an order requiring the public utility to refund the amount of any excess paid by any patron . . . **within four years** prior to the date of the filing of the complaint . . ." 66 Pa. C.S.A. § 1312 (emphasis added).

8. "As a regulatory agency, the [Commission] has only those powers, duties, responsibilities and jurisdiction given to it by the Legislature." United Tel. Co. of Pennsylvania v. Pennsylvania Pub. Util. Comm'n, 676 A.2d 1244, 1251 (Pa. Commw. Ct. 1996)

9. On the face of the Complaint, the only relief that Complainant seeks is a refund for fifteen (15) years of alleged overpayments due to a meter twist at her property. (See Complaint, ¶¶ 4 and 5). However, pursuant to 66 Pa.C.S.A. §1312, this request for relief exceeds the Commission's power and authority on this issue, as the Commission only has the power and authority to order Duquesne Light to refund Complainant for four (4) years of overpayments. See 66 Pa.C.S.A. § 1312.

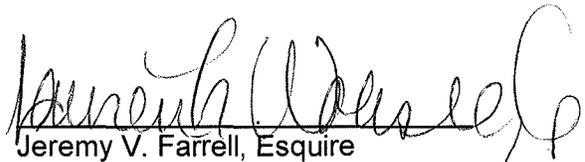
10. Duquesne Light has provided Complainant with a refund in the amount of \$986.46, which represents overpayments made from December 2010 (a five (5)-year look back) as a result of the meter twist. Complainant admits this fact in her Complaint. (See Complaint, ¶ 4).

11. The Complaint otherwise fails to state any further violations of the Public Utility Code and its corresponding regulations.

12. For these reasons, the Complaint should be dismissed and/or her request for relief should be stricken as impertinent, because it seeks a remedy beyond that of which the Commission has the power or authority to grant.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objections and dismiss the Complaint with prejudice and/or strike Complainant's request for relief as impertinent.

TUCKER ARENSBERG, P.C.



Jeremy V. Farrell, Esquire  
Counsel for Duquesne Light Company

Lauren N. Woleslagle, Esquire  
Counsel for Duquesne Light Company

