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Via Electronic Filing

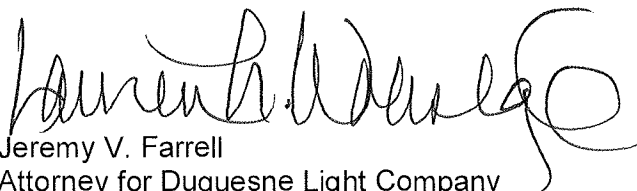
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Marybeth Hanasewych v. Duquesne Light Company
Docket No. F-2016-2551441

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to the Complaint. 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: Marybeth Hanasewych (w/ enclosure)

LIT:608247-1 014657-158498

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MARYBETH HANASEWYCH,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: F-2016-2551441
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

PRELIMINARY OBJECTIONS

Pursuant to 52 Pa. Code. § 5.101, Duquesne Light files its Preliminary Objections to the Formal Complaint filed by Complainant Marybeth Hanasewych:

1. Duquesne Light seeks to dismiss this Formal Complaint filed by its customer Marybeth Hanasewych (“Complainant”).

2. In the Complaint, Complainant challenges Duquesne Light’s current budget billing calculations, which was implemented on November 28, 2014. Under the new system, customers’ budgets are recalculated every four months. The last twelve months are considered when the new budget is determined.

3. Complainant’s only request for relief is in the nature of a request that Duquesne Light change its budget billing system to its old system, which recalculated customers’ budgets every month with the twelfth month representing a true up of the customer’s budget amount.

4. Preliminary objections may be filed for “legal insufficiency of a pleading.” 52 Pa. Code § 5.101(a)(4). “In order to be legally sufficient, a complaint must set forth an act or thing done or omitted to be done or about to be done or omitted to be done by the respondent in violation, or claimed violation, of a statute which the Commission has jurisdiction to administer,

or of a regulation or order of the Commission.” Drake v. Pennsylvania Electric Co., Docket No. C-2014-2413771, 2014 WL 2003281 at *1 (Pa. P.U.C. May 7, 2014) (Salapa, ALJ).

5. Section 703(b) of the Public Utility Code allows the Commission to dismiss any complaint without a hearing if, in its opinion, a hearing is not necessarily in the public interest. 66 Pa. C.S. § 703(b). See also, Campisi v. PECO Energy Co., Docket No. 2014-2434501, 2014 WL 4644282 at *1 (Pa. P.U.C. Sept. 3, 2014) (Salapa, ALJ) (“The provision at 52 Pa. Code § 5.101(a)(4) serves judicial economy by avoiding a hearing where no factual dispute exists.”).

6. Section 56.12(7) of the Regulations states in pertinent part as follows:

Budget billing. A gas, electric and steam heating public utility shall provide its residential customers, on a year-round rolling enrollment basis, with an optional billing procedure which averages estimated public utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in utility bills. The public utility shall review accounts **at least three times** during the optional billing period.

52 Pa. Code § 56.12(7) (emphasis added).

7. Complainant fails to allege that Duquesne Light’s current budget billing system violates the § 56.12(7) or any other provision of the Public Utility Code, Commission Order or regulation, or any Commission-approved tariff.

8. In fact, Duquesne Light’s current budget billing system is in compliance with § 56.12(7) and all other provisions of Public Utility Code and its corresponding regulations.

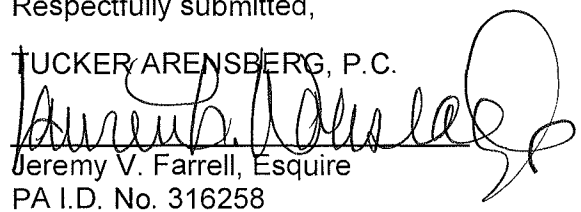
9. Even accepting as true all well-pleaded material facts and reasonable inferences, the Complaint does not raise a violation of the Public Utility Code, Commission Order or regulation, or any Commission-approved tariff. It is, therefore, legally insufficient.

10. For those reasons, the Formal Complaint is legally insufficient and must be dismissed in accordance with Commission precedent.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objections and dismiss the Complaint with prejudice without a hearing.

Respectfully submitted,

TUCKER ARENSBERG, P.C.


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