

Exceptions to the decision by Judge David Salapa on case **C-2016-2558226**, Ivan Yotov vs.  
Duquesne Light Company

November 18, 2016

Filed by Ivan Yotov

I disagree with the statement of Judge Salapa that the case can be dismissed based on res judicata. The judge's statement

“The Complainant's argument that ALJ Cheskis did not consider Mr. Jarosh's testimony nor the “update” filed on April 14, 2016, is irrelevant, as the Commission addressed both issues in its May 19, 2016 Opinion and Order. The Complainant's complaint in this case is therefore barred by res judicata.”

is simply wrong, since the Commission in its May 19, 2016 decision states:

“Because the Complainant's April 2016 Letter was submitted well after the close of the record in this proceeding, we will not consider it herein.”

There is also no indication in the Commission's decision that they considered Mr. Jarosh's letter. Therefore, the conclusion that the new case is res judicata is ungrounded.

I request that the complaint be considered by the commission, taking into account all the evidence that I have submitted.