

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- |                          |   |                             |
|--------------------------|---|-----------------------------|
| 1. REPORT DATE: 00/00/00 | : |                             |
| 2. BUREAU: ALJ           | : |                             |
| 3. SECTION(S):           | : | 4. PUBLIC MEETING DATE:     |
| 5. APPROVED BY:          | : | 00/00/00                    |
| DIRECTOR:                | : |                             |
| SUPERVISOR:              | : |                             |
| 6. PERSON IN CHARGE:     | : | 7. DATE FILED: 07/08/04     |
| 8. DOCKET NO: F-01552486 | : | 9. EFFECTIVE DATE: 00/00/00 |

PARTY/COMPLAINANT: BOWERS, BARRY L.

RESPONDENT/APPLICANT: DUQUESNE LIGHT COMPANY

COMP/APP COUNTY: ALLEGHENY

UTILITY CODE: 110150

ALLEGATION OR SUBJECT

COMPLAINANT STATES THAT HIS APT. WAS COMPROMISED BECAUSE OF THE DUCTWORK TO HIS APT. BECAUSE OF THE ACCOUNT HOLDER TO THE FIRST FLOOR OF THE BUILDING. WOULD LIKE THE ACCOUNT HOLDER BILLED FOR THE 4 YEARS OF ELECTRIC SERVICE.

1/12/04

**DOCKETED**  
JUL 19 2004

1. REPORT DATE: 00/00/00 :  
 2. BUREAU: ALJ :  
 3. SECTION(S): : 4. PUBLIC MEETING DATE:  
 5. APPROVED BY: : 00/00/00  
 DIRECTOR: REVISED :  
 SUPERVISOR: :  
 6. PERSON IN CHARGE: : 7. DATE FILED: 07/08/04  
 8. DOCKET NO: F-01552486 : 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: BOWERS BARRY L; MEHAFFEY MARY IND PARTY

RESPONDENT/APPLICANT: DUQUESNE LIGHT COMPANY

COMP/APP COUNTY: ALLEGHENY

UTILITY CODE: 110150

ALLEGATION OR SUBJECT

COMPLAINANT STATES THAT HIS APT. WAS COMPROMISED BECAUSE OF THE DUCTWORK TO HIS APT. BECAUSE OF THE ACCOUNT HOLDER TO THE FIRST FLOOR OF THE BUILDING. WOULD LIKE THE ACCOUNT HOLDER BILLED FOR THE 4 YEARS OF ELECTRIC SERVICE.

**DOCKETED**  
DEC 06 2004

**DOCUMENT**

Formal Complaint Form

Please Print.

BCS1552486  
JULY 13, 2004

F-01552486

ORIGINAL

1. Your name, mailing address and telephone number

Name BARRY L. BOWERS

Street/P.O. Box 2407 PENNSYLVANIA AVE. Apt 2ND FL.

City WEST HIFFLIN State PA Zip 15122

County ALLGHENY Area Code/Home Phone 412-469-3246

Area Code/Work Phone 412-267-1211

2. Name of company your complaint concerns: DUQUESNE LIGHT

3. What is your complaint? (Use additional paper if need more space).

4. What do you want the Public Utility Commission to do about your complaint?  
(Use additional paper if need more space).

5. You must sign and date your complaint below.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

Barry L. Bowers Signature Date 7/3/04

Continued on next page

6. If you are represented by a lawyer you must provide your lawyer's name, address and telephone number.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State NEW YORK Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

2004 JUL - 8 - 1004532

RECEIVED

17

3. Duquesne Light Company inspected my electric meter for *foreign load* in September 2003 and documented that a *foreign load* had existed prior to their inspection. The account holder to the first floor of the building had compromised the ductwork to my apartment. This situation existed for a period from October 1995 thru August 2003. Per PUC regulations, Duquesne Light should have billed the account holder who is also the property owner for the maximum allowed, 4 years of my electric charges.
4. I want the PUC to order Duquesne Light to bill the property owner-account holder for 4 years of electric service at my residence, from August 1999 thru August 2003.

**NOTIFICATION OF INTENT TO APPEAL**  
(Request For Formal Complaint Forms)

Notice to Customer:

If you sign and return this form you are notifying the Public Utility Commission that you intend to appeal this informal complaint decision. Do not return this form unless you want to appeal this decision.

If you want to appeal this decision, you must return this Notification of Intent to Appeal form within twenty days of this date: May 17, 2004. The Commission will send you formal complaint forms.

You must comply with the terms of this decision until the Public Utility Commission completes the formal complaint process. You must make all of the required payments, or the utility company may pursue the termination of your service.

Thank You.  
Pennsylvania Public Utility Commission

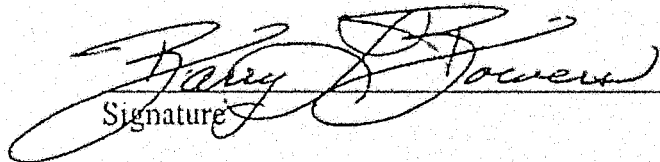
**Yes, I want to appeal the decision of the Bureau of Consumer Services. Please send formal complaint forms to me at the following address:**

Customer name and address:

BARRY BOWER  
2407 PENNSYLVANIA AVE  
2ND FL  
WEST MIFFLIN PA 15122

(Please correct any mistakes.)

412-469-3246  
(Area Code) Telephone Number

  
Signature

Mail this completed form to:

SECRETARY  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. BOX 3265  
HARRISBURG, PA 17105-3265

**FOR OFFICE USE ONLY**

BCS Number: 1552486  
Company: DUQUESNE LIGHT COMPANY  
411 SEVENTH AVE  
P O BOX 1930 MAIL DROP 5-893  
PITTSBURGH PA 15230-1930

Date of mailing: May 17, 2004

**RECEIVED**

REVISED 11/97

MAY 27 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

90



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

DUE BACK  
JULY 13, 2004

IN REPLY PLEASE  
REFER TO OUR FILE

June 23, 2004

BCS1552486

BARRY BOWER  
2407 PENNSYLVANIA AVE 2ND FL  
WEST MIFFLIN PA 15122

Dear Sir/Madam:

We have received your request to appeal the decision of the Bureau of Consumer Services.

We have enclosed one complaint form for you to complete. Please read carefully the instructions to help you complete the form.

**\*\* Please make sure you sign the form. We must receive your original signature in order for us to process your complaint. Your form will be returned to you if an original signature is not received.**

Return the form to us on or before July 13, 2004 to the address listed below:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**While you wait for us to reach a decision on your complaint, you must pay all undisputed bills (ones that are not a part of your complaint). As long as you pay all undisputed bills and return these formal complaint forms to us on time, the company is not permitted to terminate your service.**

**Commission Procedures for Formal Complaints**

- We send a copy of this letter to the company so they know you are appealing the Bureau of Consumer Services' decision;
- We also send the company a copy of your completed formal complaint forms. Once they receive it, they have 20 days to send us an answer to your complaint. The company will send you a copy of their answer.
- Once we receive all the paperwork, we usually will schedule your hearing before an Administrative Law Judge.

- We will notify both you and the company by mail when the hearing date is set.
- If you cannot travel to your hearing, you can request that the hearing be held by phone. This is called a telephonic hearing. If we can, we will schedule a telephonic hearing for you.
- We will most likely schedule your hearing sometime within three months after you file your complaint forms. If you know of certain dates when you will not be available for a hearing, let us know when you file your forms. We will try to work around your schedule.
- If you cannot attend the hearing on the scheduled date, you must request a different time or date. You should request the change at least 5 days before your hearing by writing to:

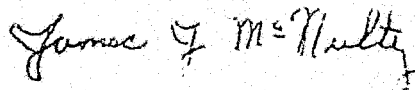
Office of Administrative Law Judge  
Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**YOU SHOULD INCLUDE YOUR DAYTIME TELEPHONE NUMBER IN YOUR LETTER. DEPENDING ON YOUR REASON FOR NOT BEING ABLE TO ATTEND THE SCHEDULED HEARING, YOUR REQUEST TO CHANGE THE HEARING MAY OR MAY NOT BE APPROVED. WE WILL LET YOU KNOW OUR DECISION ON YOUR REQUEST FOR CHANGING THE HEARING DATE BEFORE THE DATE OF THE HEARING.**

**YOU MUST ATTEND SCHEDULED HEARINGS IN PERSON OR BY PHONE. IF YOU DO NOT ATTEND, YOUR COMPLAINT MAY BE DISMISSED (THROWN OUT).**

If you have any questions about the complaint process, please call the Bureau of Consumer Services, toll free, at 1-800-782-1110.

Very truly yours,



James J. McNulty  
Secretary

ddi

CC: Duquesne Light Company

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: 07/20/04

Barry L. Bowers  
Complainant

CUMEN

**DOCKETED**

JUL 19 2004

VS.

Complaint Docket  
No: F-01552486

DUQUESNE LIGHT COMPANY  
Respondent

---

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: DUQUESNE LIGHT COMPANY

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

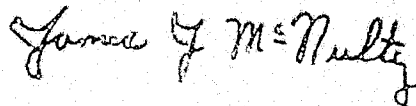
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which

prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P O BOX 3265, HARRISBURG PA 17105-3265

DATE SERVED: 07/20/04

F-01552486

MORGAN O'BRIEN PRESIDENT  
DUQUESNE LIGHT COMPANY  
411 7TH AVENUE 16-1  
PITTSBURGH PA 15219-1905

DOCUMENT

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Barry L. Bowers. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

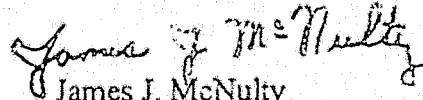
07/20/04

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

  
James J. McNulty  
Secretary

es

**Duquesne Light**  
A DQE Company

ORIGINAL

Legal Department  
411 Seventh Avenue, 8-2  
Pittsburgh, PA 15219

Tel 412-393-1546  
Fax 412-393-1418  
rsestak@duqlight.com

Regina M. Sestak  
Assistant General Counsel

RECEIVED

August 12, 2004

AUG 12 2004

Certificate of Mailing

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

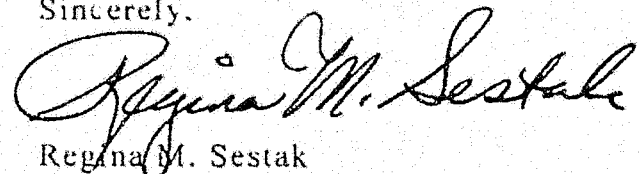
James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RE: Barry L. Bowers v. Duquesne Light Company  
Docket No. F-01552486

Dear Secretary McNulty:

Enclosed for filing in the above-referenced matter are an original and three copies of Duquesne Light Company's Answer and New Matter and Preliminary Motion to Dismiss, or in the Alternative, to Join Indispensable Party. Copies of these documents have been served upon Complainant, and a copy of this Motion has been served upon the person whose joinder is sought, in accordance with Commission regulations.

Sincerely,



Regina M. Sestak  
Assistant General Counsel  
Duquesne Light Company

encs

c Barry L. Bowers (w/enclosures)  
Mary Mehaffey (w/copy of motion)

DOCUMENT  
FOLDER

134

RECEIVED

AUG 12 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

ORIGINAL

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BARRY L. BOWERS,	)	
	)	
Complainant,	)	
	)	
v.	)	Docket No. F-01552486
	)	
DUQUESNE LIGHT COMPANY,	)	
	)	
Respondent.	)	

---

ANSWER AND NEW MATTER

---

TO THE HONORABLE COMMISSION:

AND NOW comes the Respondent, Duquesne Light Company, by and through its attorney, Regina M. Sestak, and files the within Answer and New Matter of which the following is a statement:

Answer

1. Admitted.

2. Admitted.

3-4. Complainant has left paragraphs 3 and 4 of his Complaint blank, but attached a one-page document with sections numbered 3 and 4 that he apparently intends to incorporate into his Complaint. Said document is addressed as follows:

3 Admitted in part and denied in part.

DOCUMENT  
FOLDER

DOCKETED  
AUG 24 2004

Complainant's averment, "Duquesne Light Company inspected my electric meter for *foreign load* in September 2003," is admitted. By way of further response, Respondent's representative inspected Complainant's meter for foreign wiring on September 26, 2003.

Complainant's averment that Respondent documented that a "foreign load" had existed prior to its inspection is denied as stated. On the contrary, during an inspection by Respondent's representative on September 26, 2003, no foreign wiring was found. However, although the first floor had its own furnace and air conditioning system, two vents to the first floor were found to be connected to the second floor's system.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averments that the account holder to the first floor of the building had compromised the duct work to Complainant's apartment and that the situation existed for a period from October 1995 through August 2003, and these averments are therefore denied.

Complainant's averment, "[p]er PUC regulations, Duquesne Light should have billed the account holder who is also the property owner for the maximum allowed, 4 years of my electric charges," is a conclusion of law to which no response is required.

4. To the extent that this paragraph contains a request for relief, no response is required.

Complainant's averment, "property owner-account holder," is apparently intended to mean that the owner of the premises in question also has an electric

service account there. If so, this averment is admitted, to the extent that documents available through the Allegheny County Real Estate Tax website (<http://www2.county.allegheny.pa.us/RealEstate/>) indicate that the property is owned by Mary Mehaffey, and an electric service account at said premises, Account No. 4000166981001, is billed to a Mary Mehaffey. A print-out of the real estate tax website information is attached hereto, incorporated herein, and marked Exhibit 1.

WHEREFORE, Respondent requests that after reasonable investigation and hearing the Complaint be dismissed.

New Matter

5. Respondent here incorporates paragraphs one through four, above, as though set forth fully herein.

6. If Complainant prevails on his Complaint, the rights of Mary Mehaffey will be affected in that she may be found responsible for service previously billed to Complainant.

7. Mary Mehaffey is therefore an indispensable party to this action.

8. Pennsylvania Public Utility Commission Regulations do not provide a procedure for the joinder of indispensable parties. However, as Administrative Law Judge George M. Kashi noted in his initial decision in *Dudley W. & Patricia M. Miller v. United Telephone Company of Pennsylvania*, Docket No. C-00924532, final order entered June 18, 1993 in accordance with Act 294 of 1978 (66 Pa. C.S. sec.332 (h)): While not bound by rules of civil procedure, we can and have found reference to them helpful for guidance. *Pa.*

*PUC v. Metropolitan Edison Company, 54 Pa PUC 57, 59 (1980). Pa. PUC v. Harold Williams, 53 Pa. PUC 552, 554 (1979).*

9. Pennsylvania Rules of Civil Procedure, Rule 2229 permits the joinder of persons if any common question of law or fact affecting that person's right to relief or liability arises in the action.

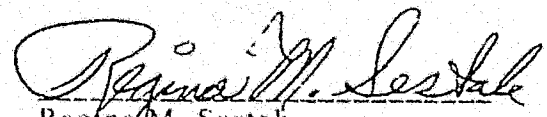
10. A just determination of this matter requires the joinder of Mary Mehaffey.

WHEREFORE, Respondent requests that the Commission:

- a) dismiss this complaint for failure to join an indispensable party;  
or, in the alternative,
- b) issue an order joining Mary Mehaffey as a party to this action.

Respectfully submitted:

DUQUESNE LIGHT COMPANY  
By Counsel:



Regina M. Sestak  
Pa. I.D. # 23632  
Duquesne Light Company  
411 Seventh Avenue, 8-2  
Pittsburgh, PA 15219  
Telephone: (412) 393-1546  
FAX (412) 393-1418



ALLEGHENY COUNTY REAL ESTATE WEB SITE

8/6/2004 12:22:59 PM

Search Page / Help / Home

General Information | Building Information | Tax Information Pay Taxes | Previous Owners | Image | Comparables | Appeal Status | Maps

OWNER GENERAL INFORMATION

Municipal Code: 870 WEST MIFFLIN

Block Lot: 0241-L-00146-0000-00 School District: West Mifflin Area  
 Previous Block Lot: 0241-L-00146-0000-00 Neighborhood Code: 870C9

Owner Name: MEHAFFEY MARY EGROVES  
 Property Location: 2407 PENNA AVE  
 , PA

Tax Code: Taxable  
 Owner code: Regular  
 State Code: Commercial  
 Use Code: RETL/OFF OVER  
 Homestead: No  
 Farmstead: No

Sale Date: 11/6/1989  
 Sale Price: \$41,022  
 Deed Book: 8133  
 Deed Page: 530  
 Abatement: No  
 Lot Area (SQFT): 19,031

2003 Market Value: \$90,000

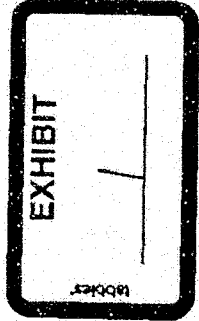
County Assessed Value		Full Market Value	
Total Land Value	\$20,000	Total Land Value	\$20,000
Total Building Value	\$70,000	Total Building Value	\$70,000
Total Market Value	\$90,000	Total Market Value	\$90,000

Address Information

Tax Bill Mailing: 2407 PENNSYLVANIA AVE  
 WEST MIFFLIN, PA 15122-0000

Change Notice Mailing: 2407 PENNSYLVANIA AVE

ORIGINAL



AFFIDAVIT

I, Joseph W. Smetanka, being duly sworn according to law depose and say that I am authorized to make this affidavit on behalf of Duquesne Light Company being the holder of the office of Assistant Vice President - Customer Services with that corporation, and that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief and Duquesne Light Company expects to be able to prove the same at any hearing hereof.

Joseph W. Smetanka  
Joseph W. Smetanka

Sworn and subscribed before me this 12th day of August, 2004.

Mary Jane Hammer  
Notary Public

My Commission Expires Oct. 6, 2007

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Mary Jane Hammer, Notary Public  
City Of Pittsburgh, Allegheny County  
My Commission Expires Oct. 6, 2007  
Member, Pennsylvania Association Of Notaries

# ORIGINAL RECEIVED

Before the AUG 12 2004  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BARRY L. BOWERS, )  
 )  
 Complainant, )  
 )  
 v. ) Docket No. F-01552486  
 )  
 DUQUESNE LIGHT COMPANY, )  
 )  
 Respondent. )

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant).

Barry L. Bowers  
2407 Pennsylvania Avenue, 2<sup>nd</sup> Fl.  
West Mifflin, PA 15122

Mary Mehaffey  
2407 Pennsylvania Avenue  
West Mifflin, PA 15122

Dated this 12th day of August, 2004.



Regina M. Sestak  
Pa. ID # 23632  
Duquesne Light Company  
411 Seventh Avenue  
Mail Drop 8-2  
Pittsburgh, PA 15219  
Telephone: (412) 393-1546  
FAX (412) 393-1418

RECEIVED

AUG 1 2 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BARRY L. BOWERS, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 DUQUESNE LIGHT COMPANY, )  
 )  
 Respondent. )

Docket No. F-01552486

RESPONDENT'S PRELIMINARY MOTION TO DISMISS OR, IN THE  
ALTERNATIVE,  
TO JOIN INDISPENSABLE PARTY

TO THE HONORABLE COMMISSION:

AND NOW comes the Respondent, Duquesne Light Company, by and through its attorney, Regina M. Sestak, and files this Motion to Dismiss or in the Alternative to Join Indispensable Party in accordance with Commission Regulation 5 101 (a)(3), 52 Pa. Code §5 101 (a)(3):

1 Complainant Barry Bowers filed the above-captioned Formal Complaint on or about July 8, 2004, requesting that the Commission order Respondent to bill the property owner for four years of electric service to his residence, from August, 1999, through August, 2003.

DOCKETED  
AUG 24 2004

DOCUMENT  
FOLDER

2. Respondent is filing an Answer and New Matter of even date herewith, and here incorporates said Answer and New Matter as though set forth fully herein.

3. Commission Regulation 5.101 (a)(3) provides that a participant may file a preliminary motion to dismiss a pleading that fails to join an indispensable party.

4. As noted in Paragraph 4 of Respondent's Answer, although Complainant does not identify the individual whom he asserts should be held responsible for his electric service, said individual is apparently Mary Mehaffey, the record owner of, and ratepayer on an electric service account at, the premises.

5. Mary Mehaffey is an indispensable party because, if Complainant prevails on his Complaint, the rights of Mary Mehaffey will be affected, in that she may be found responsible for payment for his electric service for a four year period.

6. Pennsylvania Public Utility Commission Regulations do not provide a procedure for the joinder of indispensable parties. However, as Administrative Law Judge George M. Kashi noted in his initial decision in *Dudley w. & Patricia M. Miller v. United Telephone Company of Pennsylvania Docket No C-00924532*, final order entered June 18, 1993 in accordance with Act 294 of 1978 (66 Pa. C.S. sec.332 (h)). While not bound by rules of civil procedure, we can and have found reference to them helpful for guidance. *Pa. PUC v. Metropolitan Edison Company, 54 Pa PUC 57, 59 (1980)*. *Pa. PUC v. Harold Williams, 53 Pa. PUC 552, 554 (1979)*.

7. Pennsylvania Rules of Civil Procedure, Rule 2229, permits the joinder of persons if any common question of law or fact affecting that person's right to relief or liability arises in the action.

8. A just determination of this matter requires the joinder of Mary Mehaffey as a party.

WHEREFORE, Respondent requests that the Commission

- a) dismiss this complaint for failure to join an indispensable party, or, in the alternative,
- b) issue an Order adding Mary Mehaffey as a party to this action.

Respectfully submitted:

DUQUESNE LIGHT COMPANY  
By Counsel:



Regina M. Sestak  
Pa. 1.19 # 23632  
Duquesne Light Company  
411 Seventh Avenue  
Mail Drop 8-2  
Pittsburgh, PA 15219  
Telephone: (412) 393-1546  
FAX (412) 393-1418



**Duquesne Light**

A DQE Company

Legal Department  
411 Seventh Avenue, 8-2  
Pittsburgh, PA 15219

Tel 412-393-1546  
Fax 412-393-1418  
rsestak@duqlight.com

Regina M Sestak  
Assistant General Counsel

August 12, 2004

RECEIVED

AUG 12 2004

Certificate of Mailing

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P O. Box 3265  
Harrisburg, PA 17105-3265

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

RE: Barry L. Bowers v. Duquesne Light Company  
Docket No. F-01552486

Dear Secretary McNulty:

Enclosed for filing in the above-referenced matter are an original and three copies of Duquesne Light Company's Answer and New Matter and Preliminary Motion to Dismiss, or in the Alternative, to Join Indispensable Party. Copies of these documents have been served upon Complainant, and a copy of this Motion has been served upon the person whose joinder is sought, in accordance with Commission regulations.

Sincerely,

Regina M. Sestak  
Assistant General Counsel  
Duquesne Light Company

enes

c Barry L Bowers (w/enclosures)  
Mary Mehaffey (w/copy of motion)

ORIGINAL



COVELLI

LAW OFFICES  
A Professional Corporation

2004 AUG 23 P. 12: 20

SECRETARY'S BUREAU

August 20, 2004

JAMES J. MCNULTY, SECRETARY  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
PO BOX 3265  
HARRISBURG, PA 15122

**DOCKETED**  
SEP 22 2004

RE: Barry L. Bowers v. Duquesne's Light Company  
Case No.: f-015524285/6 F. 01552486

**DOCUMENT  
FOLDER**

Dear Secretary McNulty:

Please accept this letter in response to Duquesne Light Company's Motion to Join Indispensable party filed in the above matter and served on Mary Mehaffey. Attached is a true and correct copy of a decision rendered in the Allegheny County Court of Common Pleas, Arbitration Division, at Case LT 04-0000220 on August 13, 2004. My office represented Mary Mehaffey to prosecute her claim for unpaid rent against Barry L. Bowers, and to defend against Mr. Bower's counterclaim for reimbursement of his utilities payments, including payments made to Duquesne Light Company.

A judgment was entered against Mr. Bowers and in favor of Ms. Mehaffey for her claim for unpaid rent, and in favor of Ms. Mehaffey on Mr. Bower's claim for payment of his utilities as indicated in the arbitrator's decision.

I respectfully request that Ms. Mehaffey not be joined in this matter, as the issues have already been litigated in the Allegheny County Courts. A copy of this letter has been served on the persons indicated below.

Very truly yours,

COVELLI LAW OFFICES, P.C.

John J. Romza, Esquire  
JJR/mar

cc: Regina M. Sestak, Esq., Duquesne Light Company [w/enclosure]  
Barry L. Bowers [s/ enclosure]

Enclosure

97

LT 04.220  
AWRDP  
14

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION

Mary E. Mehafeey

\_\_\_\_\_

\_\_\_\_\_

vs.  
Barry L. Bowers

\_\_\_\_\_

\_\_\_\_\_

No. LT 04-220 20  
Arbitration Board No. 31405

NO OF CASES HEARD 8  
NO. OF BOARDS SITTING 3  
ARB. COMPENSATION FEE \$ 60  
(For Office Use Only)

OATH OF ARBITRATORS

We do solemnly swear (or affirm) that we will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that we will discharge the duties of our office with fidelity.

Steven F. Kessler  
Print Name

*[Signature]*  
(Signature) Chairman

Richard Jacobs  
Print Name

*[Signature]*  
(Signature)

Kathleen Logan  
Print Name

*[Signature]*  
(Signature)

AWARD

We the undersigned arbitrators, having duly appointed and sworn (or affirmed), make the following award.

1. On Plaintiff's claim for Possession:

- Award for Plaintiff base on (check all applicable grounds):
  - Non-payment of rent;
  - End of lease term;
  - Breach of lease condition, other than non-payment of rent.

(CHECK IF APPROPRIATE)

The monetary amount awarded to Plaintiff for rent reflects an abatement based on the Plaintiff's breach of the Warranty of Habitability.

Award for Defendant.

COURT OF COMMON PLEAS  
ARBITRATION SECTION

or

04 AUG 12 PM 3:04

FILED

2. On Plaintiff's claim for Damages

Award for Plaintiff:

- 6040<sup>00</sup> for rent
  - \_\_\_\_\_ for damages to real property
  - \_\_\_\_\_ for unjust detention damages
  - \_\_\_\_\_ other: \_\_\_\_\_ (Specify)
- \$6040<sup>00</sup>  
TOTAL

Award for Defendant.

3. On Defendant's Counterclaim:

- Award for Defendant in the amount of \_\_\_\_\_
- Award for Plaintiff.

4. If no appeal is filed within thirty (30) days of the date on the Notice of Entry of Award, the Prothonotary (unless directed to take other steps by court order) shall distribute to Plaintiff any money in the Escrow Fund in this action that is less than or equal to the amount of the total Award for Plaintiff minus any Award for Defendant and minus and the Prothonotary's commission. The Prothonotary shall retain any excess money in the Escrow Fund remaining after payment to Plaintiff and payment of the Prothonotary's commission until a court orders its disposition.

\_\_\_\_\_  
Arbitrator, dissents. (Insert name if applicable.)

Date of Hearing: 8/12/04 \_\_\_\_\_  
(Signature)

Date of Award: 8/12/04 \_\_\_\_\_  
(Signature)

TIME CONSUMED FOR ARBITRATION HEARING  
1 hr. HOURS \_\_\_\_\_  
(Signature)

NOTICE OF ENTRY OF AWARD

Now, the 12<sup>th</sup> day of AUGUST, 2004, at 3:04, P.M. the above award was entered upon the docket and notice thereof given by mail to the parties or their attorneys.

Arbitration Fee to be paid upon appeal; for Non-Jury Trial  
\$ 95.15  
Note: Additional \$75.00 fee for Jury Trial

Michael E. Lane Prothonotary  
By: M Payne Deputy

NOTICE: Any party may appeal from the action of a Board of Arbitrators to the Court of Common Pleas within thirty (30) days after the Award of the Board is filed with the Prothonotary; Subject to payment of a Non-Recoverable Appeal Fee and to the other conditions in Allegheny County Common Pleas Court Rule 1308.

September 28, 2004

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105

**DOCKETED**

DEC 09 2004

PUC Docket No's. <sup>F-</sup>01552407 & <sup>F-</sup>01552486

Dear Mr. Secretary,

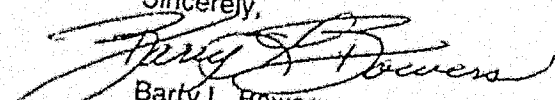
Please accept the enclosed documents and pictures as additional evidence in the above captioned matters that I have filed with the PUC.

I took the enclosed photographs on August 26, 2003 in Units A & B of 2407 Pennsylvania Ave., West Mifflin, PA. These photographs are of the ductwork that feeds the heat and cooling to the apartment in which I reside on the second floor of the building at this address. As you can see in pictures numbered 1 & 2 the ductwork has been opened to feed my heat and air to Unit 1 of the building. Picture number 3 is the vent in Unit 2, which again is connected to my furnace and air conditioner.

Since October of 1995 I have been forced to pay gas and electric bills that included my heat and air being used by both units below me. That unit had accounts in the name of the landlord, Mary Mehaffey. I have enclosed copies of subpoenaed documents from Equitable Gas that show Unit 2 having no gas use for several years.

The recent letter from Attorney John Romza requesting that Ms. Mehaffey be excused from these complaints should be declined. This matter has not been resolved in the courts and is currently waiting a trial date in the Court of Common Pleas of Allegheny County. Mrs Mehaffey was not only the landlord of the property; she was also the account holder for both utilities and should be held responsible for this matter.

Sincerely,

  
Barty L. Bowers

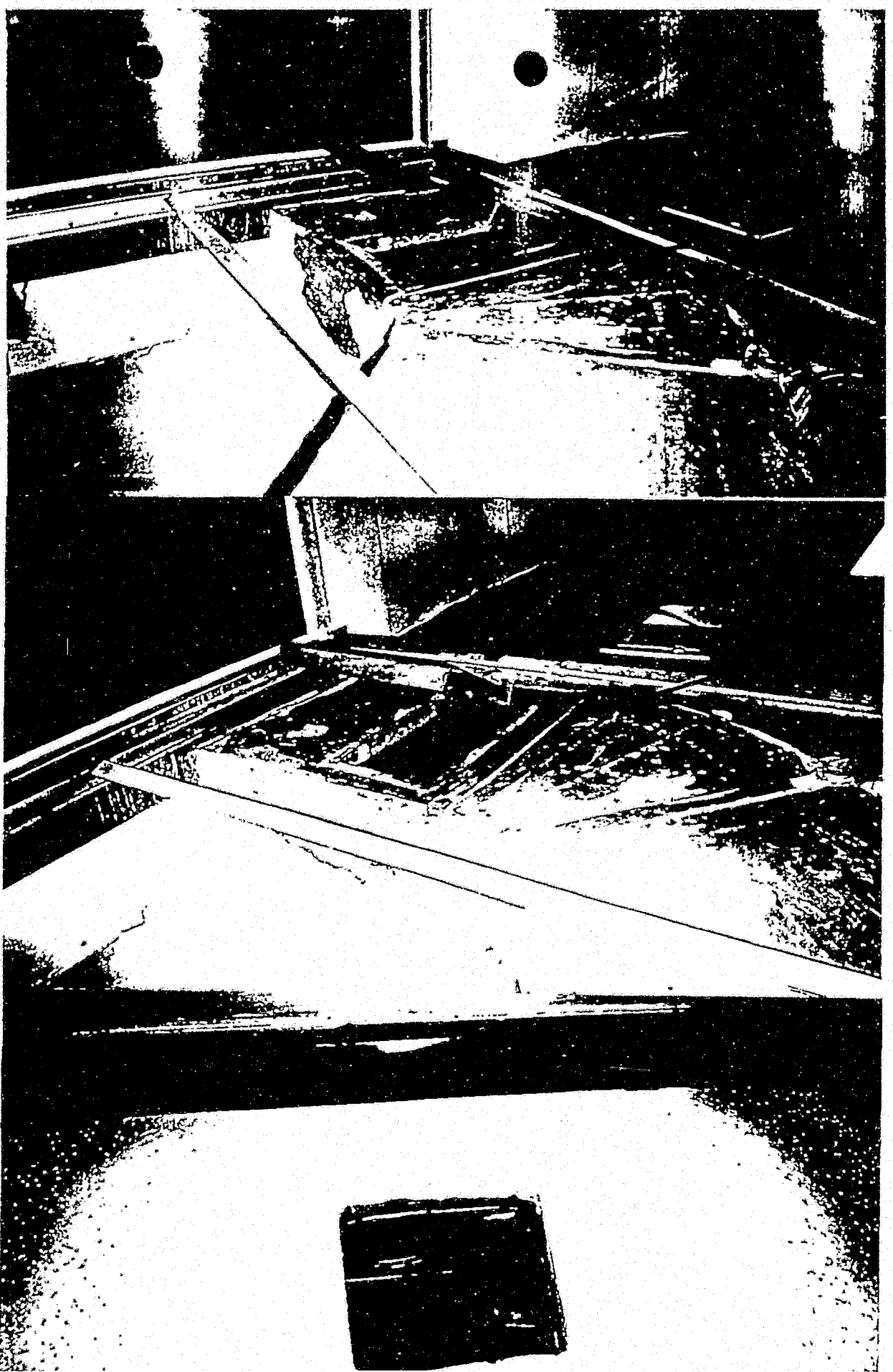
**DOCUMENT**

**RECEIVED**

OCT 30 2004

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

POOR ORIGINAL



# ORIGINAL



**Duquesne Light**

Our Energy. Your Power

Legal Department  
411 Seventh Avenue, 8-2  
Pittsburgh, PA 15219

Tel 412-393-1546  
Fax 412-393-1418  
rsestak@duqlight.com

Regina M. Sestak  
Assistant General Counsel

November 16, 2004

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120

**DOCUMENT  
FOLDER**

RE: *Barry L. Bowers v. Duquesne Light Company*, No. F-01552486

Dear Secretary McNulty:

An original and three copies of Respondent Duquesne Light Company's Motion for Summary Judgment are enclosed for filing in the above-captioned matter. Copies of this Motion have been served upon Complainant and the Presiding Officer in accordance with Commission Regulations. In addition, because Duquesne Light Company filed a Motion to Dismiss, or in the Alternative, to Join Indispensable Party, naming Mary Mehaffey as an indispensable party to this matter, copies are being served upon Mary Mehaffey and her attorney, John J. Romza. A copy is also being sent to Attorney John P. Liekar, Jr., who represents Equitable Gas Company in *Barry L. Bowers v. Equitable Gas Company*, PUC Docket No. F-01552487, which is scheduled to be heard with the above-captioned matter on December 9, 2004.

Sincerely,

Regina M. Sestak  
Attorney for Duquesne Light Company

RECEIVED  
2004 NOV 19 AM 9:54  
SECRETARY'S OFFICE

encc: Barry L. Bowers (with enclosure)  
Administrative Law Judge Larry Gesoff (with enclosure)  
Mary Mehaffey (with enclosure)  
John J. Romza, Attorney for Mary Mehaffey (with enclosure)  
John P. Liekar, Attorney for Equitable Gas Company (with enclosure)

52

ORIGINAL

RECEIVED

2004 NOV 18 AM 9:54

SECRETARY'S BUREAU

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BARRY L. BOWERS, )  
 )  
 Complainant, )  
 )  
 v. )  
 )  
 DUQUESNE LIGHT COMPANY, )  
 )  
 Respondent )

No. F-01552486

**DOCKETED**  
DEC 22 2004

**DOCUMENT  
FOLDER**

**RESPONDENT DUQUESNE LIGHT COMPANY'S  
MOTION FOR SUMMARY JUDGMENT**

AND NOW comes Respondent Duquesne Light Company (hereinafter "Duquesne Light"), by and through its attorney Regina M. Sestak, and files this Motion for Summary Judgment in accordance with Commission Regulation 5.102(b), 52 Pa. Code §5.102(b), as follows:

1. On or about July 8, 2004, Complainant Barry L. Bowers (hereinafter "Bowers") filed the above-captioned Formal Complaint, alleging that there was a foreign load on his electric meter due to "compromised . . . ductwork" and requesting that Duquesne Light be ordered to bill the property owner for four years of electric service to Bowers' apartment.

2. On July 20, 2004, the Public Utility Commission (hereinafter "PUC" or "Commission") served a copy of the Formal Complaint upon Duquesne Light.

3. On August 12, 2004, Duquesne Light filed a timely Answer and New Matter, and a Motion to Dismiss, or in the Alternative, to Join Indispensable Party, seeking to join the property owner, Mary Mehaffey (hereinafter "Mehaffey").

4. At that time, an action between Bowers and Mehaffey was pending in the Court of Common Pleas of Allegheny County, Pennsylvania, Arbitration Division, at Docket No. LT 04-000220.

5. In addition to an Answer to Mehaffey's Complaint, Bowers filed a "Counter Complaint" against Mehaffey in the Common Pleas Court action, alleging diversion of heat and air conditioning from Bowers, and seeking payment of utilities; said "Counter Complaint" is in the nature of a counter-claim. A copy of said "Counter Complaint" is attached hereto, incorporated herein, and marked Exhibit 1.

6. By filing said "Counter Complaint," Bowers submitted the questions of whether or not Mehaffey had in fact diverted utility service, and whether or not Mehaffey should be held responsible for payment for utility service, to the jurisdiction of the Court of Common Pleas.

7. On August 12, 2004, a Court of Common Pleas Arbitration Panel determined Bowers' Counter-Claim in favor of Mehaffey. A copy of said Arbitration Panel's Award is attached hereto, incorporated herein, and marked Exhibit 2.

8. On September 1, 2004, Bowers filed an Appeal from said Award. A copy of said Appeal is attached hereto, incorporated herein, and marked Exhibit 3.

9. By Order of Court dated November 4, 2004, the Honorable Eugene B. Strassburger, III, found in favor of Mehaffey on Bowers' counter-claim. A copy of said Order of Court is attached hereto, incorporated herein, and marked Exhibit 4.

10. The doctrine of collateral estoppel prevents a question of law or an issue of fact that has been once litigated and adjudicated finally in a court of

competent jurisdiction from being relitigated in a subsequent suit. Day v. Volkswagenwerk Aktiengesellschaft, 318 Pa. Super. 225, 464 A.2d 1313, 1316-17 (1983).

11. There are four requirements for the doctrine of collateral estoppel to apply: (1) the issue decided in the prior adjudication is identical with the one presented in the later action; (2) there was a final judgment on the merits; (3) the party against whom the plea is asserted was a party or in privity with the party to the prior adjudication; and (4) the party against whom the plea is asserted has had a full and fair opportunity to litigate the issue in question in the prior action. Day, supra, 464 A.2d at 1318-19; Baker v. Pennsylvania Human Relations Commission, 75 Pa. Commonwealth 296, 307, 462 A.2d 881 (1983), modified, 507 Pa. 325, 489 A.2d 1354 (1985).

12. As will be discussed in greater detail below, the doctrine of collateral estoppel clearly applies to the present Formal Complaint.

13. There is no question that the present Formal Complaint meets criteria (2), (3), and (4) for the application of the doctrine of collateral estoppel because: (2) there was a final adjudication on the merits in the Common Pleas Court action; (3) the party against whom the plea is being asserted is Bowers, who was a party to the Common Pleas Court action; and (4) Bowers has had a full and fair opportunity to litigate the issue in question before the Court of Common Pleas.

14. The remaining question, whether or not the issue decided in the Common Pleas Court action was identical to that presented in the present Formal Complaint, must be answered in the affirmative, for the reasons set forth below in Paragraphs 15 through 19.

15. As noted above, Bowers' Counter Complaint alleged diversion of heat and air conditioning, and requests judgment against Mahaffey; this request clearly relies upon the averment in Paragraph 8 of the Counter Complaint, that Mehaffey has failed to respond to requests for payment of utilities diverted from Bowers.

16. The present Formal Complaint also alleges, in paragraph 3 on the attached sheet, a foreign load due to compromised ductwork, and requests that the PUC order Duquesne Light to bill the property owner (Mehaffey) for four years of electric service at Bowers' residence.

17. In essence, both the Counter Complaint and the Formal Complaint allege diversion of utility service and request that Mehaffey be required to pay for said service.

18. In a case that examined the jurisdiction of the PUC and the Common Pleas Court, Morrow v. Bell Telephone Company of Pennsylvania, 330 Pa. Super. 276, 479 A.2d 548 (1984), the Superior Court looked at the underlying basis for alleged causes of action in upholding summary judgment against Morrow, noting that:

Although appellant's complaint contains averments of breach of contract, these averments are but a cover disguising the real thrust of his complaint, which is to challenge the adequacy and propriety of Bell's rates and service practices.

19. Similarly, it is appropriate to look beyond the PUC jurisdictional issue raised in this Formal Complaint and determine that Bowers is simply attempting to achieve through the PUC what he was unable to achieve in his Court of Common Pleas action, an order finding Mehaffey responsible for his utility bills based upon diversion of service; in other words, there is identity of

issues presented in the Common Pleas Court action and in the Formal  
Complaint.

WHEREFORE, Respondent requests that the Commission grant Summary  
Judgment in favor of Duquesne Light.

Respectfully submitted,



Regina M Sestak  
Attorney for Respondent  
Duquesne Light Company  
Pa. I.D. # 23632

Duquesne Light Company  
411 Seventh Avenue, 9-1  
Pittsburgh, PA 15219  
Telephone: (412) 393-1546  
FAX: (412) 393-1418

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION

BARRY L BOWERS  
PLAINTIFF

Vs.

No. LT 04-000220

COUNTER COMPLAINT

MARY E. MEHAFFEY  
DEFENDANT

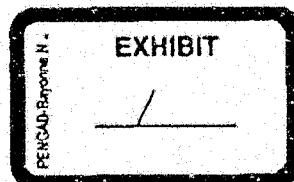
Filed on behalf of:

BARRY L. BOWERS

2407 Pennsylvania Ave.  
Second Floor  
West Mifflin, PA 15122

FILED

04 AUG -2 AM 11:52  
PROthonOTARY  
ALLEGHENY COUNTY



IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION

BARRY L. BOWERS  
PLAINTIFF

Vs.

No. LT 04-000220

MARY E. MEHAFFEY  
DEFENDANT

COUNTER COMPLAINT

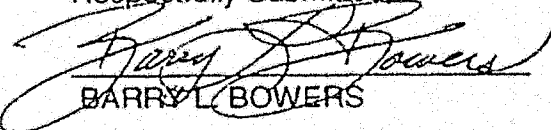
AND NOW, comes the Plaintiff, BARRY L. BOWERS, and files the within Complaint in Civil Action and, in support thereof, avers the following:

1. The Plaintiff, BARRY L. BOWERS is an individual with his address located at 2407 Pennsylvania Avenue, Second Floor, West Mifflin, County of Allegheny, and Commonwealth of Pennsylvania 15122.
2. The Defendant, MARY E. MEHAFFEY, is the owner of real property known as 2407 Pennsylvania Avenue, West Mifflin, County of Allegheny, Commonwealth of Pennsylvania 15122.
3. Aforesaid property of Defendant contains one commercial structure with three first floor business units and one single bedroom apartment on floor two.
4. Plaintiff has leased the single bedroom apartment at the aforesaid property on a year-to-year oral lease since October 1995.
5. For the period beginning October 1995 and concluding in August 2003, Defendant MARY E. MEHAFFEY did cause or allow the diversion of heat and air-conditioning from Plaintiff BARRY L. BOWERS to Units One and Two of the aforesaid property.
6. Defendant MARY E MEHAFFEY is both the property owner and utility account holder for Units One and Two at 2407 Pennsylvania Avenue, West Mifflin, Pennsylvania 15122
7. On or about August 27, 2003, compromised ventilation ductwork was discovered and capped off at Plaintiffs request.

8. Despite repeated requests, Defendant, MARY E. MEHAFFEY, has failed to respond to requests for payment for utilities diverted from Plaintiff, BARRY L. BOWERS.

WHEREFORE, Plaintiff, BARRY L. BOWERS, hereby requests judgment in the amount of \$8,592.47 plus interest and any additional costs and fees up until the time of final judgment, and prays to the court for an award for damages as it sees fit to impose on Defendant, MARY E. MEHAFFEY.

Respectfully Submitted,

  
BARRY L. BOWERS

2407 Pennsylvania Avenue  
Second Floor  
West Mifflin, PA 15122



LT 04. 220  
AWRDP  
H

FILED

FORM NO. 4-A Prothy Arb Rev. 4/82

2004 AUG 12 11 30

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION

COMMON PLEAS COURT

Mary E. Mahaffey

vs.  
Barry L. Bowers

No. LT 04-220 20  
Arbitration Board No. 31405

NO. OF CASES HEARD 8  
NO. OF BOARDS SITTING 3  
ARB. COMPENSATION FEE \$ 60  
(For Office Use Only)

OATH OF ARBITRATORS

We do solemnly swear (or affirm) that we will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that we will discharge the duties of our office with fidelity.

Steven F. Kessler  
Pnnl Name

*[Signature]*  
(Signature) Chairman

Richard Jacobs  
Pnnl Name

*[Signature]*  
(Signature)

Kathleen Logan  
Pnnl Name

*[Signature]*  
(Signature)

AWARD

We the undersigned arbitrators, having duly appointed and sworn (or affirmed), make the following award:

1. On Plaintiff's claim for Possession:

- Award for Plaintiff base on (check all applicable grounds):
  - Non-payment of rent;
  - End of lease term;
  - Breach of lease condition, other than non-payment of rent.

(CHECK IF APPROPRIATE)

The monetary amount awarded to Plaintiff for rent reflects an abatement based on the Plaintiff's breach of the Warranty of Habitability.

Award for Defendant.

ARBITRATION SECTION  
COURT OF COMMON PLEAS

or

04 AUG 12 PM 3: 04

FILED

EXHIBIT  
2  
PENGAD-Appone NJ

2. On Plaintiff's claim for Damages

Award for Plaintiff:

- 6040<sup>00</sup> for rent
  - \_\_\_\_\_ for damages to real property
  - \_\_\_\_\_ for unjust detention damages
  - \_\_\_\_\_ other: \_\_\_\_\_ (Specify)
- \$6040<sup>00</sup>  
TOTAL

Award for Defendant.

3. On Defendant's Counterclaim:

Award for Defendant in the amount of \_\_\_\_\_

Award for Plaintiff.

4. If no appeal is filed within thirty (30) days of the date on the Notice of Entry of Award, the Prothonotary (unless directed to take other steps by court order) shall distribute to Plaintiff any money in the Escrow Fund in this action that is less than or equal to the amount of the total Award for Plaintiff minus any Award for Defendant and minus and the Prothonotary's commission. The Prothonotary shall retain any excess money in the Escrow Fund remaining after payment to Plaintiff and payment of the Prothonotary's commission until a court orders its disposition.

\_\_\_\_\_, Arbitrator, dissents. (Insert name if applicable.)

Date of Hearing: 8/12/04 \_\_\_\_\_ (Signature)

Date of Award: 8/12/04 \_\_\_\_\_ (Signature)

TIME CONSUMED FOR ARBITRATION HEARING  
1 hr. HOURS \_\_\_\_\_ (Signature)

NOTICE OF ENTRY OF AWARD

Now, the 12<sup>th</sup> day of AUGUST, 2004, at 3:04 P.M. the above award was entered upon the docket and notice thereof given by mail to the parties or their attorneys.

Arbitration Fee to be paid upon appeal; for Non-Jury Trial

\$ 95.00

Note: Additional \$75.00 fee for Jury Trial

Michael C. Lamo Prothonotary

By: M. Payne Deputy

NOTICE: Any party may appeal from the action of a Board of Arbitrators to the Court of Common Pleas within thirty (30) days after the Award of the Board is filed with the Prothonotary; Subject to payment of a Non-Recoverable Appeal Fee and to the other conditions in Allegheny County Common Pleas Court Rule 1208.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MARY MEHAFFEY

CIVIL DIVISION

CASE NUMBER: LT-04-220

*OK*

Plaintiffs

BARRY DOWERS

TYPE OF PLEADING:

ARBITRATION APPEAL

CODE AND CLASSIFICATION: \_\_\_\_\_

Defendants

FILED ON BEHALF OF:

BARRY L. DOWERS

Name of party - Indicate Plaintiff or Defendant DEFENDANT

NAME, ADDRESS AND TELEPHONE

- Counsel of Record
- Individual, If Pro Se

BARRY L. DOWERS  
2407 PENNSYLVANIA AVE.  
2ND FL.  
WEST HIFFLIN, PA 15122

Attorney's State ID # \_\_\_\_\_

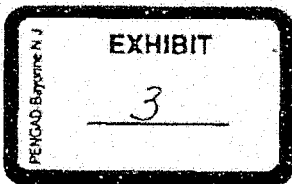
Attorney's Firm ID # \_\_\_\_\_

*Appeal 35<sup>00</sup>*  
*Board 60<sup>00</sup>*

03-18-2004 02:03:24  
11-94-888228  
4 0933NFB001

24 SEP 19 PM 2:02

FILED



MARY McHAFFEY

\_\_\_\_\_

PLAINTIFF

VS

BARRY BOWERS

\_\_\_\_\_

DEFENDANT

CASE NUMBER LT 04-220

NOTICE OF APPEAL FROM AWARD OF BOARD OF ARBITRATORS

TO THE PROTHONOTARY:

NOTICE IS GIVEN THAT BARRY L. BOWERS APPEALS FROM  
AWARD OF THE BOARD OF ARBITRATORS ENTERED IN THIS CASE ON  
8/12/04.

A JURY TRIAL IS DEMANDED \_\_\_\_\_ . (PUT A CHECK ON THE LINE IF  
A JURY TRIAL IS DEMANDED. OTHERWISE JURY TRIAL IS WAIVED.)

I HEREBY CERTIFY THAT:

(1) THE COMPENSATION OF THE ARBITRATORS HAS BEEN PAID.

OR

(2) APPLICATION HAS BEEN MADE FOR PERMISSION TO PROCEED  
IN FORMA PAUPERIS. (STRIKE OUT THE INAPPLICABLE CLAUSE.)

BARRY L. BOWERS  
APPELLANT OR ATTORNEY FOR APPELLANT

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA

MARY E. MEHAFFEY,

Plaintiff

v.

BARRY L. BOWERS,

Defendant

CIVIL DIVISION

No. LT 04-000220

Code:

ORDER OF COURT

JUDGE

GENE STRASSBURGER

Copies sent to:

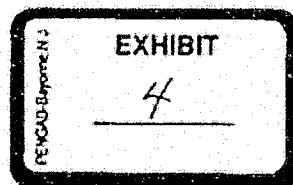
Timothy S. Lijewski, Esq.  
Covelli Law Offices  
357 Regis Avenue  
Pittsburgh, PA 15235-1416

Barry L. Bowers  
2407 Pennsylvania Avenue  
2nd Floor  
West Mifflin, PA 15122

ALLEGHENY COUNTY  
PROthonARY

NOV 15 2004

FILED



IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA

MARY E. MEHAFFEY

Plaintiff(s)

v.

BARRY L. BOWERS

Defendant(s)

No. LT-04-000220

ORDER OF COURT

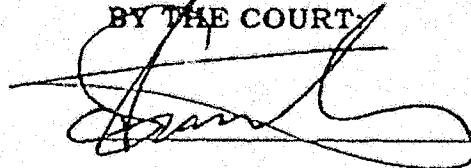
AND NOW, this 4th day of Nov, 2004,

IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT JUDGMENT  
IN THE AMOUNT OF \$7210.00 IS ENTERED IN FAVOR OF PLAINTIFF  
MARY E. MEHAFFEY AND AGAINST THE DEFENDANT BARRY L. BOWERS.

THE PROTHONOTARY SHALL IMMEDIATELY RELEASE TO PLAINTIFF THE  
ESCROW FUNDS IN THE AMOUNT OF \$1170. THE ABOVE STATED  
JUDGMENT SHALL BE REDUCED BY THE AMOUNT OF THE ESCROW FUNDS.

THE PLAINTIFF IS AWARDED POSSESSION OF THE PROPERTY AT  
2407 PENNSYLVANIA AVE, REAR, WEST MIFFLIN, PA. 15122  
AWARDED IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT ON  
DEFENDANT'S COUNTER-CLAIM.

BY THE COURT:

 \_\_\_\_\_, J.

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BARRY L. BOWERS, )  
 )  
 Complainant, )  
 )  
 v. ) No. F-01552486  
 )  
 DUQUESNE LIGHT COMPANY, )  
 )  
 Respondent )

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant) by first-class mail upon:

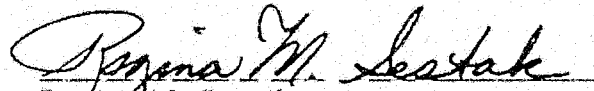
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Date: November 16, 2004

  
Regina M. Sestak  
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