

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 12/16/04
8. DOCKET NO: Z-01657334	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: BURGESS, PAULETTE

RESPONDENT/APPLICANT: DUQUESNE LIGHT COMPANY

COMP/APP COUNTY: ALLEGHENY

UTILITY CODE: 110150

ALLEGATION OR SUBJECT

COMPLAINANT STATES WANTS THE PUC TO ORDER DUQUESNE LIGHT CO. TO GIVE HER MORE TIME TO PAY CAUSE ELECTRIC IS HER ONLY SOURCE OF HEAT.

**DOCKETED**  
JAN 26 2005

DOCUMENT  
FOLDER

# ORIGINAL

ST1657334  
DUQUESNE LIGHT COMPANY  
Must be returned by December 28, 2004

## Pennsylvania Public Utility Commission

### Formal Complaint Form

2-01657334

Please Print.

1. Your name, mailing address, telephone number and utility account number:

Name PAULETTE BURGESS

Street/P.O.Box 430 BARKING RD Apt # \_\_\_\_\_

City NEW KENSINGTON State PA Zip 15068

County ALLEGHENY *DON'T HAVE PHONE. THIS IS MY SISTERS NO.*

Area Code/HOME Phone 724-353-2444 Area Code/WORK Phone \_\_\_\_\_

Utility Account Number 7001142180001

If the above mailing address differs from the address where the utility service is provided, list this information below.

Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

2. **NAME of utility company** your complaint concerns: DUQUESNE LIGHT Co.

3. Type of Utility (circle one):

GAS

WATER

MOTOR CARRIER

STEAM HEAT

ELECTRIC

SEWER

TELEPHONE - (LOCAL OR LONG DISTANCE)

SECRETARY'S BUREAU

2004 DEC 16 AM 9:17

RECEIVED

(3)



AMENDMENT

1. Are you a victim under a "Protection from Abuse" Order?

YES

NO

2. Have you contacted the utility company regarding this complaint?

YES

NO  - If No, you must contact the utility company before you can file this complaint with the Commission.

3. You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I, PAULETTE BURGESS hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Paulette Burgess  
(SIGNATURE)

1-3-05  
(DATE)

RECEIVED  
2005 JAN -5 AM 11:12  
SECRETARY'S BUREAU.

**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 20 days of 11/5/2004. 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:  
(Please correct any mistakes.)  
*LEAVE MESSAGE AT*

PAULETTE A BURGESS  
430 BARKING RD  
NEW KENSINGTON PA 15068 -  
9205

*724-353-2444*  
(Area Code) Telephone Number

*Paulette A Burgess*  
Signature

Mail this completed form to:

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

ST Number:	1657334	Date of mailing:	11/5/2004
Company:	DUQUESNE LIGHT COMPANY		

2004 NOV 17 AM 9:37  
SECRETARY'S BUREAU

RECEIVED

12



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

IN REPLY PLEASE  
REFER TO OUR FILE

December 7, 2004

ST1657334

PAULETTE A BURGESS  
430 BARKING RD  
NEW KENSINGTON PA 15068

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 December 27, 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:

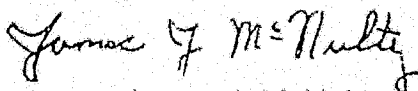
Office of Administrative Law Judge  
Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**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: JANUARY 27, 2005

PAULETTE BURGESS  
Complainant

VS.

DUQUESNE LIGHT COMPANY  
Respondent

Complaint Docket  
No: Z-01657334

DOCUMENT  
FILED  
**DOCKETED**  
JAN 26 2005

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

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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.

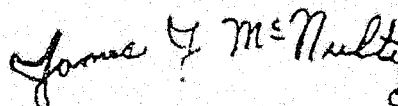
1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, an answer (original and three copies), in writing, under oath, which, as 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: JANUARY 27, 2005

Z-01657334

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

DOCUMENT  
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by PAULETTE BURGESS. 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.

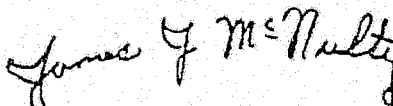
JANUARY 27, 2005

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,

A handwritten signature in cursive script that reads "James J. McNulty". The signature is written in dark ink and is positioned above the printed name and title.

James J. McNulty  
Secretary

JH



**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@duqlght.com

Regina M. Sestak  
Assistant General Counsel

February 22, 2005

**ORIGINAL**

Certificate of Mailing

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

RE: Paulette Burgess v. Duquesne Light Company  
Docket No. Z-01657334

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. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,

Regina M. Sestak  
Assistant General Counsel  
Duquesne Light Company

**DOCUMENT  
FOLDER**

encs

c. Paulette Burgess (w/enclosure)

2005 FEB 28 AM 11:12  
RECEIVED  
SECRETARY'S OFFICE

127

**ORIGINAL RECEIVED**  
FEB 21 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PAULETTE BURGESS,	)	
	)	
Complainant,	)	
	)	
v.	)	Docket No. Z-01657334
	)	
DUQUESNE LIGHT COMPANY,	)	
	)	
Respondent.	)	

-----  
**ANSWER AND NEW MATTER**  
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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. After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment, "[d]on't have a phone this is my sisters no." and this averment is therefore denied. By way of further response, "724-353-2444" is listed as Complainant's phone number in Respondent's records.

2. Admitted.

3. Admitted.

**DOCKETED**  
MAR 22 2005

**DOCUMENT  
FOLDER**

4. Complainant's averment that she needs time to find employment so that she can get this paid is a statement of opinion to which no response is required.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that her son is trying to get a loan, and this averment is therefore denied.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment, "[e]lectric is my only heating source," and this averment is therefore denied. By way of further response, Complainant's electric service account is billed under Respondent's Rate RS - Residential Service, which is available for lighting, appliance operation and general household purposes. Respondent's Rate RH - Residential Service Heating applies when permanently installed electrical equipment is the sole primary method of space heating.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averments that she is 58 years old and that she is considered a senior citizen, and these averments are therefore denied.

Complainant's averment, "I will get it paid as soon as possible," is a statement of opinion and/or intention to which no response is required.

As it is unclear to whom Complainant is referring as "they" in her averment, "[t]hey'll be getting \$ from Energy Assistance," after reasonable investigation, Respondent is without sufficient knowledge or information to

form a belief as to the truth of this averment and it is therefore denied. By way of further response, on January 25, 2005, an energy assistance payment in the amount of \$731.00 was made on Complainant's account.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that she is not in good health.

Complainant's averment, "[c]annot afford to get medical attention," is a statement of opinion to which no response is required.

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

To the extent that this Paragraph repeats an averment that electricity is Complainant's only source of heat addressed above in Paragraph 4, Respondent here incorporates its response.

6. To the extent this Paragraph contains a verification, no response is required.

Complainant's averment, "[r]equest telephonic hearing at 724-353-2444," is a procedural request to which no response is required. Respondent does not object to this matter being heard telephonically.

7. As this Paragraph is blank, no response is required.

8. Admitted.

**AMENDMENT:**

1. After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's

avermment that she is not a victim under a "Protection from Abuse" Order, and this averment is therefore denied.

2. Complainant's averment that she has contacted Respondent regarding this complaint is admitted.

3. This paragraph contains a verification to which no response is required.

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

New Matter

9. Paragraphs one through eight of the above Answer to the Complaint and Paragraphs one through three of the above Answer to the Amendment are hereby incorporated by reference.

10. The Public Utility Commission (PUC) Bureau of Consumer Services (BCS) issued a decision at BCS Case Number. 1657334. By way of background, Complainant was enrolled in Respondent's Customer Assistance Program (CAP) effective August 27, 2001. Complainant's CAP payment arrangement requires her to pay 70% of the regular budget amount, which is an average based upon usage that is recomputed monthly and is therefore subject to change. At the time of the BCS decision, this CAP amount was \$62 per month. The BCS decision required Complainant to make a partial CAP catchup payment of \$405 by December 1, 2004 and then pay her regular monthly CAP payment plus \$15 beginning with her bill due January 2005. A copy of the printout evidencing the BCS decision, which was transmitted to Respondent electronically, is attached hereto, incorporated herein, and marked Exhibit 1.

DOCUMENT  
MAR 22 2005

DOCUMENT  
FOLDER

11. Since the BCS decision went into effect, Respondent has received one payment toward the account in question: an assistance payment of \$761 on January 25, 2005.

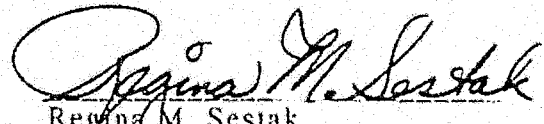
12. Section 1405(C) of the Responsible Utility Customer Protection Act, 66 Pa. C.S. §1405(C), provides that customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the Commission.

WHEREFORE, Respondent requests that the Commission:

- 1) determine that it lacks authority to enter a payment arrangement due to Complainant's CAP participation; and
- 2) dismiss this complaint.

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

# Paulette Burgess Decision

cupuemp

Mediation Complaint For: Customer: BURGESS, PAULETTE - DEC# 1657331 - ALCE# 70011-02180001

General/Open Information | Payment Information | Prior Agreements | Final Report Information  
 Departments, Employee Contacts, Problems and Complaints | Investigative Contacts | Closing Information

Status: Receipt of FUC Decision      Date Sent: 06/22/2004      Date Closed: 01/05/04      Closing Date Received: 01/25/04 16:46:11

Justified:     Minimal Justification [No]      Reason Justified: None-not justified      Error Code: None

Decision:  Written     Oral      Decision Balance: \$1758.24      Balance Date: 06/02/04

Tuition		Amount		Date Awarded		Service Restored	
Requested	\$353.00	Awarded	\$405.00	Date Awarded	12/01/04	Service Restored	\$0.00

Budget Payments			Monthly Payments						
Regular	\$62.00	Awards Plus	\$15.00	Current	\$6.00	Final	\$0.00	End	\$0.00

Decision Type: CAP PARTIAL CATCHUP

Term: JANUARY 2005

Resolution: WAVE LPE'S PAY FOR PARTIAL CAP CATCHUP BY 12/1/2004 THEN PAY CAP @ \$ .15 BEGINNING JANUARY 2005

cupuemp    \\Remote    12:45 PM

**EXHIBIT**

/

\_\_\_\_\_

to beaker

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 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 11th day of February, 2005.

-----  
*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

RECEIVED

FEB 25 2005

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

PAULETTE BURGESS, )  
 )  
 Complainant, )  
 )  
 v )  
 )  
 DUQUESNE LIGHT COMPANY, )  
 )  
 Respondent. )

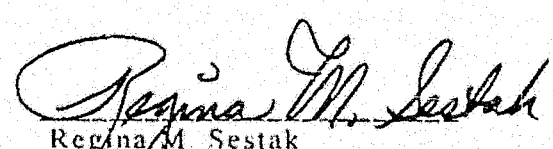
Docket No. Z-01657334

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 § 154 (relating to service by a participant).

Paulette Burgess  
430 Barking Road  
New Kensington, PA 15068

Dated this 22nd day of February, 2005.



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