

PLEASE DOCKET

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Barry L. Bowers

v.

DOCUMENT

DOCKETED

DEC 06 2004

Equitable Gas Company and
Duquesne Light Company

F-01552407
F-01552486

Mary Mehaffey,
Indispensable Party

FIRST INTERIM ORDER CONSOLIDATING THE PROCEEDINGS AND JOINING
MARY MEHAFFEY AS AN INDISPENSABLE PARTY

On July 7, 2004 Barry L. Bowers filed a formal complaint against Equitable Gas Company (Equitable) alleging that Equitable should bill the owner of his apartment for gas service to his apartment from August 1999 through August 2003 because a foreign load existed during that time. On July 26, 2004 Equitable filed an answer and new matter and a motion to join Mary Mehaffey, the owner of the apartment in question, as an indispensable party. On or shortly after November 16, 2004 Equitable served Ms. Mehaffey with the motion to join her as an indispensable party.

On July 8, 2004 Mr. Bowers filed a formal complaint against Duquesne Light Company (Duquesne Light) alleging that it should bill the owner of his apartment for electric service from August 1999 through August 2004 because a foreign load existed during that time. On August 12, 2004 Equitable filed an answer and new matter and a motion to dismiss the complaint or in the alternative to join Mary Mehaffey, the owner of the apartment in question, as an indispensable party. On August 12, 2004 Duquesne Light served a copy of its answer and new matter and motion upon Ms. Mehaffey, but she has not filed a response thereto.

These proceedings are consolidated because they involve common question of law and fact. 52 Pa. Code §5.81(a).

Attached to Duquesne Light's answer and new matter is the copy of a page from the Allegheny Real Estate Web Site indicating that Ms. Mahaffey is the owner of the property in question. She is, therefore, an indispensable party to these proceedings because if Mr. Bower's complaints are sustained, her rights will be affected in that she might be found responsible for payment for his gas and electric service for a four year period. Equitable's failure to serve Ms. Mehaffey with a copy of its motion to join her as an indispensable party does not deprive Ms. Mehaffey of her due process rights because she was served with Duquesne Light's motion which requests the same relief in these consolidated proceedings. In addition, Equitable served her with a copy of its motion on or shortly after November 16, 2004, so Ms. Mehaffey has time to respond to the motion before the hearing scheduled for December 9, 2004.

Along with a copy of this order, Ms. Mehaffey is being sent a copy of the Commission's Notice setting this matter for hearing and is being sent a copy of a Prehearing Order.

ORDER

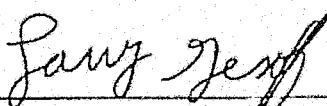
THEREFORE,

IT IS ORDERED:

1. That the complaints of Barry L. Bowers against Equitable Gas Company at Docket No. F-01552407 and of Barry L. Bowers against Duquesne Light Company at Docket No. F-01552486 are consolidated.

2. That Mary Mehaffey is joined as an indispensable party to the proceedings consolidated in paragraph number one of this order.

Dated: November 16, 2004



Larry Gesoff
Administrative Law Judge

RECEIVED

NOV 29 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

BARRY L. BOWERS,

Complainant

vs.

EQUITABLE GAS COMPANY,

Respondent

vs.

MARY E. MEHAFFEY

Respondent

Complaint Docket

No. F-01552407

Consolidated with No. F-015524486

7-01552486

**ANSWER TO COMPLAINT FILED BY
BARRY BOWERS AGAINST
EQUITABLE GAS COMPANY AND
NEW MATTER**

Filed on behalf of:

Mary E. Mehaffey

Counsel for this Party:

John J. Romza, Esquire

PA I.D. #62626

COVELLI LAW OFFICES, P.C.

357 Regis Avenue

Pittsburgh, PA 15236

(412) 653-5000

Firm I.D. #868

**DOCUMENT
FOLDER**

142

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

BARRY L. BOWERS,

Complainant

vs.

No. F-01552407

Consolidated with No. F- 015524486

DUQUESNE LIGHT ,

Respondent

RECEIVED

vs.

NOV 20 2004

MARY E. MEHAFFEY

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Respondent

ANSWER TO COMPLAINT FILED BY BARY BOWERS AGAINST EQUITABLE GAS
COMPANY AND NEW MATTER

AND NOW, comes MARY E. MEHAFFEY by and through her Attorneys,
COVELLI LAW OFFICES, and files the within ANSWER as follows:

ANSWER

1. Admitted.

2. Admitted.

DOCKETED
FEB 10 2005

**DOCUMENT
FOLDER**

3. Denied. Mary E. Mehaffey after reasonable investigation is without sufficient knowledge or information as to the allegations in Paragraph 3 regarding the actions of Equitable Gas Company or the actions of Mr. Bowers and, therefore the same is denied. It is specifically denied that that the account holder of the first floor apartment compromised the ductwork to Mr. Bowers apartment for any period of time. Mr. Bowers used gas service in his apartment and was properly billed. Respondent Mehaffey avers that Mr. Bowers complaint was brought frivolously in and attempt to harass and circumvent his obligation to pay rent to Mrs. Mehaffey. My way of further answer,

Respondent Mehaffey incorporates by reference her New Matter set forth below in further response to Mr. Bowers allegations.

4. Paragraph 4 of Complaint is a request for relief. To the extent that this paragraph requires a response the allegations in paragraph 4 are denied.

Denied.

WHEREFORE, MARY E. MEHAFFEY, requests that the Complaint be dismissed.

NEW MATTER

5. Respondent Mary E. Mehaffey prior to the filing of Mr. Bowers' Complaint with the PUC filed a Civil Complaint against Barry Bowers for unpaid rent and for possession of the apartment at No LT04-000220 in the Allegheny County, Pennsylvania, Court of Common Pleas, Arbitration Division.

6. In that action, Barry Bowers filed a "Counter Complaint" or a Counterclaim against Mary Mehaffey requesting that he be awarded money and alleged that Mary Mehaffey should pay for his utility bills alleging that she diverted his utilities.

7. After a full evidentiary hearing, the Arbitration Division denied Mr. Bowers Counter Complaint, and held in favor of Plaintiff Mary Mehaffey in the amount of and award possession of the apartment to Mary Mehaffey.[Attached as Exhibit "A" is a true and correct copy of the Arbitration decision]

8. Mr. Bowers appealed that award and on November 4, 2004 the Honorable Eugene B. Strassburger III, after hearing, found in favor of Mary Mahaffey and awarded unpaid rent to her in the amount of \$7,210.00 and Possession of Mr. Bowers' apartment to her. Judge Strassburger also denied Mr. Bowers' Counterclaim. [Attached as Exhibit "B" is a true and correct copy of the November 4, 2004 Order of Court.]

**DOCUMENT
FOLDER**

DOCKETED
FEB 10 2005

9. Mr. Bowers cannot now re-litigate this matter requesting payment from Mary Mehaffey for his utilities as the doctrine of collateral estoppel precludes Mr. Bowers from re-litigating this same issue before the PUC since the identical issue was decided in the action before the Allegheny County Court of Common Pleas, a final judgment was entered on the merits, the parties are identical, and Mr. Bowers had a full opportunity to be heard and litigate this matter in the Allegheny County action. Day v. Volkswagenwerk, 318 Pa Super. 225, 464 A. 2d 1313 (1983)

Wherefore, Respondent Mary Mehaffey requests that the Complaint be dismissed.

Respectfully Submitted,

COVELLI LAW OFFICES, P.C

BY: 

John J. Romza, Esquire

LT 04.220
AWR DP
H

FILED

FORM NO. 4-A Prothy Arb Rev. 4/92

2004 AUG 12 PM 3:30

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

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 \$ 100
(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

04 AUG 12 PM 3:04

FILED

EXHIBIT
"A"

2. On Plaintiff's claim for Damages

Award for Plaintiff:

- 6040⁰⁰ for rent
- _____ for damages to real property
- _____ for unjust detention damages
- _____ other: _____ (Specify)

\$6040⁰⁰

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 12th 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. Lano 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 120B.

JMO 8-13-04

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,

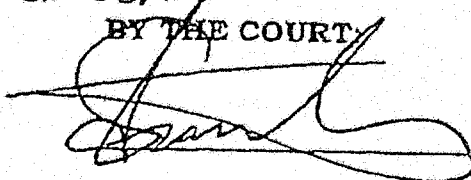
IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT JUDGMENT
IN THE AMOUNT OF \$7210.00 IS ENTERED IN FAVOR OF PLAINTIFF
MARY E. MEHAFFEY AND AGAINST THE DEFENDANT BARRY L. BOWERS.

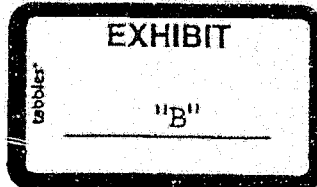
THE PROTHONOTARY SHALL IMMEDIATELY RELEASE TO PLAINTIFF THE
ESCROW FUNDS IN THE AMOUNT OF \$1170. THE ABOVE STATED
JUDGMENT SHALL BE REDUCED BY THE AMOUNT OF THE ESCROW FUNDS.

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

vs.

No. F-01552407

Consolidated with No. F- 015524486

EQUITABLE GAS COMPANY,

Respondent

vs.

MARY MEHAFFEY

Respondent

Certificate of Service

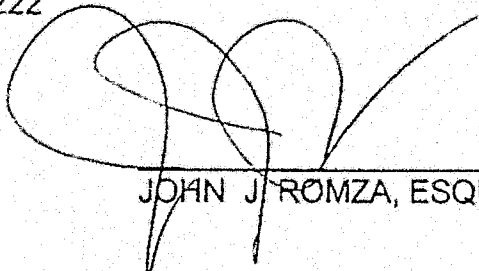
I certified that on the 25th day of Nov 2004, a true and correct copy of the foregoing Answer and New Matter was served on the following by U.S. First class Mail:

Barry Bowers
2407 Pennsylvania Avenue 2nd floor
West Mifflin Pa 15122

Regina M. Sestak Esquire
Duquesne Light Company
411 Seventh Avenue
Mail Drop 8-2
Pittsburgh PA 15219

John P. Liekar, Esquire
Yukevich Marchetti, Leikar, & Zangrilli, PC
11 Stanwix Street 10th floor
Pittsburgh PA 15222

Administrative Law Judge Larry Gesoff
PA Public Utility Commission
1103 State Office Building
300 Liberty Avenue
Pittsburgh PA 15222


JOHN J. ROMZA, ESQUIRE

VERIFICATION

I, Mary E. Mehaffey, do verify that the facts contained in the
foregoing Answer to Complaint filed by Barry Bowers
Against Equitable Gas Company and are true and correct to the best of
New Matter
my knowledge, information and belief. I understand that false statements herein are made
subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to
authorities.

Mar. 24, 2004
Date

Mary E. Mehaffey

ORIGINAL

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

BARRY L. BOWERS,

Complainant

vs.

DUQUESNE LIGHT COMPANY.

Respondent

vs.

MARY E. MEHAFFEY,

Respondent

Complaint Docket

No. F-01552486

Consolidated with No. F- 015524407

**ANSWER TO COMPLAINT FILED BY
BARRY L. BOWERS AGAINST
DUQUESNE LIGHT COMPANY AND
NEW MATTER**

Filed on behalf of:

Mary E. Mehaffey

Counsel for this Party:

John J. Romza, Esquire

PA I.D. #62626

COVELLI LAW OFFICES, P.C.

357 Regis Avenue

Pittsburgh, PA 15236

(412) 653-5000

Firm I.D. #868

**DOCUMENT
FOLDER**

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NOV 29 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

143

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

BARRY L. BOWERS,

Complainant

vs.

No. F-01552486

Consolidated with No. F- 015524407

DUQUESNE LIGHT COMPANY,

Respondent

vs.

MARY E. MEHAFFEY

Respondent

RECEIVED

NOV 29 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**ANSWER TO COMPLAINT FILED BY BARY BOWERS AGAINST DUQUESNE LIGHT
AND NEW MATTER**

AND NOW, comes MARY E. MEHAFFEY by and through her Attorneys,
COVELLI LAW OFFICES, and files the within ANSWER TO COMPLAINT as follows:

ANSWER

1. Admitted.
2. Admitted.
3. Denied. Mary Mehaffey after reasonable investigation is without sufficient knowledge or information as to the allegations in Paragraph 3 regarding the actions of Duquesne Light Company and, therefore the same is denied. It is specifically denied that that the account holder of the first floor apartment compromised the ductwork to Mr. Bowers apartment for any period of time. Mr. Bowers used electricity in his apartment and was properly billed. Respondent Mehaffey avers that Mr. Bowers complaint was brought frivolously in and attempt to harass and circumvent his obligation to pay rent to Mrs. Mehaffey. My way of further answer, Respondent Mehaffey incorporates by

reference her New Matter set forth below in further response to Mr. Bowers allegations.

4. Paragraph 4 of Complaint is a request for relief. To the extent that this Paragraph requires a response, the allegations in paragraph 4 are denied.

Denied.

WHEREFORE, MARY MEHAFFEY, requests that the Complaint be dismissed.

NEW MATTER

5. Respondent Mary Mehaffey prior to the filing of Mr. Bowers' Complaint with the PUC filed a Civil Complaint against Barry Bowers for unpaid rent and for possession of the apartment at No LT04-000220 in the Allegheny County, Pennsylvania, Court of Common Pleas, Arbitration Division.

6. In that action, Barry Bowers filed a "Counter Complaint" or a Counterclaim against Mary Mehaffey requesting that he be awarded money and alleged that Mary Mehaffey should pay for his utility bills alleging that she diverted his utilities.

7. After a full evidentiary hearing, the Arbitration Division denied Mr. Bowers Counter Complaint, and held in favor of Plaintiff Mary Mehaffey in the amount of and award possession of the apartment to Mary Mehaffey.[Attached as Exhibit "A" is a true and correct copy of the Arbitration decision]

8. Mr. Bowers appealed that award and on November 4, 2004 the Honorable Eugene B. Strassburger III, after hearing, found in favor of Mary Mahaffey and awarded unpaid rent to her in the amount of \$7,210.00 and Possession of Mr. Bowers' apartment to her. Judge Strassburger also denied Mr. Bowers' Counterclaim. [Attached as Exhibit "B" is a true and correct copy of the November 4, 2004 Order of Court.]

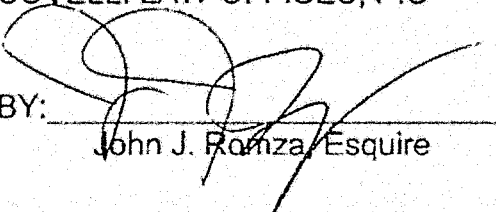
9. Mr. Bowers cannot now re-litigate this matter requesting payment from Mary Mehaffey for his utilities as the doctrine of collateral estoppel precludes Mr. Bowers from re-litigating this same issue before the PUC since the identical issue was decided in the

action before the Allegheny County Court of Common Pleas, a final judgment was entered on the merits, the parties are identical, and Mr. Bowers had a full opportunity to be heard and litigate this matter in the Allegheny County action. Day v. Volkswagenwerk, 318 Pa Super. 225, 464 A. 2d 1313 (1983)

Wherefore, Respondent Mary E. Mehaffey requests that the Complaint be dismissed.

Respectfully Submitted,

COVELLI LAW OFFICES, P.C

BY: 
John J. Ronza, Esquire

LT 04. 220
AWRDP
H

FILED

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

2008 AUG 12 AM 9:30

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION
ALLEGHENY COUNTY

Mary E. Mehafee

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 \$ 100
(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

Richard Jacobs
Print Name

Kathleen Logan
Print Name

[Signature]
(Signature) Chairman

[Signature]
(Signature)

[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:

- 6040⁰⁰ for rent
 - _____ for damages to real property
 - _____ for unjust detention damages
 - _____ other: _____ (Specify)
- \$6040⁰⁰
- 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 12th 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 \$ 95.10
Note: Additional \$75.00 fee for Jury Trial

Michael C. Gano 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 130B.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

MARY E. MEHAFFEY

Plaintiff(s)

v.

BARRY L. BOWERS

Defendant(s)

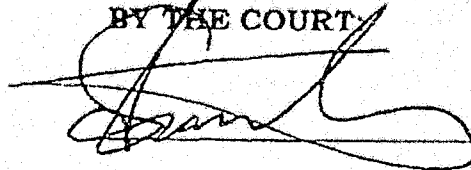
No. LT-04-000220

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
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THE PLAINTIFF IS AWARDED POSSESSION OF THE PROPERTY AT
2407 PENNSYLVANIA AVE BEAR, WEST MIFFLIN, PA. 15122.
AWARD 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

vs.

No. F-01552486

Consolidated with No. F- 015524407

DUQUESNE LIGHT ,

Respondent

vs.

MARY MEHAFFEY

Respondent

RECEIVED

NOV 29 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Certificate of Service

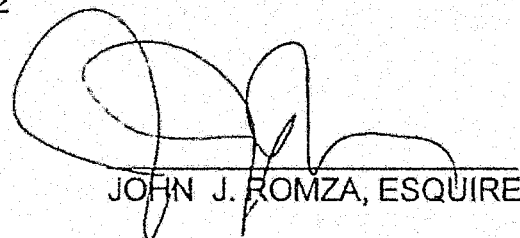
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Barry Bowers
2407 Pennsylvania Avenue 2nd floor
West Mifflin Pa 15122

Regina M. Sestak Esquire
Duquesne Light Company
411 Seventh Avenue
Mail Drop 8-2
Pittsburgh PA 15219

John P. Liekar, Esquire
Yukevich, Marchetti, Leikar, & Zangrilli, PC
11 Stanwix Street 10th floor
Pittsburgh PA 15222

Administrative Law Judge Larry Gesoff
PA Public Utility Commission
1103 State Office Building
300 Liberty Avenue
Pittsburgh PA 15222


JOHN J. ROMZA, ESQUIRE

VERIFICATION

I, Mary E. Mehaffey, do verify that the facts contained in the
foregoing Answer to Complaint Filed by Barry L. Bowers
Against Duquesne Light Company and are true and correct to the best of
New Matter
my knowledge, information and belief. I understand that false statements herein are made
subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to
authorities.

Nov. 24, 2004
Date

Mary E. Mehaffey

 ORIGINAL
COVELLI
LAW OFFICES
A Professional Corporation

CERTIFIED MAIL

December 2, 2004

RECEIVED

DEC 2 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCUMENT
FOLDER

JAMES J. McNULTY, SECRETARY
PA PUBLIC UTILITY COMMISSION
PO BOX 3265
HARRISBURG, PA 17120

RE: BARRY BOWERS V. DUQUESNE LIGHT [REDACTED]
AND BARRY BOWERS V. EQUITBALE GAS F-01552407

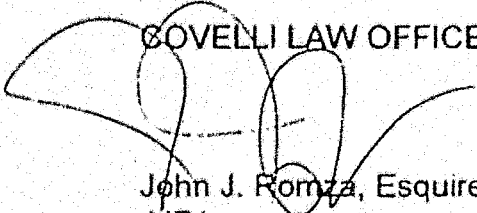
Dear Secretary McNulty:

Enclosed herewith for filing are the original and three (3) copies of Respondent, Mary Mehaffey's Motion for Summary Judgment, in the above cases. Copies have been served on the Complainant and the Respondents.

Please return time-stamped copies to my office in the enclosed envelope.

Very truly yours,

COVELLI LAW OFFICES


John J. Romza, Esquire
JJR/mar

Enclosure

cc: Barry Bowers [w/ Enc]
Regina M. Sestak, Esquire [w/ Enc]
John P. Leikar, Esquire [w/ Enc]
Administrative Law Judge Larry Gesoff [w/ Enc]
Shannon J. Sarsfield, Agent [w/ Enc]
Mary Mehaffey [w/ Enc]

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

BARRY L. BOWERS,

Complainant

vs.

DUQUESNE LIGHT COMPANY
AND EQUITALE GAS COMPANY

Respondents

vs.

MARY E. MEHAFFEY,

Respondent

Complaint Docket

No. F-01552486

Consolidated with No. F- 015524407

DOCKETED
JAN 11 2005

**RESPONDENT MARY MEHAFFEY'S
MOTION FOR SUMMARY JUDGMENT**

Filed on behalf of:

MARY MEHAFFEY, Respondent

Counsel for this Party:

John J. Romza, Esquire
PA I.D. #62626

COVELLI LAW OFFICES, P.C.
357 Regis Avenue
Pittsburgh, PA 15236

(412) 653-5000

Firm I.D. #868

**DOCUMENT
FOLDER**

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DEC 2 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

ORIGINAL

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

BARRY L. BOWERS,

Complainant

vs.

No. F-01552486

Consolidated with No. F- 015524407

DUQUESNE LIGHT COMPANY
AND EQUITALE GAS COMPANY

Respondents

vs.

MARY E. MEHAFFEY

Respondent

RECEIVED

DEC 2 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

MOTION FOR SUMMARY JUDGMENT

AND NOW, comes MARY E. MEHAFFEY by and through her Attorneys, COVELLI LAW OFFICES, P.C. and files the within MOTION FOR SUMMARY JUDGMENT and avers as follows:

1. On or about July 8, 2004, Complainant, Barry Bowers, filed a Formal Complaint with the Pennsylvania Public Utilities Commission, requesting that the Commission order Respondent, Duquesne Light, and Equitable Gas to bill the property owner for four (4) years of utility services to his apartment, from August, 1999, through August, 2003.

2. On November 16, 2004, Mary Mehaffey was joined as an indispensable party to this action by Administrative Law Judge Larry Gesoff.

3. At the time of the initiation of the action by Mr. Bowers with the Public Utility Commission in July 2004, Ms. Mehaffey and Mr. Bowers were parties in a legal action at

Docket No. LT 04-000220 in the Arbitration Division of the Court of Common Pleas of Allegheny County. The action was a tenant landlord action, whereas Ms. Mehaffey had sued Mr. Bowers for rent and possession of the apartment that he was renting from her.

4. Mr. Bowers filed a "Counter Complaint" or Counterclaim alleging that Mary Mehaffey should pay for his utility bills because she diverted his utilities. [Attached as Exhibit "A" is a copy of said 'Counter Complaint'].

5. On August 12, 2004, after a full evidentiary hearing, a judgment was entered in favor of Ms. Mehaffey that awarded her damages for unpaid rent in the amount of \$6,040.00 and for possession. [Attached as Exhibit "B" is a copy of the August 12, 2004 Arbitration Award].

6. Mr. Bowers appealed that award and on November 4, 2004, the Honorable Eugene B. Strassburger, III, after hearing, found in favor of Mary Mehaffey and awarded unpaid rent to her in the amount of \$7,210.00 and Possession of Mr. Bowers' apartment to her. Judge Strassburger also denied Mr. Bowers' Counterclaim. [Attached as Exhibit "C" is a true and correct copy of the November 4, 2004 Order of Court].

7. Mr. Bowers cannot now re-litigate this matter, requesting payment from Mary Mehaffey for his utilities, as the doctrine of collateral estoppel precludes Mr. Bowers from re-litigating this same issue before the Pennsylvania Public Utilities Commission, since the identical issues were decided in the action before the Allegheny County Court of Common Pleas. 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 re-litigated in a subsequent suit. Mr. Bowers had a full opportunity

to be heard and litigate this matter in the Allegheny County action. Day v. Volkswagenwerk, 318 Pa Super. 225, 464 A. 2d 1313 (1983).

8. There are four (4) 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).

9. Mr. Bowers' 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 pleas is being asserted in Mr. Bowers, who was a party to the Common Pleas Court action; and (4) Mr. Bowers has had a full and fair opportunity to litigate the issues in question before the Court of Common Pleas.

10. Further, Mr. Bowers' Counter Complaint alleged the diversion of heat and air conditioning, and requests judgment against Ms. Mehaffey; this request clearly relies upon the averment in Paragraph 8 of the Counter Complaint, which Mehaffey has failed to respond to requests for payment of utilities diverted from Mr. Bowers.

11. The present Complaints also allege a foreign load due to compromised ductwork, and requests that the PUC order Duquesne Light to bill Ms. Mehaffey for four (4) years of electrical service at Mr. Bowers' residence.

12. Both the "Counter Complaint" filed in the Allegheny County Civil action and PUC Complaints allege diversion of utility services and request that Ms. Mehaffey pay for said services, therefore the issues are identical.

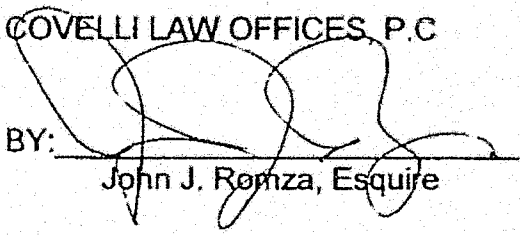
13. Mr. Bowers is simply attempting to achieve through the PUC what he was undoubtedly unable to achieve in his Court of Common Pleas action, an order finding Ms. Mehaffey responsible for his utility bills based upon diversion of service.

WHEREFORE, Respondent, Mary E. Mehaffey, requests that the Commission grant Summary Judgment in her favor and dismiss the Mr. Bowers' Complaint.

Respectfully Submitted,

COVELLI LAW OFFICES, P.C

BY:


John J. Romza, Esquire

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

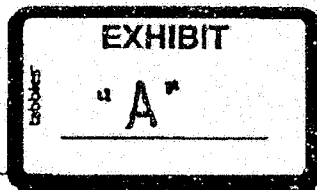
Filed on behalf of:

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

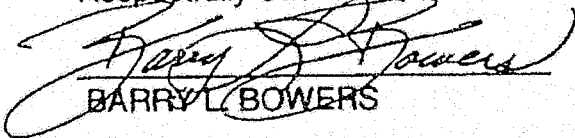
AND NOW, comes the Plaintiff, BARRY L. BOWERS, and files the within Complaint in Civil Action and, in support thereof, avers the following:

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. 4/92

2004 AUG 12 PM 3:04

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CIVIL DIVISION
ALLEGHENY COUNTY

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 \$ 100
(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

Richard Jacobs
Print Name

Kathleen Lagan
Print Name

[Signature]
(Signature) Chairman

[Signature]
(Signature)

[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

04 AUG 12 PM 3:04

FILED

EXHIBIT
"B"

2. On Plaintiff's claim for Damages

Award for Plaintiff:

- 6040⁰⁰ for rent
- _____ for damages to real property
- _____ for unjust detention damages
- _____ other: _____ (Specify)

\$6040⁰⁰

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 12th 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
\$ 95.10
Note: Additional \$75.00 fee for Jury Trial

Michael C. Gans 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.

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:

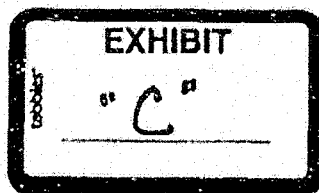
Timothy S. Lijewski, Esq.
Covelli Law Offices
357 Regis Avenue
Pittsburgh, PA 15235-1416

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

ALLEGHENY COUNTY
CLERK OF COURTS

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)

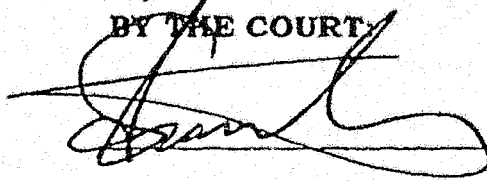
No. LT-04-000220

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 DEAR, WEST MIFFLIN, PA. 15122.
AWARD 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

vs.

No. F-01552486

Consolidated with No. F- 015524407

DUQUESNE LIGHT COMPANY
AND EQUITALE GAS COMPANY

Respondents

vs.

MARY MEHAFFEY

Respondent

CERTIFICATE OF SERVICE

I certified that on the 2nd day of DECEMBER 2004, a true and correct copy of the foregoing Motion for Summary Judgment was served on the following by U.S. First class Mail:

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

Regina M. Sestak, Esquire
Duquesne Light Company
411 Seventh Avenue
Mail Drop 8-2
Pittsburgh, PA 15219

John P. Liekar, Esquire
Yukevich, Marchetti, Leikar, & Zangrilli, PC
11 Stanwix Street, 10th floor
Pittsburgh, PA 15222

Administrative Law Judge Larry Gesoff
PA Public Utility Commission
1103 State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222


John J. Romza, Esquire

YUKEVICH, MARCHETTI, LIEKAR & ZANGRILLI, P.C.

ATTORNEYS AT LAW

11 STANWIX STREET

SUITE 1024

PITTSBURGH, PENNSYLVANIA 15222-1324

December 7, 2004

TELEPHONE 412-261-6777
FAX 412-261-6789

Writer's Direct Dial:
412-261-6786

James J. McNulty
Secretary of the Commission
Pennsylvania Public Utility Commission
2nd Floor, Keystone Building
400 North Street
Harrisburg, PA 17105

ORIGINAL

RE: Barry Bowers v. Equitable Gas Company
No. F-01552407

Barry Bowers v. Duquesne Light Company
No. F-01552486

**DOCUMENT
FOLDER**

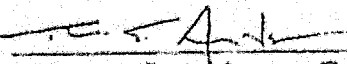
Document to be filed: Equitable Gas Company's Motion for Summary Judgment

Dear Mr. McNulty:

Enclosed is the original and three (3) copies of the above-noted document to be filed, together with one (1) extra copy of the cover sheet.

Please file the original and then time-stamp and return the extra cover sheet to the undersigned in the enclosed self-addressed envelope as proof of filing. Thank you for your courtesy.

Yours truly,
Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By: 
Thomas S. Anderson, Esquire

TSA/nwj
Enclosures (w/ SASE)

cc: Barry Bowers (w/enc) via Regular Mail
Mary Mehaffey (w/enc) via Regular Mail
Regina M. Sestak, Esquire (w/enc) via Regular Mail
ALJ Larry Gesoff (w/enc) via Regular Mail
John J. Luke, Esquire (w/enc) via Regular Mail

SECRETARY'S BUREAU

2004 DEC -9 AM 9:20

RECEIVED

RECEIVED

2004 DEC -9 AM 9:20

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BARRY BOWERS
Complainant.

vs.

EQUITABLE GAS COMPANY, and
DUQUESNE LIGHT COMPANY,

Respondents,

vs.

MARY E. MEHAFFY,

Indispensable Party.

) Complaint Docket

) Consolidated Proceedings

) No. F-01552407

) No. F-01552486

SECRETARY'S BUREAU

RESPONDENT EQUITABLE GAS COMPANY'S
MOTION FOR SUMMARY JUDGMENT

AND NOW, comes Equitable Gas Company ("Equitable") by its attorneys Yukevich, Marchetti, Liekar & Zangrilli, P.C., John P. Liekar, Jr., Esquire and Thomas S. Anderson, Esquire and pursuant to 52 Pa. Code § 5.102(b) files this Motion for Summary Judgment in the above-captioned proceedings:

1. On or about July 6, 2004, Complainant Barry Bowers ("Bowers") commenced the proceeding docketed with the Pennsylvania Public Utility Commission ("PUC") at F-01552407 by filing a Formal Complaint with the PUC.

2. Subsequently, by Administrative Law Judge Larry Gesoff's Order dated November 16, 2004, this proceeding was consolidated with a proceeding commenced by Bowers against Duquesne Light Company and Mary Mehauffy was joined as an indispensable party.

3. Equitable hereby incorporates by reference the allegations contained in paragraphs 4 through 19 of Respondent Duquesne Light Company's Motion for Summary Judgment as though said paragraphs were set forth fully herein.

4. With respect to paragraph 16 of Duquesne Light Company's Motion for Summary Judgment, Equitable wishes to clarify herein that Bowers has requested in his Formal Complaint against Equitable that Bowers requests that Equitable bill the property owner (Mehaffey) for gas service resulting from the alleged foreign load.

WHEREFORE, Respondent Equitable Gas Company respectfully requests that the Pennsylvania Public Utility Commission grant Summary Judgment in favor of Equitable Gas Company in these consolidated proceedings.

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By: 

Thomas S. Anderson, Esquire
Attorney for Equitable Gas Company
11 Stanwix Street, Tenth Floor, Suite 1024
Pittsburgh, PA 15222-1324
(412) 261-6786 FAX 261-6789

CERTIFICATE OF SERVICE

ORIGINAL

The undersigned hereby certifies that a true and correct copy of the attached document

was served as follows

ATTACHED DOCUMENT: RESPONDENT EQUITABLE GAS COMPANY'S
MOTION FOR SUMMARY JUDGMENT

DATE OF SERVICE: December 7, 2004

BY: Hand Delivery

TO: Administrative Law Judge Larry Gesoff
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

BY: Regular Mail

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

Complainant - Pro Se

Regina M. Sestak, Esquire
Duquesne Light Company
411 Seventh Avenue
Mail Drop 9-1
Pittsburgh, PA 15219

Counsel for Duquesne Light Company

James J. McNulty
Secretary of the Commission
Pennsylvania Public Utility Commission
2nd Floor, Keystone Building
400 North Street
Harrisburg, PA 17105

John J. Romza, Esquire
Covelli Law Offices, P.C.
357 Regis Avenue
Pittsburgh, PA 15236

Counsel for Mary E. Mehaffey

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By: 

Thomas S. Anderson, Esquire
Attorney for Equitable Gas Company
11 Stanwix Street, Tenth Floor, Suite 1024
Pittsburgh, PA 15222-1324
(412) 261-6786 FAX 261-6789

YUKEVICH, MARCHETTI, LIEKAR & ZANGRILLI, P.C.

ATTORNEYS AT LAW

11 STANWIX STREET

SUITE 1024

PITTSBURGH, PENNSYLVANIA 15222-1324

November 16, 2004

TELEPHONE 412/261-6777
FAX 412/261-6769

Writer's Direct Dial:
412-261-6779
E-Mail: jliekar@ymtz.com

James J. McNulty
Secretary of the Commission
Pennsylvania Public Utility Commission
2nd Floor, Keystone Building
400 North Street
Harrisburg, PA 17105

RECEIVED
2004 NOV 18 AM 9:44
SECRETARY'S BUREAU
DOCUMENTS
FOLDER

RE: Barry Bowers v. Equitable Gas Company
No. F-01552407

Barry Bowers v. Duquesne Light Company
No. F-01552486

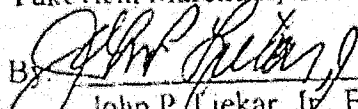
Document to be filed: Amended Certificate of Service of Motion to Join Mary
Mehaffey as an Indispensable Party

Dear Mr. McNulty:

Enclosed is the originals and seven (7) copies of the above-noted document to be filed,
together with one (1) extra copy of the cover sheet.

Please file the original and then time-stamp and return the extra cover sheet to the
undersigned in the enclosed self-addressed envelope as proof of filing. Thank you for your
courtesy.

Yours truly,
Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By: 
John P. Liekar, Jr., Esquire

JPL/nwj
Enclosure

cc: Barry Bowers (w/enc) via Regular Mail
Mary Mehaffey (w/enc) via Regular Mail
Regina M. Sestak, Esquire (w/enc) via Regular Mail
ALJ Larry Gesoff (w/enc) via Regular Mail
John J. Luke, Esquire (w/enc) via Regular Mail

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BARRY BOWERS)

Complainant,)

vs.)

EQUITABLE GAS COMPANY,)

Respondent.)

Complaint Docket
No. F - 01552407

DOCKETED
JAN 10 2005

AMENDED CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Document described below was served as follows:

DOCUMENT: EQUITABLE GAS COMPANY'S MOTION
 TO JOIN MARY MEHAFFEY AS AN
 INDISPENSABLE PARTY

DATE OF SERVICE: July 26, 2004

BY: Federal Express

TO: James J. McNulty
Secretary of the Commission
Pennsylvania Public Utility Commission
2nd Floor, Keystone Building
400 North Street
Harrisburg, PA 17105

**DOCUMENT
FOLDER**

RECEIVED
2004 NOV 18 AM 9:45
SECRETARY'S BUREAU

BY: Regular Mail

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

Complainant - Pro Se

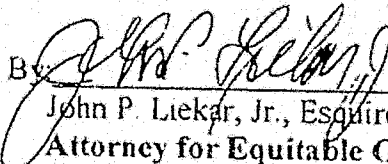
BY: Regular Mail

DATE: November 16, 2004

TO: Mary Mehaffey
2407 Pennsylvania Avenue
West Mifflin, PA 15122

Regina M. Sestak, Esquire
Duquesne Light Company
411 Seventh Avenue
Mail Drop 9-1
Pittsburgh, PA 15219

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By: 
John P. Liekar, Jr., Esquire
Attorney for Equitable Gas Company
11 Stanwix Street, Tenth Floor, Suite 1024
Pittsburgh, PA 15222-1324
(412) 261-6779 FAX 261-6789

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the attached document was served as follows:

ATTACHED DOCUMENT: AMENDED CERTIFICATE OF SERVICE OF
EQUITABLE GAS COMPANY'S MOTION TO JOIN
MARY MEHAFFEY AS AN INDISPENSABLE
PARTY

DATE OF SERVICE: November 16, 2004

BY: Regular Mail

TO: ALJ Larry Gesoff
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

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

Complainant – Pro Se

Mary Mehaffey
2407 Pennsylvania Avenue
West Mifflin, PA 15122

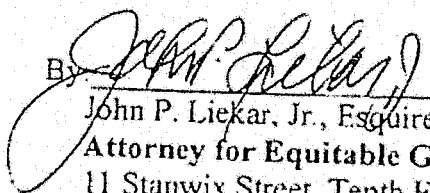
Pro Se

Regina M. Sestak, Esquire
Duquesne Light Company
411 Seventh Avenue
Mail Drop 9-1
Pittsburgh, PA 15219

Counsel for Duquesne Light Company

Yukevich, Marchetti, Liekar & Zangrilli, P.C.

By



John P. Liekar, Jr., Esquire

Attorney for Equitable Gas Company

11 Stanwix Street, Tenth Floor, Suite 1024

Pittsburgh, PA 15222-1324

(412) 261-6779 FAX 261-6789