

PLEASE DOCKET

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

2006 JUL -9 AM 11:15

DOCUMENT  
FOLDER

John Gudzan

SECRETARY'S BUREAU:

v.

Duquesne Light Company

:  
:  
:  
:

C-20066016

PREHEARING ORDER

An initial telephonic hearing in this case is scheduled for Wednesday, July 18, 2006 at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. If you intend to present any documents or exhibits for my consideration, you must send one (1) copy to the other party and three (3) copies to me one week before the hearing. Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of filing. If you send me any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission's current service list of the parties to this proceeding is enclosed with this Order.

2. If you or any proposed witness will be at a telephone number that is different than the number on the hearing notice, you must notify me of that telephone number at least one (1) week before the hearing.

3. A request for a change of the scheduled hearing date must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code §1.15(b). Requests for changes of initial hearings must be sent to the undersigned Administrative Law Judge, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222. Only the undersigned Administrative Law Judge or OALJ Scheduling Staff may grant a request for a

67

change of an initial hearing. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent hearings, if any, should also be served directly on me.

4. **YOU MAY LOSE THIS CASE, IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

5. **ALTHOUGH THIS HEARING IS BEING CONDUCTED TELEPHONICALLY FOR THE CONVENIENCE OF THE PARTIES, IT IS STILL A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE.**

6. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

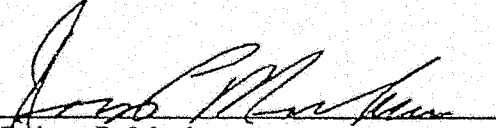
7. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainant is entitled to the relief requested in the complaint.

8. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so the other parties will have the required ten (10) days' notice to answer or object, and so you will have enough time to receive the subpoena and serve it.

9. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa. Code §5.331(b) provides, in relevant part, that "[a] participant shall endeavor to initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa. Code §5.322 provides, in relevant part, that "participants are encouraged to exchange information on an informal basis." All parties are urged to cooperate in informal information exchanges and in conducting discovery. Cooperation is preferable to disagreements, which require my participation to resolve. There are limitations on discovery (52 Pa. Code §5.361) and sanctions for abuse of the discovery process (52 Pa. Code §§5.371 & 5.372).

10. Commission policy is to encourage settlements. 52 Pa. Code §5.231(a). Therefore, you are urged to discuss informally between yourselves the possible settlement of this case at least one week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

Date: June 6, 2006

  
Robert P. Meehan  
Administrative Law Judge

ORIGINAL

Thomas J. Michael & Associates  
Attorneys at Law

Thomas J. Michael

436 South Main Street  
Suite 200  
Pittsburgh, PA 15220

Telephone: 412-921-8110  
Facsimile: 412-921-3191

June 21, 2001

SECRETARY'S OFFICE

JUN 23 11 01 AM '01

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

In re: Gudzan v. Duquesne Light Company  
NC 20066016 C-20066016

Dear Secretary McNulty:

Enclosed please find the original and three copies of the Praecipe for Appearance which is to be filed in the above captioned and numbered case. On the above listed date, I served a true and correct copy of the aforementioned Praecipe for Appearance by first class United States Mail, postage prepaid, on the individuals named below addressed as follows:

DOCUMENT  
FOLDER

Hon. Robert P. Meehan, ALJ  
1103 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15225

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

Thomas J. Michael & Associates

By:

  
Thomas J. Michael

Attorney for John Gudzan

Cc: John Gudzan

ORIGINAL

Before The  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN GUDZAN, )  
)  
)  
Complainant )  
)  
v. )  
)  
DUQUESNE LIGHT COMPANY, )  
)  
)  
Respondent )

No. C-20066016

2006 JUN 23 PM 9:22  
SECRETARY'S OFFICE

Præcipe for Appearance

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

Dear Secretary McNulty:

Kindly enter my appearance on behalf of John Gudzan the complainant in the  
above captioned and numbered matter.

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FOLDER

**DOCKETED**

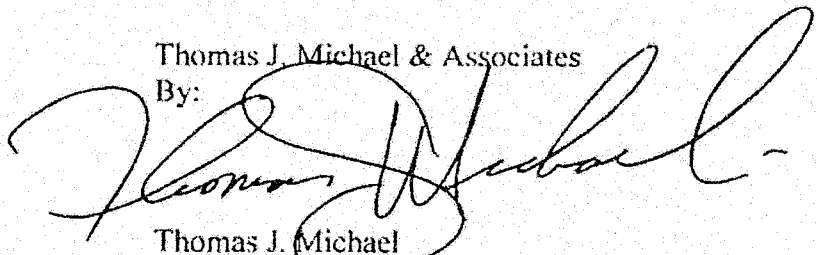
SEP 18 2006

Date: June 21, 2006

Respectfully submitted,

Thomas J. Michael & Associates

By:



Thomas J. Michael  
Attorney for John Gudzan

**Thomas J. Michael & Associates**  
Attorneys at Law

Thomas J. Michael

436 South Main Street  
Suite 200  
Pittsburgh, PA 15220

Telephone: 412-921-8110  
Facsimile: 412-921-3191

June 21, 2001

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

RECEIVED  
2006 JUL 17 AM 8:55  
SECRETARY'S BUREAU

In re: Gudzan v. Duquesne Light Company  
No. 20066016

ORIGINAL

Dear Secretary McNulty:

Enclosed please find the original and three copies of the motion to change scheduled hearing date which is to be filed in the above captioned and numbered case. On the above listed date, I served a true and correct copy of the aforementioned Praecipe for Appearance by hand delivery on the individuals named below addressed as follows:

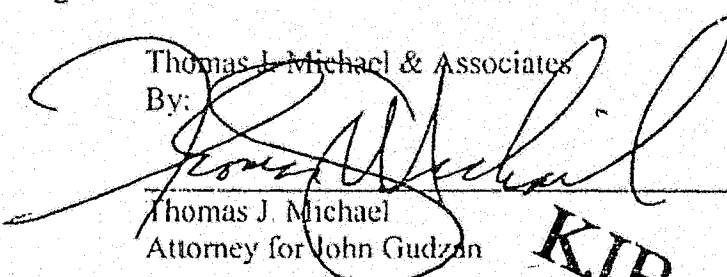
Hon. Robert P. Meehan, ALJ  
1103 State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15225

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

DOCUMENT  
FOLDER

Thomas J. Michael & Associates

By:

  
Thomas J. Michael  
Attorney for John Gudzan

KJR

Cc: John Gudzan

**ORIGINAL**  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED  
2006 JUL 17 AM 8:55  
SECRETARIAT

JOHN GUDZAN, )  
)  
)  
v. ) No. C-20066016  
)  
)  
DUQUESNE LIGHT COMPANY )

MOTION FOR CHANGE OF SCHEDULED HEARING DATE

AND NOW comes the claimant, John Gudzan, who by Thomas J. Michael and Thomas J. Michael & Associates, his attorney, files the following MOTION FOR CHANGE OF SCHEDULED HEARING DATE:

1. John Gudzan, the above named claimant is the moving party in the instant matter.
2. Duquesne Light Company, the defendant, the respondent to this Motion.
3. On June 1, 2006, the Hon Robert P. Meehan, the assigned Administrative Law Judge, issued notice of initial telephone hearing in the above captioned and numbered matter scheduled for July 19, 2006. A true and correct copy of said notice is attached hereto, incorporated by reference as if fully set forth herein and marked Exhibit

A.

**DOCUMENT  
FOLDER**

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DEC 01 2006

4. On or about June 21, 2006, the undersigned filed a Praecipe for Appearance with the Commission's Secretary. A true and correct copy of said Praecipe is attached hereto, incorporated by reference as if fully set forth herein and marked Exhibit B.

5. On June 26, 2006, after contacting counsel for Duquesne Light Company, the claimant served upon defendant interrogatories and requests for production of documents in an informal form as requested by defendant's counsel along with a request for designation of a corporate representative. True and correct copies of the discovery request and designation of corporate representative are attached hereto, incorporated by reference as if fully set forth herein and marked Exhibits C and D respectively.

6. On July 12, 2006, the undersigned received a copy of Duquesne Light Company's objections to the claimant's discovery request. Said objections are attached hereto, incorporated by reference as if fully set forth herein and marked Exhibit E.

7. On July 14, 2006, claimant received copies of Exhibits 1 through 9 which Duquesne Light intends to offer as evidence at trial.

8. Pursuant 52 Pa. Code §5.342(e) objections to interrogatories must be filed within 10 days of service.

9 Gudzan, pursuant to 52 Pa. Code §5.342(g) must file a motion to compel within ten (10) days of service of an objection requesting the presiding officer dismiss the objection and compel an answer to the request. If the objections are deemed served on the date of mailing, the period to file a motion to compel does not expire until July 20, 2006.

10. The provisions of Section 5.342 provide for further response and time for the presiding officer to rule on the motion which should occur within 15 days.

11. The initial telephone hearing presently scheduled for July 19, 2006, will occur prior to the time during which claimant is permitted to file a motion to compel.

12. Claimant without the benefit of discovery does not have access to the records and accounts of this matter, nor does he have the ability to determine the identity of individuals employed by Duquesne Light or other individuals who may have relevant knowledge as to the facts of this case.

13. Further, claimant without the information requested in discovery will be unfairly prejudiced in his ability to produce exhibits to be introduced as evidence at trial.

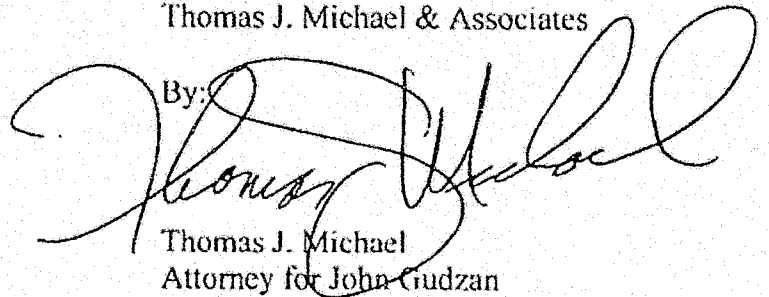
14. Without a full opportunity to compel Duquesne Light Company to produce the discovery information requested and to identify a corporate representative for discovery purposes Gudzan will be unfairly prejudiced.

WHEREFORE, John Gudzan, the claimant, respectfully MOVES the Presiding Officer change the scheduled hearing date to a date in the future what would permit him to file and present a motion to compel and, should he be successful in that matter, further permit Duquesne Light Company an appropriate period of time to comply with an order compelling discovery.

Respectfully submitted,

Thomas J. Michael & Associates

By:

A large, stylized handwritten signature in black ink, appearing to read "Thomas J. Michael". The signature is written over the printed name and title below it.

Thomas J. Michael  
Attorney for John Gudzan



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
June 1, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20066016

JOHN GUDZAN  
1108 ROOSEVELT STREET  
CONWAY PA 15027

John Gudzan v. Duquesne Light Company  
Service dispute.

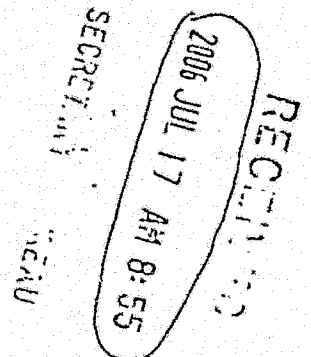
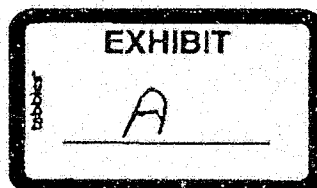
Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial telephone hearing  
Date: Wednesday, July 19, 2006  
Time: 10:00 a.m.  
Presiding: Administrative Law Judge Robert P. Meehan  
1103 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
Telephone: 412.565.3550  
Fax: 412.565.5692

At the above date and time, the Presiding Officer will contact the parties as follows:

John Gudzan 724-869-3626  
Regina M. Sestak, Esquire 412-393-1546





**Thomas J. Michael & Associates**  
Attorneys at Law

Thomas J. Michael

436 South Main Street  
Suite 200  
Pittsburgh, PA 15220

Telephone: 412-921-8110  
Facsimile: 412-921-3191

June 26, 2006

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

In re: Gudzan v. Duquesne Light Co.  
No. 20066016

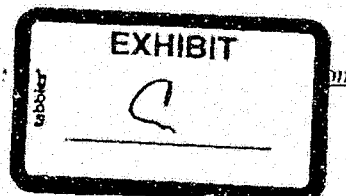
Dear Attorney Sestak:

This letter will serve to follow up our telephone conversation of last week regarding the above captioned and numbered case. In order to proceed in this matter, I must request your client, Duquesne Light Company, hereinafter referred to as "DLC", answer the following questions and provide documents described below:

1. Kindly provide any and all documents relating to DLC's contention that service provided at 90 Twelfth Street, Ambridge, PA was subject to the provisions of Act 54.
2. All documents identifying the account holder for the property located at 90 Twelfth Street, Ambridge, PA.
3. Any and all documents, notes or other records relating to any request by John Gudzan to place the electric service by DLC to 90 Twelfth Street, Ambridge, PA in his name.
4. Any and all change of address forms in DLC's possession for service at 90 Twelfth Street, Ambridge, PA.
5. Any and all documents relating to a field inspection of 90 Twelfth Street, Ambridge, PA performed by or on behalf of DLC on or about December 7, 2004.
6. Any and all documentation in support of DLC's action removing the property at 90 Twelfth Street from Act 54 status, and transferring billing for that service to 86 Twelfth Street, Ambridge, PA.

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2006 JUL 17 AM 8:56  
SECRETARY REAU

E-mail:



KJR

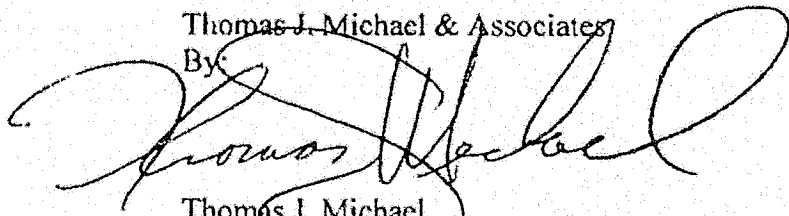
7. Documentation relating to the cancellation of electrical service to tenants' accounts at 86 Twelfth Street and authorization to transfer billing to John Gudzan's name.
8. Documentation for the balance transfer of the account at 90 Twelfth Street that was transferred to the account for 86 Twelfth Street.
9. All bills, invoices or other writings indicating charges for electrical service, fees, penalties, and other charges, payments and other credits for 90 Twelfth Street, Ambridge, PA from January 1, 1998 and the present date.
10. All correspondence, including notices, between DLC and complainant from January 1, 1998 and the present date.
11. Any other oral or written statement in any way relating to service at 90 Twelfth Street, Ambridge, PA 15003, or which DLC believes supports its claim for money due it by John Gudzan.

Thank you for your cooperation and assistance in this matter. I look forward to receiving your response and the return of the requested documents. If you have any questions, please do not hesitate to write or call.

Yours truly,

Thomas J. Michael & Associates

By

A large, stylized handwritten signature in black ink, appearing to read "Thomas J. Michael". The signature is written over the printed name and title below it.

Thomas J. Michael  
Attorney for John Gudzan

**Thomas J. Michael & Associates**  
Attorneys at Law

Thomas J. Michael

436 South Main Street  
Suite 200  
Pittsburgh, PA 15220

Telephone: 412-921-8110  
Facsimile: 412-921-3191

June 26, 2006

RECEIVED  
2006 JUL 17 AM 8:56  
SECRETARY REAU

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

In re: Gudzan v. Duquesne Light Co.  
No. 20066016

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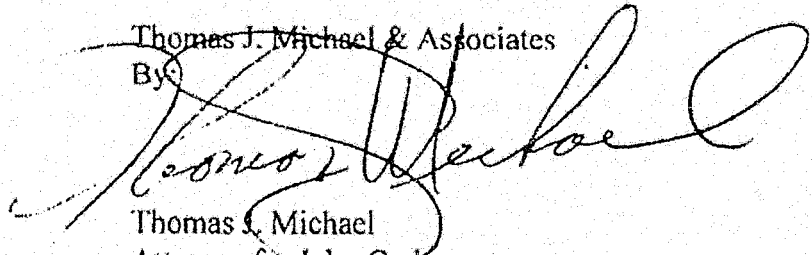
Dear Attorney Sestak:

Enclosed is my Request for Designation of Corporate Representative. Kindly have your client appoint a representative for discovery purposes who has first hand knowledge of the facts relevant to this matter. If you have any questions, please do not hesitate to write or call.

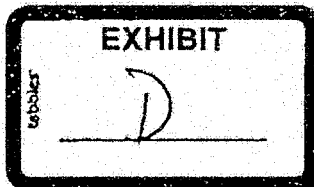
Yours truly,

Thomas J. Michael & Associates

By



Thomas J. Michael  
Attorney for John Gudzan



E-mail: [tmichael@tjmandassociates.com](mailto:tmichael@tjmandassociates.com)



**Duquesne Light**

*Our Energy... Your Power*

**Regina M. Sestak**  
Assistant General Counsel

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

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

July 10, 2006

SECRET

2006 JUL 17 AM 8:56

RECEIVED

Thomas J. Michael  
Attorney at Law  
436 South Main Street, Suite 200  
Pittsburgh, PA 15220

John Gudzan  
1108 Roosevelt Street  
Conway, PA 15027

RE: John Gudzan v. Duquesne Light Company, PUC Docket No. C-20066016.

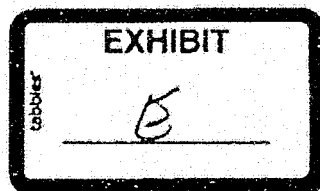
Dear Mr. Michael and Mr. Gudzan:

Duquesne Light Company's Objections to your Requests for Production are enclosed.

Sincerely,

Regina M. Sestak  
Attorney for Duquesne Light Company

enc



Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN GUDZAN, )  
 )  
 Complainant )  
 )  
 v. ) No. C-20066016  
 )  
 DUQUESNE LIGHT COMPANY, )  
 )  
 Respondent )

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**RESPONDENT DUQUESNE LIGHT COMPANY'S OBJECTIONS TO  
COMPLAINANT'S REQUESTS FOR PRODUCTION**

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AND NOW comes the Respondent, Duquesne Light Company (hereinafter "Duquesne Light"), by and through its attorney, Regina M. Sestak, and files the within Objections to Complainant's Requests for Production in accordance with Commission Regulations 5.342 and 5.349(d), 52 Pa. Code §5.342, 5.349(d):

Objection No. 1:

1. Complainant's Request No. 1 reads:

Kindly provide any and all documents relating to DLC's contention that service provided at 90 Twelfth Street, Ambridge, PA was subject to the provisions of Act 54.

2. Duquesne Light objects to this request. Commission Regulation 5.361(a), 52 Pa.Code §5.361(a), provides that:

Discovery . . . is not permitted which:

(2) Would cause unreasonable . . . burden or expense to the deponent, a person or party.

- (4) Would require the making of an unreasonable investigation by the deponent, a party or witness.

As noted in Paragraph 4.B. of Duquesne Light's Answer, its field representative discovered that a hot water boiler pump that provided heat to the entire premises was connected to a tenant's meter on October 13, 1998.

3. Duquesne Light Company has not retained all records concerning this in readily retrievable form; it is possible that some records exist in storage at a remote location, but it would require substantial employee time to search for said records and it is not certain that such a search would meet with success.

4. Providing the information sought in this request would cause an unreasonable burden, would require an unreasonable investigation, and/or would impose an unreasonable expense upon Duquesne Light within the meaning of Regulation 5.361(a)

5. Duquesne Light can provide such documentation as is available from its computer system.

Objection No. 2:

6. Complainant's Request No. 2 reads:

All documents identifying the account holder for the property located at 90 Twelfth Street, Ambridge, PA.

7. Duquesne Light objects to this request in that it does not specify a time period for which the information is sought.

8. Duquesne Light can provide computerized records showing the names of all account holders at said premises since at least 1989

Objection No. 3:

9. Complainant's Request No. 3 reads:

Any and all documents, notes or other records relating to any request by John Gudzan to place the electric service by DLC to 90 Twelfth Street, Ambridge, PA in his name.

10. As noted in Paragraph 4 A. of Duquesne Light's Answer, service to said premises was established in John Gudzan's name effective January 13, 1999.

11. Duquesne Light has not retained all records concerning this in readily retrievable form; it is possible that some records exist in storage at a remote location, but it would require substantial employee time to search for said records and it is not certain that such a search would meet with success.

12. Duquesne Light objects to this request because providing the information sought in this request would cause an unreasonable burden, would require an unreasonable investigation, and/or would impose an unreasonable expense upon Duquesne Light within the meaning of Regulation 5.361(a).

13. Duquesne Light can provide such documentation as is available from its computer system. Duquesne Light has already provided John Gudzan's written application for service, which was attached to its Answer as Exhibit 1.

Objection No. 4:

14. Complainant's Request No. 4 reads:

Any and all change of address forms in DLC's possession for service at 90 Twelfth Street, Ambridge, PA.

15. This request does not specify a time period for which the information is sought.

16. Duquesne Light has not retained all records concerning all address changes for all times to said premises in readily retrievable form; it is possible that some records exist in storage at a remote location, but it would require

substantial employee time to search for said records and it is not certain that such a search would meet with success.

17. Duquesne Light objects to this request because providing the information sought would cause an unreasonable burden, would require an unreasonable investigation, and/or would impose an unreasonable expense upon Duquesne Light within the meaning of Regulation 5.361(a).

18. Duquesne Light can provide such documentation as is available from its computer system.

Objection No. 5:

19. Complainant's Request No. 5 reads:

Any and all documents relating to a field inspection of 90 Twelfth Street, Ambridge, PA performed by or on behalf of DLC on or about December 7, 2004.

20. It is possible that some peripheral records exist concerning this that are unknown to Walt Kotek (the individual who performed the on-site inspection), his supervisor, and other Duquesne Light employees involved in this matter. It would require substantial employee time to search for said records.

21. Duquesne Light objects to this request because searching for said information would cause an unreasonable burden, would require an unreasonable investigation, and/or would impose an unreasonable expense upon Duquesne Light within the meaning of Regulation 5.361(a).

22. Duquesne Light can provide such documentation as is available from Walt Kotek and its computer system.

Objection No. 6:

23. Complainant's Request No. 6 reads:

Any and all documentation in support of DLC's action removing the property at 90 Twelfth Street from Act 54 status, and transferring billing for that service to 86 Twelfth Street, Ambridge, PA.

24. It is possible that some peripheral records exist concerning this that are unknown to Walt Kotek (the individual who performed the on-site inspection), his supervisor, and other Duquesne Light employees involved in this matter. It would require substantial employee time to search for said records.

25. Duquesne Light objects to this request because searching for said records would cause an unreasonable burden, would require an unreasonable investigation, and/or would impose an unreasonable expense upon Duquesne Light within the meaning of Regulation 5.361(a).

26. Duquesne Light can provide such documentation as is available from Walt Kotek and its computer system, in addition to any other records which are readily located.

Objection No. 7:

27. Complainant's Request No. 7 reads:

Documentation relating to the cancellation of electrical service to tenants' accounts at 86 Twelfth Street, Ambridge, PA and authorization to transfer billing to John Gudzan's name.

28. It is possible that some peripheral records exist concerning this that are unknown to Walt Kotek (the individual who performed the on-site inspection), his supervisor, and other Duquesne Light employees involved in this matter. It would require substantial employee time to search for said records.

29. Duquesne Light objects to this request because searching for said records would cause an unreasonable burden, would require an unreasonable

investigation, and/or would impose an unreasonable expense upon Duquesne Light within the meaning of Regulation 5.361(a).

30. Duquesne Light can provide such documentation as is available from Walt Kotek and its computer system, in addition to any other records which are readily located.

Objection No. 9:

31. Complainant's Request No. 9 reads:

All bills, invoices or other writings indicating charges for electrical service, fees, penalties, and other charges, payments and other credits for 90 Twelfth Street, Ambridge, PA from January 1, 1998 and the present date.

32. Duquesne Light does not retain hard copies of bills, invoices or other writings indicating charges for electrical service, fees, penalties, and other charges, payments and other credits issued or paid on electric service accounts.

33. Commission Regulation 56.202, 52 Pa. Code §56.202, requires preservation of payment records and communications concerning terminations of service for only four years.

34. Duquesne Light retains billing and payment records in readily retrievable form only four years.

35. Some copies of earlier bills are retained on microfiche, but retrieving information from said bills requires substantial employee time to search the microfiche records.

36. Duquesne Light objects to this request because searching for said records would cause an unreasonable burden, would require an unreasonable investigation, and/or would impose an unreasonable expense upon Duquesne Light within the meaning of Regulation 5.361(a).

37. Duquesne Light will provide such summary information concerning billing, payments, etc. as can be retrieved from its computer system.

Objection No. 10.

38. Complainant's Request No. 10 reads:

All correspondence, including notices, between DLC and complainant from January 1, 1998 and the present date

39. As noted above, Duquesne Light does not retain hard copies of documents such as termination notices.

40. Further, Commission Regulations do not require Duquesne Light to retain correspondence for longer than four years.

41. It is possible that some peripheral records exist concerning such correspondence or notices, but it would require substantial employee time to search for said records.

42. Duquesne Light objects to this request because searching for said records would cause an unreasonable burden, would require an unreasonable investigation, and/or would impose an unreasonable expense upon Duquesne Light within the meaning of Regulation 5.361(a)

43. Duquesne Light will provide such records as can be readily located.

Objection No. 11:

44. Complainant's Request No. 11 reads:

Any other oral or written statement in any way relating to service at 90 Twelfth Street, Ambridge, PA 15003, or which DLC believes supports its claim for money due it by John Gudzan.

45. This request does not specify a time period for which the information is sought.

46. Duquesne Light has not retained all records concerning all statements for all times relating to service to said premises in readily retrievable form; it is possible that some records exist in storage at a remote location, but it would require substantial employee time to search for said records and it is not certain that such a search would meet with success.

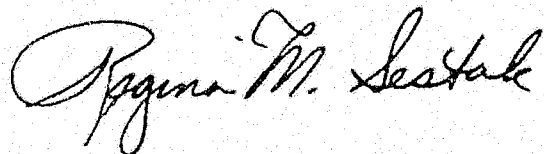
47. Duquesne Light objects to this request because providing the information sought would cause an unreasonable burden, would require an unreasonable investigation, and/or would impose an unreasonable expense upon Duquesne Light within the meaning of Regulation 5 361(a).

48. Duquesne Light can provide such documentation as is available from its computer system, as well as such other documentation as can be located.

WHEREFORE, Duquesne Light requests that the Commission:

- a. determine that the information sought in the Complainant's Requests for Production would impose an unreasonable burden, require an unreasonable investigation, and/or impose an unreasonable expense on Duquesne Light; and
- b. sustain these objections.

Respectfully submitted,



Regina M. Sestak  
Pa. I.D. # 23632

Duquesne Light Company  
411 Seventh Avenue, 8-2  
Pittsburgh, PA 15219

Telephone: (412) 393-1546

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN GUDZAN, )  
 )  
 Complainant )  
 )  
 v. ) No. C-20066016  
 )  
 DUQUESNE LIGHT COMPANY, )  
 )  
 Respondent )

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of  
Respondent Duquesne Light Company's Objections to Complainant's Requests  
for Production in accordance with the requirements of 52 Pa. Code §1.54  
(relating to service by a party) by first-class mail upon:

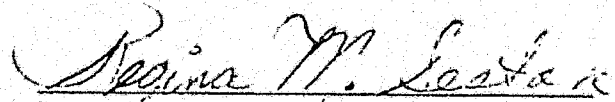
John Gudzan  
1108 Roosevelt Street  
Conway, PA 15027

Thomas J. Michael  
Attorney at Law  
436 South Main Street, Suite 200  
Pittsburgh, PA 15220

Date: July 10, 2006

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



BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN GUDZAN,

v.

DUQUESNE LIGHT COMPANY

)  
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)  
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No. C-20066016

SECRETARY'S  
BUREAU

2006 JUL 17 AM 8:56

RECORDED

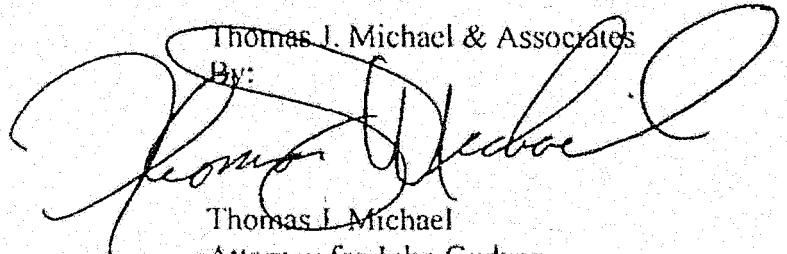
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the 14<sup>th</sup> day of July, 2006, served a true and correct copy of the foregoing MOTION TO CHANGE SCHEDULED HEARING DATE on the individuals set forth below by hand delivery or first class, United States Mail, postage prepaid and addressed as follows:

Regina M. Sestak, Esquire  
Duquesne Light Company  
411 7<sup>th</sup> Avenue  
Mail Drop 8-2  
Pittsburgh, PA 15219

Thomas J. Michael & Associates

By:



Thomas J. Michael  
Attorney for John Gudzan.

**Duquesne Light**

Our Energy.. Your Power

Regina M. Sestak  
Assistant General Counsel

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

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

DOCUMENT  
FOLDER

July 10, 2006

RECEIVED  
2006 JUL 13 AM 9:13  
SECRETARY'S BUREAU

ORIGINAL

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

RE: John Gudzan v Duquesne Light Company, Docket No. C-20066016

Dear Secretary McNulty:

The original and three copies of Duquesne Light Company's Certificate of Service of Respondent Duquesne Light Company's Objections to Complainant's Requests for Production are enclosed.

Sincerely,



Regina M. Sestak  
Attorney for Duquesne Light Company

cc: Administrative Law Judge Robert P. Meehan (with enclosure)  
John Gudzan (with enclosure)  
Thomas J. Michael, Attorney at Law (with enclosure)

20

BA

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

JOHN GUDZAN, )  
 )  
 Complainant )  
 )  
 v. )  
 )  
 DUQUESNE LIGHT COMPANY, )  
 )  
 Respondent )

No. C-20066016

RECEIVED  
2006 JUL 13 AM 9:13  
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of Respondent Duquesne Light Company's Objections to Complainant's Requests for Production in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party) by first-class mail upon:

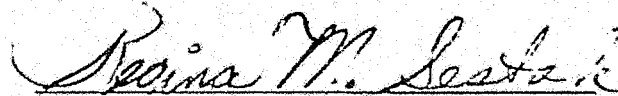
John Gudzan  
1108 Roosevelt Street  
Conway, PA 15027

Thomas J. Michael  
Attorney at Law  
436 South Main Street, Suite 200  
Pittsburgh, PA 15220

Date: July 10, 2006

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



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
July 19, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20066016

(See letter of 6-1-06)

John Gudzan v. Duquesne Light Company

Service dispute.

Hearing Cancellation/Reschedule Notice

This is to inform you that the initial telephone hearing on the above-captioned case previously scheduled for July 19, 2006 has been canceled.

The hearing has been rescheduled as follows:

Type: Initial telephone hearing  
Date: Wednesday, September 27, 2006  
Time: 10:00 a.m.  
Presiding: Administrative Law Judge Robert P. Meehan  
1103 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
Telephone: 412.565.3550  
Fax: 412.565.5692

DOCUMENT  
FOLDER

At the above date and time, the Presiding Officer will contact the parties as follows:

John Gudzan 724-869-3626  
Regina M. Sestak, Esquire 412-393-1546

**DOCKETED**  
AUG 14 2006

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 5 days before the hearing.

*Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.*

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Meehan  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File



**Duquesne Light**

*Our Energy Your Power*

Regina M. Sestak  
Assistant General Counsel

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

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

July 20, 2006

DOCUMENT  
FOLDER

2006 JUL 25 PM 9:04  
RECEIVED

ORIGINAL

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

RE: John Gudzan v. Duquesne Light Company  
PUC Docket No. C-20066016

Dear Secretary McNulty:

An original and three copies of Duquesne Light Company's Certificate of Service concerning its Response to Complainant's Request for Production of Documents are enclosed. Copies of this document are being served upon Complainant, his attorney of record, and the presiding officer in accordance with Commission Regulations.

Sincerely,

Regina M. Sestak  
Attorney for Duquesne Light Company

cc: John Gudzan (with enclosures)  
Thomas J. Michael, Attorney at Law (with enclosures)  
Administrative Law Judge Robert P. Meehan (with enclosure)

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

2006 JUL 25 4:39:04  
RECEIVED  
SECRET

JOHN GUDZAN, )  
 )  
 Complainant )  
 )  
 v )  
 )  
 DUQUESNE LIGHT COMPANY, )  
 )  
 Respondent )

No. C-20066016

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of Respondent Duquesne Light Company's Response to Complainant's Requests for Production in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a party) by first-class mail upon:

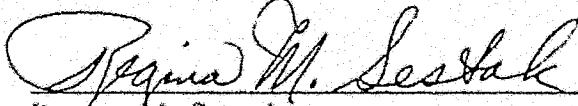
John Gudzan  
1108 Roosevelt Street  
Conway, PA 15027

Thomas J. Michael  
Attorney at Law  
436 South Main Street, Suite 200  
Pittsburgh, PA 15220

Date: July 20, 2006

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

# OALJ Hearing Report

Please Check Those Blocks Which Apply

|   |  |                         |                          |                          |
|---|--|-------------------------|--------------------------|--------------------------|
| Docket No.:   | C-20066016   |                         | YES                      | NO                       |
|   |  | Prehearing Held:        | <input type="checkbox"/> | <input type="checkbox"/> |
| Case Name:  | John Gudzan  | Hearing Held:           | <input type="checkbox"/> | <input type="checkbox"/> |
|   | v.   | Testimony Taken:        | <input type="checkbox"/> | <input type="checkbox"/> |
|   | Duquesne Light Company                                     | Transcript Due:         | <input type="checkbox"/> | <input type="checkbox"/> |
|   |  | Hearing Concluded:      | <input type="checkbox"/> | <input type="checkbox"/> |
| Location:   | Pittsburgh   | Further Hearing Needed: | <input type="checkbox"/> | <input type="checkbox"/> |
|   |  | Estimated Add'l Days:   |                          |                          |
| Date:   | July 19, 2006  | RECORD CLOSED:          | <input type="checkbox"/> | <input type="checkbox"/> |
|   |  | DATE:                   |                          |                          |
| ALJ:  | Robert P. Meehan   | Briefs to be Filed:     | <input type="checkbox"/> | <input type="checkbox"/> |
|   | <b>PA PUBLIC UTILITY COMMISSION<br/>SECRETARY'S BUREAU</b> | DATE:                   |                          |                          |
| Reporting Firm:   | Sargents Court Reporting                                   | Bench Decision:         | <input type="checkbox"/> | <input type="checkbox"/> |
| <p style="font-size: 2em; font-family: cursive;">Cancelled<br/>To be rescheduled<br/>Done</p> |  | REMARKS:                |                          |                          |
|   |  | DOCUMENT FOLDER         |                          |                          |
|   |  |                         |                          |                          |

PLEASE PRINT CLEARLY - Incomplete information may result in delay of processing.

| Name and Telephone Number | Address  | Who are you representing? |       |     |            |    |       |  |
|---------------------------|--|---------------------------|-------|-----|------------|----|-------|--|
| Thomas J. Michael, Esq.   | 436 South Main Street, Suite 200   | Complainant               |       |     |            |    |       |  |
|                           | <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 0.8em;">City</td> <td style="text-align: center; font-size: 0.8em;">State</td> <td style="text-align: center; font-size: 0.8em;">Zip</td> </tr> <tr> <td>Pittsburgh</td> <td>PA</td> <td>15220</td> </tr> </table> | City                      | State | Zip | Pittsburgh | PA | 15220 |  |
| City                      | State  | Zip                       |       |     |            |    |       |  |
| Pittsburgh                | PA   | 15220                     |       |     |            |    |       |  |
| Telephone: 412-921-8110   | E-mail Address:  | Fax Number:               |       |     |            |    |       |  |
| Regina M. Sestak, Esq.    | 411 Seventh Avenue, Mail Drop 8-2  | Respondent                |       |     |            |    |       |  |
|                           | <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 0.8em;">City</td> <td style="text-align: center; font-size: 0.8em;">State</td> <td style="text-align: center; font-size: 0.8em;">Zip</td> </tr> <tr> <td>Pittsburgh</td> <td>PA</td> <td>15219</td> </tr> </table> | City                      | State | Zip | Pittsburgh | PA | 15219 |  |
| City                      | State  | Zip                       |       |     |            |    |       |  |
| Pittsburgh                | PA   | 15219                     |       |     |            |    |       |  |
| Telephone: 412-393-1546   | E-mail Address:  | Fax Number:               |       |     |            |    |       |  |
|                           | <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 0.8em;">City</td> <td style="text-align: center; font-size: 0.8em;">State</td> <td style="text-align: center; font-size: 0.8em;">Zip</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>               | City                      | State | Zip |            |    |       |  |
| City                      | State  | Zip                       |       |     |            |    |       |  |
|                           |  |                           |       |     |            |    |       |  |
| Telephone:                | E-mail Address:  | Fax Number:               |       |     |            |    |       |  |

Check this box if additional parties or attendees appear on back of form.

[Signature]

Reporter's Signature

*Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.*



**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

August 14, 2006

RECEIVED  
2006 AUG 16 AM 9:01  
SECRETARY'S BUREAU

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

ORIGINAL

RE: John Gudzan v. Duquesne Light Company  
Docket No. C-20066016

Dear Secretary McNulty:

An original and three copies of Duquesne Light Company's Certification of Satisfaction are enclosed for filing. Copies of this document have been served upon Complainant, his attorney, and the Presiding Officer in accordance with Commission Regulations. Please cancel the hearing scheduled for September 27, 2006.

Sincerely,

Regina M. Sestak  
Attorney for Duquesne Light Company

DOCUMENT  
FOLDER

ences

- cc: John Gudzan (with enclosure)
- Thomas J. Michael, Attorney (with enclosure)
- Administrative Law Judge Robert P. Meehan (with enclosure)
- PUC Scheduler Sue Licon (with enclosure)

8

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOHN GUDZAN,

Complainant,

v

DUQUESNE LIGHT COMPANY,

Respondent

ORIGINAL

)  
) No. C-20066016  
)  
)  
)  
)

RECEIVED  
2006 AUG 16 AM 9:02  
SECRETARY'S OFFICE

CERTIFICATION OF SATISFACTION

AND NOW comes Respondent Duquesne Light Company, by and through its attorney Regina M. Sestak, and files this Certification of Satisfaction in accordance with Commission Regulation 5.24, 52 Pa. Code §5.24:

1. The parties have reached a settlement that satisfies this Formal Complaint. A copy of the executed Agreement delineating said settlement and authorizing Respondent to file this Certification of Satisfaction is attached hereto, incorporated herein, and marked Exhibit 1.

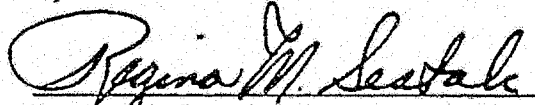
2. There is no need for further Commission action on this matter.

WHEREFORE, Respondent requests that the Commission:

- a. close its file on this matter; and
- b. cancel the hearing scheduled for September 27, 2006.

Respectfully submitted,

DUQUESNE LIGHT COMPANY  
By Counsel:



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

Duquesne Light Company  
411 Seventh Avenue, 8-2  
Pittsburgh, PA 15219  
Telephone: (412) 393-1546  
FAX: (412) 393-1418

DOCUMENT  
FOLDER

**DOCKETED**  
SEP 08 2006

RECEIVED  
2006 AUG 16 AM 9:02  
SECRETARY'S BUREAU

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

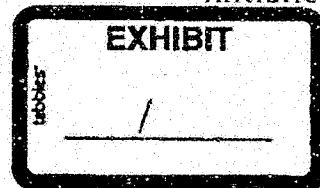
JOHN GUDZAN, )  
 )  
 Complainant, )  
 )  
 v. ) Docket No. C-20066016  
 )  
 DUQUESNE LIGHT COMPANY, )  
 )  
 Respondent. )

AGREEMENT

The parties have reached the following agreement that satisfies the above-captioned Formal Complaint:

1. Solely in the interest of amicably resolving this matter and without any admission of fault, Respondent Duquesne Light Company (hereinafter Duquesne Light) agrees to accept \$1,000 (one thousand dollars) as payment in full of final Account No. 2000352796005 through which it provided service to 90 12<sup>th</sup> Street, Ambridge, PA. Duquesne Light had transferred the \$3,121.79 (three thousand one hundred twenty one dollars and seventy-nine cents) final balance of Account No. 2000352796005 to Complainant's Account No. 2000352796020. Within ten days of receipt of said \$1,000 payment or of receipt of a Secretarial Letter notifying the parties that the Public Utility Commission (hereinafter "PUC" or "Commission") has closed its file on this matter, whichever occurs later, Duquesne Light will remove the full final balance of Account No. 2000352796005 from Account No. 2000352796020, apply the \$1,000 payment to it, and extinguish the remaining \$2,121.79.

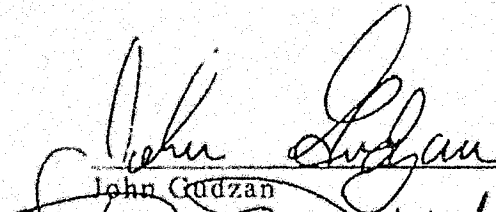
Initialed: \_\_\_\_\_



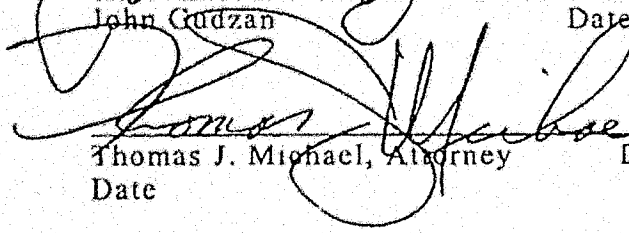
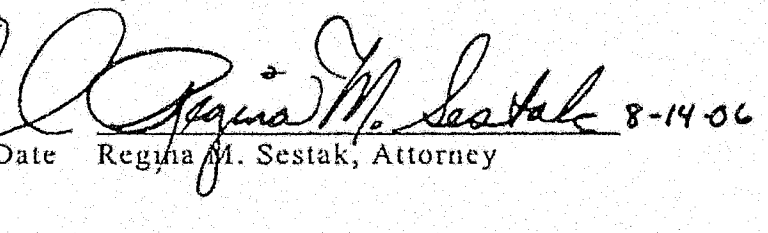
*AMG*

2. Duquesne Light provides service to 86 12<sup>th</sup> Street, Ambridge, PA, through Account No. 2000352796020. The balance of Account No. 2000352796020 as of July 24, 2006, is \$4,079.70 (four thousand seventy nine dollars and seventy cents), including the \$3,121.79 balance transferred from Account No. 2000352796005. Complainant John Gudzan agrees to pay the current bills on Account No. 2000352796020 as due, and to pay the remaining balance within 30 days of Duquesne Light's removal of the amount transferred to said account from Account No. 2000352796005. Said remaining balance of Account No. 2000352796020 shall consist of the balance remaining after Duquesne Light removes the transferred balance of 2000352796005, but shall not include the sum of late fees incurred through July 24, 2006, which is \$97.32 (ninety-seven dollars and thirty-two cents). Duquesne Light agrees to remove said \$97.32 from the balance of Account No. 200352796020 within ten days of receipt of payment of the remaining balance of said account.

3. Complainant John Gudzan agrees that the terms set forth in Paragraphs 1 and 2, above, satisfy this Formal Complaint and authorizes Respondent to file a Certification of Satisfaction.

  
John Gudzan      8/2/06  
Date

DUQUESNE LIGHT COMPANY  
By Counsel:

        
Thomas J. Michael, Attorney      Date      Regina M. Sestak, Attorney      8-14-06  
Date

**DOCUMENT FOLDER****COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**

**DATE:** September 8, 2006  
**SUBJECT:** C-20066016 John Gudzan v. Duquesne Light Company  
**TO:** Wanda Zeiders  
Docket Management  
**FROM:** Susan Licon, ALJ Support Staff  
Office of Administrative Law Judge

**DOCUMENT  
FOLDER**

On August 16, 2006, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of the filing, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

## Attachment

pc: ALJ Robert P. Meehan  
Beth Plantz  
Case File

**DOCKETED**  
SEP 21 2006



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
September 8, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20066016

(See letter of 7-19-06)

DOCUMENT  
FOLDER

John Gudzan v. Duquesne Light Company

Cancellation Notice

This is to inform you of the following cancellation:

Type: Initial telephone hearing  
Date: Wednesday, September 27, 2006  
Time: 10:00 a.m.  
Presiding: Administrative Law Judge Robert P. Meehan

Please mark your records accordingly.

pc: Judge Meehan  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File

**DOCKETED**  
SEP 11 2006