

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: ALJ
- 3. SECTION(S):
- 5. APPROVED BY:
DIRECTOR:
SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: Z-01351208

- 4. PUBLIC MEETING DATE:
00/00/00
- 7. DATE FILED: 05/27/03
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: PAYNE, DANIEL

RESPONDENT/APPLICANT: DUQUESNE LIGHT COMPANY

COMP/APP COUNTY: ALLEGHENY

UTILITY CODE: 110150

ALLEGATION OR SUBJECT

COMPLAINANT STATES THE AMOUNT THAT WAS SET UP FOR THEIR PAYMENT ARRANGEMENT IS MORE THAN THEY CAN PAY. THERE HAS BEEN A CHANGE IN INCOME AND THEY NEED TO HAVE A NEED BUDGET SET UP TO MEET THEIR INCOME.

DOCUMENT
FOLDER

DOCKETED
JUN 07 2003

FORMAL COMPLAINT FORM
Pennsylvania Public Utility Commission

6/4/09

SI 1951208

Z-01391208.

RECEIVED

2003 JUN 27 AM 9:39
Please Print
SECRETARY'S BUREAU

1. Your Name, Mailing Address and Telephone Number.

Name Daniel Payne

Street/P.O. Box 211 Third Avenue Apt.# _____

City Rankin State PA Zip 15104

County Allegheny Home Telephone-Area Code (412) 731-1300
Work Telephone-Area Code (412) 351-2404

2. Name of Company your complaint concerns: Duquesne Light

3. What is your complaint?

My complaint is the amount of the
payments that we were asked to pay.
We were behind in payments due to a
change in income. When I made payment
arrangements, the amount was more than
we could handle. The representative said
I would have to file a complaint to
have the amount of the payment
reduced.

(If you need more space, use additional paper and attach to this form).

ORIGINAL

DOCKETED

JUN 11 2009

DOCUMENT
FOLDER

4. What do you want the Public Utility Commission to do about your complaint?

Negotiate a lesser payment each month.

(If you need more space, use additional paper and attach to this form.)

5. You must sign and date your complaint below.

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

David J. Payne
Original Signature of complaining person

5/20/03
Date

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

Lawyer's Name _____

Street _____

City _____ State _____ Zip _____

Telephone Number-Area Code (_____) _____

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

Notice to Customer:

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

If you want to appeal this decision, you must return this Notification of Intent to Appeal form within 20 days of 4/15/2003. The Commission will send you formal complaint forms.

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

Thank You
Pennsylvania Public Utility Commission

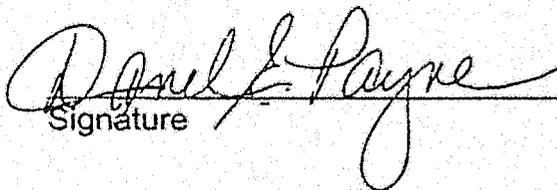
Yes, I want to appeal the decision of the Bureau of Consumer Services. Please send formal complaint forms to me at the following address:

Customer name and address:
(Please correct any mistakes.)

DANEL PAYNE
211 THIRD AVENUE
RANKEN-PA 15104 - 1146

Rankin, PA 15104-1146

412-351-2404
(Area Code) Telephone Number


Signature

Mail this completed form to:

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

RECEIVED
2003 APR 25 AM 10:00
SECRETARY'S BUREAU

ST Number:	1351208	Date of mailing:	4/15/2003
Company:	DUQUESNE LIGHT COMPANY		

REVISED 12/97

51



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

6/4/03

IN REPLY PLEASE
REFER TO OUR FILE

May 15, 2003

ST 1351208

DANEL PAYNE
211 THIRD AVENUE
RANKIN PA 15104-1146

Dear Sir/Madam:

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

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

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

Return the form to us on or before June 4, 2003 to the address listed below:

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

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

Commission Procedures for Formal Complaints

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

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

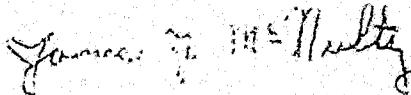
Office of Administrative Law Judge
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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

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

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

Very truly yours,



James J. McNulty
Secretary

nvl

CC: DUQUESNE LIGHT COMPANY

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: JUNE 9, 2003

DANEL PAYNE
Complainant

VS.

DUQUESNE LIGHT COMPANY
Respondent

Complaint Docket
No: Z-01351208

DOCUMENT
FOLDER

FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

TO: DUQUESNE LIGHT COMPANY

TAKE NOTICE:

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

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

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

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

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

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

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

James J. McNulty
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

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

DATE SERVED: JUNE 9, 2003

Z-01351208

VICTOR ROQUE PRESIDENT
DUQUESNE LIGHT COMPANY
411 7TH AVENUE 16-001
PITTSBURGH PA 15219-1905

Dear Sir/Madam:

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

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

CUSTOMER OF A UTILITY

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

COMPANY/UTILITY

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

DOCKETED
JUN 07 2003

DOCUMENT
FOLDER

JUNE 9, 2003

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

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

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

Very truly yours,

James J. McNulty
Secretary

ddi



Duquesne Light

A DQE Company

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

Tel 412-393-1196
Fax 412-393-1418
jnoble@dqe.com

Joann E. Noble-Choder
Attorney

June 30, 2003

ORIGINAL

Certificate of Mailing

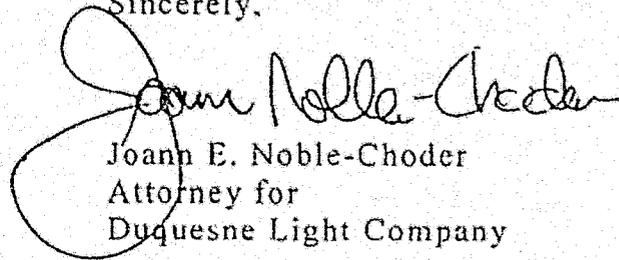
James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Danel Payne v. Duquesne Light Company
Docket No. Z-01351208

Dear Secretary McNulty:

Enclosed for filing in the above-referenced matter are an original and three copies of Duquesne Light Company's Answer and New Matter. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,


Joann E. Noble-Choder
Attorney for
Duquesne Light Company

DOCUMENT
FOLDER

encs

c: Danel Payne (w/enclosure)

35

RJP

SECRETARY'S BUREAU

2003 JUL -2 AM 9:30

RECEIVED

ORIGINAL

SECRETARY'S BUREAU

2003 JUL -2 AM 9:30

RECORDED

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DANEL PAYNE,)
)
 Complainant,)
)
 v.)
)
 DUQUESNE LIGHT COMPANY,)
)
 Respondent.)

Docket No. Z-01351208

ANSWER AND NEW MATTER

DOCUMENT
FOLDER

TO THE HONORABLE COMMISSION:

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

Answer

DOCKETED

JUL 08 2003

1. Admitted.
2. Admitted.
3. Admitted in part and denied in part.

Although Complainant uses the term "we" throughout this Complaint, it is not clear whom Complainant intends these terms to include. Both Complainant and Clarence Payne are named as ratepayers of record on the account in question, but Complainant is the sole Complainant. Respondent will therefore respond as if the Complaint were written in the first person singular.

Complainant's averment, "[m]y complaint is the amount of the payments that we were asked to pay," is a statement of opinion to which no response is required.

Complainant's averment "we were behind in payments," is admitted. By way of further response, Respondent has received only seven payment in 2002 and has received only two payments to date in 2003. The account balance has grown to \$881.07.

After reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of Complainant's averment that being behind in payments was due to a change in income, and this averment is therefore denied.

Complainant's averment concerning payment arrangements may refer to either the payment arrangement made on August 12, 2002, between Complainant and Respondent, or to the payment arrangement imposed by the Public Utility Commission (PUC) Bureau of Consumer Services (BCS) at BCS Case Number: 1351208. The payment arrangement made on August 12, 2002 required payment of the regular budget plus \$100.00. The regular budget is an average based upon usage that is recomputed monthly and is therefore subject to change. The BCS decision required payment of a special budget amount of \$204.00 a month beginning May 6, 2003. Said special budget includes a regular budget amount of \$94.00 plus \$110.00 toward the account balance. A copy of the electronic transmission evidencing this decision is attached hereto, incorporated herein, and marked Exhibit 1. Whichever meaning Complainant intends, the averment that the amount of said payment arrangements "was more

than we could handle” is a statement of opinion to which no response is required.

It is not clear whether Complainant intends “representative” to refer to a representative of Respondent or of BCS in the averment, “The representative said I would have to file a complaint to have the amount of the payment reduced.” If Complainant intends it to refer to a representative of Respondent, this averment is admitted to the extent that it is Respondent’s practice to advise customers of their right to contact BCS. If Complainant intends it to refer to a representative of BCS, after reasonable investigation, Respondent is without sufficient knowledge or information to form a belief as to the truth of this averment and it is therefore denied.

4. This paragraph contains a request for relief, to which no response is required.

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

New Matter

5. Paragraphs one through four above are hereby incorporated by reference.

6. Since the BCS decision went into effect, Respondent has received one payment on the account in question: \$97.00 on May 13, 2003.

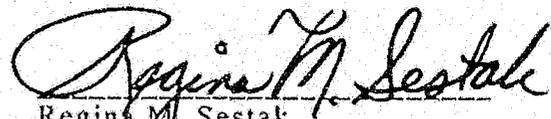
WHEREFORE, Respondent requests that the Commission:

- 1) remove the automatic stay of payment arrangements ordered in the BCS decision in accordance with Commission Regulation 56.174(c), 52 Pa. Code §56.174(c);

- 2) issue an interim order that directs Complainant to make payments as directed by said BCS decision or, in the alternative, payments for current consumption, pending further order on this complaint;
- 3) authorize Respondent to terminate service to Complainant prior to hearing in the event that Complainant fails to make payments as directed in any interim order issued under (2), above or, if no interim order is issued, payments for current consumption; and
- 4) require Complainant to make a lump sum payment of the amount due and payable to Respondent pursuant to any interim order issued under (2), above, or, if no interim order is issued, payments for current consumption that remains unpaid as of the date of hearing or date of final order.

Respectfully submitted:

DUQUESNE LIGHT COMPANY
By Counsel:



Regina M. Sestak
Pa. I.D.# 23632
Duquesne Light Company
411 Seventh Avenue, 9-1
Pittsburgh, PA 15219
Telephone: (412) 393-1546
FAX (412) 393-1418

Departments, Employee Contacts, Problems and Complaints | Investing/above Contacts

Status: Receipt of PUC Decision [] Date Sent: 04/08/2003 Date Closed: 04/11/03 Closing Date Received: 04/11/03 13:46:19

Justified: [] Internal Justification: No Reason Justified: [] Eject Code: []

Decision: [] Written: [] Oral Decision Balance: \$205.72 Balance Date: 04/08/03

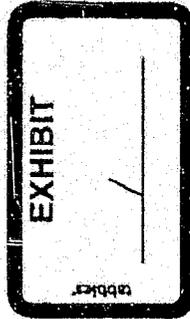
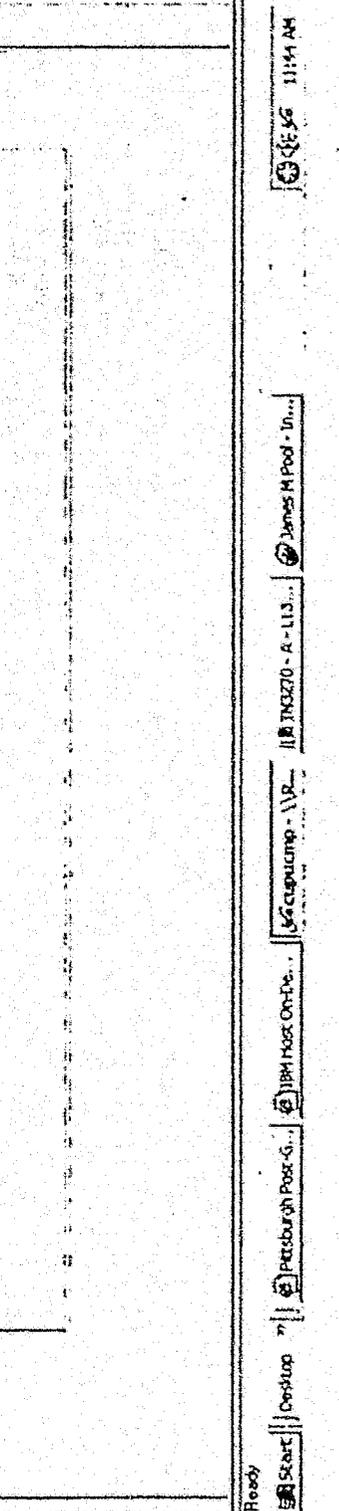
Lump Requested: [] Awarded: \$0.00 Difference: [] Date Awarded: \$0.00/0.00 Service Retested: \$0.00

Budget Payments Regular: \$54.00 Above Plan: \$110.00 Special: \$204.00 Monthly Payments Current: \$0.00 End: \$0.00

Decision Type: LOW STRAIGHT PWR/BUDGET

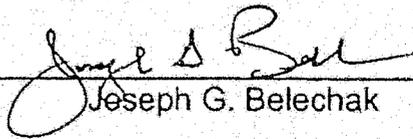
Items: MAY 6 2003

Retention: APPLY LPC VERY HIGH LEVEL 4 WITH 3000 EXCESS MONTHLY INCOME

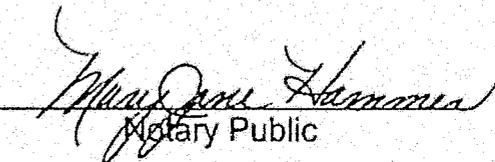


AFFIDAVIT

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


Joseph G. Belechak

Sworn and subscribed before me this 30th day of June, 2003.


Notary Public

My Commission Expires

Notarial Seal
Mary Jane Hammer, Notary Public
City of Pittsburgh, Allegheny County
My Commission Expires Oct. 6, 2003
Member, Pennsylvania Association of Notaries

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

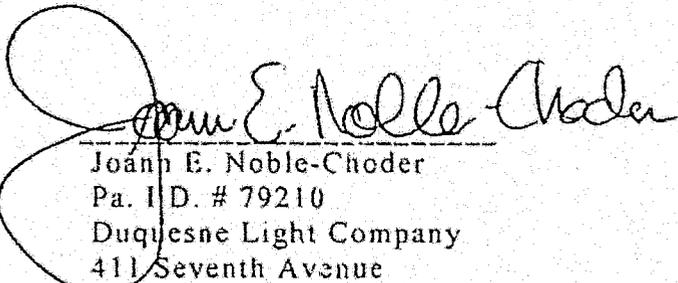
DANEL PAYNE,)
)
 Complainant.)
)
 v.) Docket No. Z-01351208
)
 DUQUESNE LIGHT COMPANY,)
)
 Respondent.)

CERTIFICATE OF SERVICE

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

Danel Payne
211 Third Avenue
Rankin, PA 15104

Dated this 30th day of June, 2003.


Joan E. Noble-Choder
Pa. I.D. # 79210
Duquesne Light Company
411 Seventh Avenue
Mail Drop 9-1
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

IN REPLY PLEASE
REFER TO OUR FILE

October 29, 2003

DOCUMENT
FOLDER

In Re: Z-01351208

(See attached list)

DOCKETED

NOV 03 2003

Danel Payne v. Duquesne Light Company

Requests payment arrangements.

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: Monday, December 8, 2003
Time: 10:00 a.m.
Presiding: Administrative Law Judge Michael A. Nemeč
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-3550
Fax: (412) 565-5692

The judge will be presiding as authorized by
52 Pa. Code §56.174.

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.

RJP

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

Danel Payne	412.351.2404
Joann E. Noble-Choder, Esquire	412.393.1546

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 3 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:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

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