

May 17, 2017

*Via Electronic Filing*

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

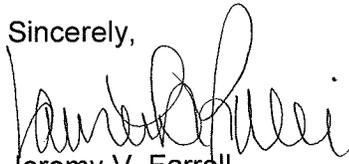
**RE: A. Raymond Kochis v. Duquesne Light Company**  
Docket No. C-2017-2601038

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Please feel free to contact me if you have any questions.

Sincerely,



Jeremy V. Farrell  
Attorney for Duquesne Light Company

Lauren N. Rulli  
Attorney for Duquesne Light Company

Enclosure

cc: A. Raymond Kochis (with enclosure)

LIT:623340-1 014657-158498





provide his identity to Duquesne Light during phone calls about his account. (Complaint, ¶ 5). Duquesne Light is unaware of the “Personally Privacy Act of 1970,” but believes that Complainant is referencing the Privacy Act of 1974, which governs the collection, maintenance, use, and dissemination of personally identifiable information about individuals that is maintained in systems of records by federal agencies. 5 U.S.C. § 552a.

## II. Law and Argument

4. The Commission’s Rules of Practice and Procedure permit parties to file preliminary objections for the inclusion of scandalous or impertinent matter. 52. Pa. Code. § 5.101(a)(2).

5. “Scandalous or impertinent matter” is defined as statements that are immaterial and inappropriate to the proof of the cause of action. Common Cause/Pennsylvania v. Commonwealth of Pennsylvania, 710 A.2d 108, 115 (Pa. Cmwlth. Ct. 1998); Brennan v. Smith, 299 A.2d 683 (Pa. Cmwlth. Ct. 1972).

6. Specifically, Complainant’s reference to the Comey interview and claims that his personal identity may have been compromised have nothing to do with the billing-related issues raised in his Complaint. While Duquesne Light denies Complainant’s allegations, those allegations are clearly immaterial to his claims, inappropriately raised, and have no bearing on the subject action.

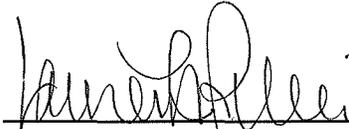
7. Additionally, Complainant improperly invokes the Sarbanes Oxley Act of 2007 and the Privacy Act of 1974 as bases to not provide any personal information. Not only do these laws have nothing to do with the billing-related issues raised here, the Commission does not have jurisdiction to enforce them.

8. The Complaint otherwise fails to state any further violations of the Public Utility Code and its corresponding regulations.

9. For these reasons, the Complaint should be dismissed and/or his request for relief should be stricken as impertinent.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objections and dismiss the Complaint with prejudice and/or strike Complainant's request for relief as impertinent.

TUCKER ARENSBERG, P.C.



Jeremy V. Farrell, Esquire  
Counsel for Duquesne Light Company

Lauren N. Rulli, Esquire  
Counsel for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

A. RAYMOND KOCHIS,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2017-2601038

**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):

A. Raymond Kochis  
416 Commonwealth Avenue  
West Mifflin, PA 15122

Dated this 17<sup>th</sup> day of May, 2017



Jeremy V. Farrell, Esquire  
PA I.D. No. 316258  
(412) 594-3938  
[jfarrell@tuckerlaw.com](mailto:jfarrell@tuckerlaw.com)

Lauren N. Rulli  
PA I.D. No. 313768  
(412) 594-5510  
[lrulli@tuckerlaw.com](mailto:lrulli@tuckerlaw.com)

1500 One PPG Place  
Pittsburgh, PA 15222  
(412) 594-5619 (fax)  
Counsel for Respondent, Duquesne Light Company