

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PA 17120

Andrew Tomko
v.
Duquesne Light Company

Public Meeting June 14, 2017
2577571 – ALJ
Docket No. C-2016-2577571

MOTION OF COMMISSIONER DAVID W. SWEET

This matter comes to the Commission's review as an Initial Decision of Administrative Law Judge Andrew M. Calvelli (ALJ), which sustains Preliminary Objections (POs) filed by Duquesne Light Company (Duquesne) and dismisses the formal complaint of Andrew Tomko.

Mr. Tomko states in his formal complaint that he is filing on behalf of 35 residents of a housing development and that he represents the interests of Plum Borough, Allegheny County. Duquesne filed POs in which it correctly points out that Mr. Tomko is not an attorney and is not permitted under Pennsylvania law to represent the interests of others in a formal, adversarial proceeding. I agree with granting the POs to dismiss Mr. Tomko's claim that he represents others before this Commission.

However, I do not agree that Mr. Tomko's formal complaint should be dismissed at this stage of the proceeding. He should be given an opportunity to establish that he has standing to prosecute his case, to present his case, on his own behalf, and to develop an evidentiary record regarding his allegations. The question of his standing is a fact in dispute, and accordingly, dismissal is inappropriate.

THEREFORE,

I MOVE:

1. That the Initial Decision Sustaining Preliminary Objections and Dismissing Complaint of Administrative Law Judge Andrew M. Calvelli be vacated.
2. That the case captioned *Andrew Tomko v. Duquesne Light Company*, filed at Docket No. C-2016-2577571, be remanded to the Office of Administrative Law Judge for proceedings consistent with this Motion.
3. That the Office of Special Assistants prepare an appropriate order.

Dated: June 14, 2017



David W. Sweet, Commissioner