

December 12, 2017

Via Federal Express, Priority Overnight

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Keystone Bldg. 2nd Floor W
400 N. Street
Harrisburg, PA 17120

RE: Gregory Crossey v. Duquesne Light Company
Docket No. F-2017-2634991

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to Formal Complaint filed by Gregory Crossey. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,



Paul Shane Miller
Attorney for Duquesne Light Company

Enclosure

cc: Gregory Crossey (with enclosure)

LIT:632580-1 014657-158498

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DEC 12 2017

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

GREGORY CROSSEY,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: F-2017-2634991

PRELIMINARY OBJECTIONS

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

Paul Shane Miller, Esquire
PA I.D. No. 319174
smiller@tuckerlaw.com

Jeremy V. Farrell, Esquire
PA I.D. No. 316258
jfarrell@tuckerlaw.com

1500 One PPG Place
Pittsburgh, PA 15222
(412) 566-1212
Counsel for Respondent

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SECRETARY'S BUREAU

NOTICE TO PLEAD

TO GREGORY CROSSEY:

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE WITHIN PRELIMINARY OBJECTIONS OF RESPONDENT, DUQUESNE LIGHT COMPANY, WITHIN TEN (10) DAYS OF SERVICE HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.

TUCKER ARENSBERG, P.C.



Paul Shane Miller, Esquire
Attorney for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GREGORY CROSSEY,

Complainant,

vs.

No: F-2017-2634991

DUQUESNE LIGHT COMPANY,

Respondent.

PRELIMINARY OBJECTIONS TO FORMAL COMPLAINT

Pursuant to 52 Pa. Code. § 5.101, Duquesne Light files its preliminary objections to the Formal Complaint:

I. Introduction

1. A portion of this Formal Complaint (the "Complaint") is legally insufficient and therefore must be dismissed under 52 Pa. Code § 5.101(4).

2. Specifically, Complainant Gregory Crossey ("Complainant") is not entitled to a payment arrangement as a matter of law because he is enrolled in Duquesne Light's Customer Assistance Program ("CAP") and the Commission cannot award payment arrangements to customers with CAP arrears.

3. Given that Complainant's claim that he is entitled to a payment arrangement is legally insufficient, this portion of the Complaint must be dismissed with prejudice under 52 Pa. Code § 5.101(4).

II. Factual Background

4. Complainant is enrolled in Duquesne Light's CAP program, which enables low-income households to establish an affordable payment plan and maintain their electric service.

5. On or about November 20, 2017, Complainant filed the Complaint against Duquesne Light.

6. In his Complaint, Complainant requests, among other things, a payment arrangement. (Complaint, ¶ 4).

II. Law and Argument

7. The Responsible Utility Consumer Protection Act bars the Commission from establishing a payment arrangement on CAP rate arrears. See 66 Pa.C.S. § 1405(c) ("Customer assistance program rates shall be timely paid and shall not be the subject of payment arrangements negotiated or approved by the commission."); Victor Oliver, Jr., v. Pa. Elec. Co., F-2017-2595557, 2017 WL 5564159, at *5-6 (Oct. 19, 2017) (the Commission has no authority to establish a payment arrangement where a customer has CAP arrearages).

8. Complainant is enrolled in Duquesne Light's CAP program, has an unpaid CAP balance of \$8,761.40 as of the December 7, 2017 due date, and has requested a payment arrangement.

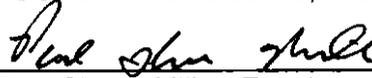
9. Under 66 Pa. C.S. § 1405(c), the Commission is barred from establishing a payment arrangement between Complainant and Duquesne Light.

10. Accordingly, Complainant's claim that he is entitled to a payment arrangement is legally insufficient and must be dismissed under 52 Pa. Code § 5.101(4).

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objections and dismiss Complainant's request for a payment arrangement with prejudice.

Respectfully submitted,

TUCKER ARENSBERG, P.C.


Paul Shane Miller, Esquire
PA I.D. No. 319174

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smiller@tuckerlaw.com

Jeremy V. Farrell, Esquire

PA I.D. No. 316258

jfarrell@tuckerlaw.com

1500 One PPG Place

Pittsburgh, PA 15222

(412) 566-1212

Counsel for Respondent, Duquesne Light
Company

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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):

Gregory Crossey
20 Oregon Avenue
Pittsburgh, PA 15205

Dated this 12th day of December, 2017



Paul Shane Miller, Esquire
PA I.D. No. 319174

Jeremy V. Farrell, Esquire
PA I.D. No. 316258

1500 One PPG Place
Pittsburgh, PA 15222
(412) 566-1212
(412) 594-5619 (fax)

Counsel for Respondent, Duquesne Light
Company

ORIGIN ID: BTPA (412) 594-3902
STACEY SIMS, PARALEGAL
TUCKER ARENSBERG, P.C.
1500 ONE PPG PLACE

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CAD: 102285820/NET3920

PITTSBURGH, PA 15222
UNITED STATES US

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TO ROSEMARY CHIAVETTA
PA PUBLIC UTILITY COMMISSION
KEYSTONE BLDG. 2ND FLOOR W
400 N. STREET
HARRISBURG PA 17120

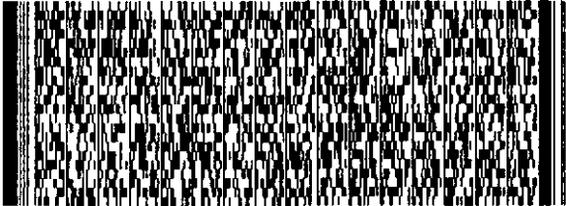
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