

December 21, 2017

Via Electronic Filing

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

RE: Karen Feitt & H. Mendoza, Jr. v. Duquesne Light Company
Docket No. F-2017-2636316

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to the Formal Complaint filed by Karen Feitt and H. Mendoza, Jr. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,



Lauren N. Rulli
Attorney for Duquesne Light Company

Paul Shane Miller
Attorney for Duquesne Light Company

Enclosure

cc: Karen Feitt and H. Mendoza, Jr. (with enclosure)

LIT:633047-1 014657-158498

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KAREN FEITT AND H. MENDOZA, JR., :

Complainant, :

vs. :

DUQUESNE LIGHT COMPANY, :

Respondent. :

No: F-2017-2636316

PRELIMINARY OBJECTIONS

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

Lauren N. Rulli, Esquire
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PA I.D. No. 319174
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1500 One PPG Place
Pittsburgh, PA 15222
Counsel for Respondent

NOTICE TO PLEAD

TO: COMPLAINANT, KAREN FEITT AND H. MENDOZA, JR.

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.



Lauren N. Rulli, Esquire
Counsel for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KAREN FEITT AND H. MENDOZA, JR.,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: F-2017-2636316
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

PRELIMINARY OBJECTIONS

Pursuant to 52 Pa. Code. § 5.101, Duquesne Light files its preliminary objections to Karen Feitt and H. Mendoza, Jr.'s Formal Complaint:

I. Factual Background

1. On or about November 28, 2017, Duquesne Light was served with Karen Feitt and Higinio Mendoza's ("Complainants") Formal Complaint (the "Complaint") initiating this matter.

2. Although the contents of the Complaint are not completely legible or comprehensible, it appears that the gist of Complainants' claim is that Duquesne Light failed to honor an unspecified "payment agreement" and failed to "discharge the debts." (Complaint, Paragraph 5). Complainants allege that these actions by Duquesne Light constitute crimes including theft by deception, extortion, and embezzlement of public money. (Complaint, Paragraph 5).

3. In support of their claims, Complainants cite to federal criminal statutes under the United States Code (18 USC § 4 - Misprison of Felony, and 18 USC § 641 - Public Money, Property or Records) as well as a statute under the federal banking laws (12 USC § 411 -

Issuance to Reserve Banks; Nature of Obligation; Redemption). Complainants also cite other legal authority to support their claims, however, Duquesne Light is not able to decipher the citations in order to determine what laws they refer to. That being said, these other citations clearly do not refer to the Pennsylvania Public Utility Code or any associated regulations.

4. Complainants seek the return of arrears, a billing refund, and other “considerations” as damages in this case.

5. Duquesne Light files these Preliminary Objections on the grounds that this Commission lacks jurisdiction over Complainants’ claims as they invoke criminal statutes, and also potentially Pennsylvania laws relating to contracts, debt collection, or unfair trade practices.

II. Legal Argument - Complainant’s Complaint Should Be Dismissed for Lack of Jurisdiction.

6. The Commission's Rules of Practice and Procedure permit parties to file preliminary objections on the grounds that the Commission lacks jurisdiction. 52 Pa. Code §5.101(a).

7. Pursuant to Section 501 of the Public Utility Code, 66 Pa.C.S.A. § 501, the Commission has the power to “enforce, execute and carry out, by its regulations, orders or otherwise” all provisions of the Code. Section 701, 66 Pa.C.S.A. § 701, allows any person, having an interest in the subject matter, to file a formal complaint in writing with the Commission setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the Commission has jurisdiction to administer.

8. Here, Complainants improperly invoke federal criminal statutes and other laws that are clearly not part of the Pennsylvania Public Utility Code or associated regulations.

9. Not only do these laws cited by Complainants have no bearing on any matters relating to Complainants' account, they are also outside of the Commission's realm of jurisdiction.

10. As such, Duquesne Light requests that Complainants' claims be dismissed in their entirety as this Commission lacks jurisdiction to decide them.

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.

A handwritten signature in black ink, appearing to read "Lauren N. Rulli", written over a horizontal line.

Lauren N. Rulli, Esquire
Counsel for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

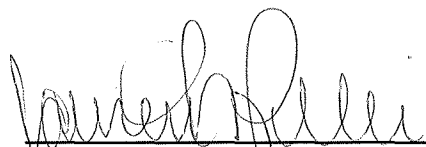
KAREN FEITT AND H. MENDOZA, JR.,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: F-2017-2636316
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

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):

Karen Feitt & H. Mendoza, Jr.
1036 Jackman Avenue
Avalon, PA 15202

Dated this 21ST day of December, 2017



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