

February 12, 2018

*Via Electronic Filing*

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
2nd Floor, Room-N201  
Harrisburg, PA 17120

**RE: April Jackson v. Duquesne Light Company**  
Docket No. C-2018-2644080

Dear Secretary Chiavetta:

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

Sincerely,



Paul Shane Miller  
Attorney for Duquesne Light Company

Lauren N. Rulli  
Attorney for Duquesne Light Company

Enclosure

cc: April Jackson (with enclosure)

LIT:635826-1 014657-158498

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

APRIL JACKSON,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2018-2644080

**PRELIMINARY OBJECTIONS**

Filed on behalf of Respondent  
Duquesne Light Company

Counsel of Record for this Party:  
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**NOTICE TO PLEAD**

**TO: COMPLAINANT, APRIL JACKSON**

**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  
Lauren N. Rulli, Esquire  
Counsel for Duquesne Light Company



he or she must prove to achieve recovery on the alleged cause of action. Lewis, 2013 WL 3355962, at \*3.

6. The pleading must be sufficiently specific so that the defendant will know how to prepare its defense. Id. (citing Dep't of Transp. v. Shipley Humble Oil Co., 370 A.2d 438 (Pa. Cmwlth. Ct. 1977)).

7. Pennsylvania is a fact pleading, not a notice pleading, state. Thus, the pleadings should conform to the elements necessary to state a cause of action. Id.

8. The Commission regularly dismisses complaints for insufficient specificity when a complainant fails to allege a "clear and concise statement of the act or omission being complained of as well as a clear and concise statement of the relief sought as required by the Commission's regulations." Belmonte-Gates v. PECO Energy Co., F-2012-2332583, 2013 WL 596066, at \*8 (Pa. P.U.C. Jan. 24, 2013) (citing 52 Pa. Code § 5.22(a)(5) and (6)).

9. Here, the Complaint does not contain sufficient facts to permit Duquesne Light to prepare a meaningful response.

10. Specifically, in Paragraph 4 of the Complaint, Complainant checks the box for "incorrect charges" on her bill. However, she fails to attach copies of any bills that she is allegedly disputing, nor does she state the billing time periods that are allegedly incorrect. Complainant also fails to identify any other acts or omissions by Duquesne Light in the Complaint.

11. Complainant's claim that incorrect charges are on her bill, without more, is insufficiently specific and does not provide Duquesne Light with enough information to formulate a meaningful response. As Administrative Law Judge Colwell recently explained:

"Incorrect charges are on my bill," listed on the formal complaint form, along with the directive to supply more detail, is meant to be the starting point for the Complainant to provide specific details, such as, what are the incorrect charges, and on which bill or bills do they appear? That information would give the utility a place to check its records. Without the information, the utility is unable to formulate a valid response without guessing and assuming facts not provided. A respondent is not required to guess whether the Complainant means to allege

something, and it is also possible that a respondent will guess the wrong basis of the complaint.

Piller v. Phila. Gas Works, C-2013-2365623, 2013 WL 3971559, at \*2 (Pa. P.U.C. July 29, 2013).

12. Because Complainant's reason(s) for the Complaint are so vague, Duquesne Light cannot respond to or even investigate the Complaint without speculating as to what bills, acts, or omissions she is disputing.

13. Complainant also does not provide a clear and concise statement of her requested relief.

14. Specifically, in Paragraph 5 of the Complaint, Complainant again fails to identify any specific bills, time periods, or actions by Duquesne Light that would warrant relief.

15. Rather, Complainant just states that Duquesne Light must "honor contact information and recalculation of bill for address in question." She also claims that "CAP applications were accepted for both address current & recent services." She concludes, "Not sure what else for resolution."

16. Complainant does not identify which "contact information," "bill," or "address in question" she is referring to. Nor does she explain how Duquesne Light should recalculate her bill. Duquesne Light has reviewed its own records relating to Complainant's account but still cannot ascertain which charges she claims are incorrect.

17. Due to Complainant's omissions, Duquesne Light cannot formulate a meaningful response to her requested relief.

18. Finally, Complainant attached a letter dated December 26, 2017 to the Complaint. It states that Complainant's daughter was arrested and that Complainant was asked to vacate her property. Complainant also claims in the letter that she contacted Duquesne Light when her daughter was arrested to terminate her service and that she submitted a CAP application and medical form.

19. Complainant's letter, however, does not provide any information about what incorrect charges are allegedly on her bill or the relief she seeks. For instance, the letter does not state when Complainant's daughter was arrested or when Complainant allegedly contacted Duquesne Light to terminate her service. In fact, Duquesne Light has reviewed its own records relating to Complainant's account and has found no evidence that she requested termination of service on her account. Therefore, unless Duquesne Light speculates or guesses, the company does not know which bills Complainant is disputing or what relief she is seeking.

20. In sum, Complainant's reason(s) for filing the Complaint and her requested relief are so vague that Duquesne Light does not have enough information to prepare a meaningful defense.

21. Accordingly, the Complaint should be dismissed.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objections and dismiss the Complaint against Duquesne Light with prejudice.

TUCKER ARENSBERG, P.C.



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