

February 26, 2018

Via Electronic Filing

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

**RE: Theodore Ritenour v. Duquesne Light Company
Docket No. C-2018-2646157**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to Formal Complaint filed by Theodore Ritenour. 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: Theodore J. Ritenour (with enclosure)

LIT:636472-1 014657-158498

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THEODORE RITENOUR,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2018-2646157

PRELIMINARY OBJECTIONS

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

Lauren N. Rulli, Esquire
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Paul Shane Miller, Esquire
PA I.D. No. 319174
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1500 One PPG Place
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(412) 566-1212
Counsel for Respondent

NOTICE TO PLEAD

TO THEODORE RITENOUR:

**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 OR A JUDGMENT MAY BE ENTERED AGAINST YOU.**

TUCKER ARENSBERG, P.C.



Lauren N. Rulli, Esquire
Attorney for Duquesne Light Company

5. On May 28, 2015, Complainant enrolled in CAP.
6. CAP provides qualifying low-income customers with benefits, such as bill discounts and incremental arrears forgiveness, designed to help them maintain their electric service.
7. Under CAP's terms, Complainant was required to make monthly payments to Duquesne Light for his electric service.
8. Complainant failed to make the required CAP payments, and his account CAP arrears equal \$582.33 through his bill for electric service due February 14, 2018.
9. Complainant's outstanding account balance through the February 14, 2018 due date consists entirely of CAP arrears.
10. On or about January 28, 2018, Complainant filed the Complaint against Duquesne Light.
11. In his Complaint, Complainant requests a payment arrangement as relief. (Complaint, ¶¶ 4-5).

II. Law and Argument

12. 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 (Pa. P.U.C. Oct. 19, 2017) (the Commission has no authority to establish a payment arrangement on CAP arrears); Harper v. PECO Energy Co., C-2015-2489249, 2016 WL 8267743, at *4 (Pa. P.U.C. Jan. 21, 2016) (outstanding account balance cannot be subject of a Commission-ordered payment arrangement where it consists solely of CAP arrears).

13. Here, Complainant's outstanding balance of \$582.33 through the February 14, 2018 due date consists entirely of CAP arrears.

14. Under 66 Pa. C.S. § 1405(c), the Commission is not permitted to grant a payment arrangement to Complainant in this circumstance.

15. 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 Complaint's claim for a payment arrangement with prejudice.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



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No: C-2018-2646157

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):

Theodore Ritenour
1060 Balmoral Drive
Pittsburgh, PA 15237

Dated this 26th day of February, 2018



Lauren N. Rulli, Esquire
PA I.D. No. 313768

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

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