

March 6, 2018

Via Electronic Filing

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

RE: Brad Cochran v. Duquesne Light Company
Docket No. F-2017-2636092

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion in Limine to Bar Testimony, Evidence, and Argument Relating to Complainant's Request for Monetary Damages. 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: Brad Cochran (via overnight mail; with enclosure)

LIT:637117-1 014657-158498

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BRAD COCHRAN,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: F-2017-2636092

**MOTION IN LIMINE TO BAR TESTIMONY,
EVIDENCE, AND ARGUMENT RELATING
TO COMPLAINANT'S REQUEST FOR
MONETARY DAMAGES**

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

Lauren N. Rulli, Esquire
Pa I.D. No. 313768
lrulli@tuckerlaw.com
Paul Shane Miller, Esquire
Pa. I.D. No. 319174
smiller@tuckerlaw.com

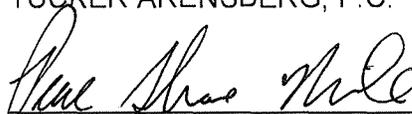
412-566-1212
1500 One PPG Place
Pittsburgh, PA 15222
Counsel for Respondent

NOTICE TO PLEAD

TO COMPLAINANT BRAD COCHRAN:

YOU ARE NOTIFIED TO FILE A WRITTEN RESPONSE TO THE WITHIN MOTION TO BAR TESTIMONY, EVIDENCE, AND ARGUMENT RELATING TO COMPLAINANT'S REQUEST MONETARY DAMAGES OF RESPONDENT, DUQUESNE LIGHT COMPANY, WITHIN 20 DAYS OF SERVICE.

TUCKER ARENSBERG, P.C.



Paul Shane Miller, Esquire
Counsel for Duquesne Light Company

5. In this motion *in limine*, Duquesne Light contends that Complainant should be barred from offering any testimony, evidence, or argument relating to his alleged monetary damages stemming from the repair or replacement of his water heater.

6. A motion *in limine* is a motion or petition submitted to the court in a pending matter either pretrial or during trial whereby exclusion is sought of anticipated prejudicial evidence, keeping extraneous issues out of the underlying proceeding, precluding reference to prejudicial matters, or preventing encumbering the record with immaterial matter. Com. v. Pikur Enterprises, Inc., 596 A.2d 1253, 1259 (Pa. Cmwlth. 1991).

7. It is well-established that the Commission lacks jurisdiction to award damages or to litigate a private action for damages on behalf of a complainant. Poorbaugh v. Pa. Public Utility Comm'n, 666 A.2d 744, 748 (Pa. Cmwlth. 1995) (stating that the remedial and enforcement powers vested in the Commission by the Public Utility Code were designed to allow the Commission to enforce its orders and regulations, but not to empower the Commission to award damages or to litigate a private action for damages on behalf of a complainant).

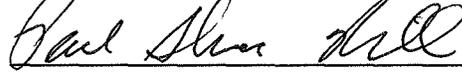
8. The Commission also must act within, and cannot exceed, its jurisdiction. City of Pittsburgh v. Pa. Public Utility Comm'n, 43 A.2d 348, 350 (Pa. Super. Ct. 1945).

9. In this case, the Commission does not have the jurisdiction or power to award monetary damages to Complainant for alleged damage to his water heater. Complainant's alleged monetary losses relating to his water heater thus are extraneous and immaterial to this hearing. Accordingly, Complainant should not be permitted to offer any testimony, evidence, or argument relating to his request for monetary damages.

WHEREFORE, Respondent, Duquesne Light Company, respectfully requests that the Pennsylvania Public Utility Commission grant this Motion in Limine to Bar Testimony, Evidence, and Argument Relating to Complainant's Request for Monetary Damages.

Respectfully submitted,

TUCKER ARENSBERG, P.C.

A handwritten signature in black ink, appearing to read "Paul Shane Miller", written over a horizontal line.

Lauren N. Rulli

Pa I.D. No. 313768

Paul Shane Miller

Pa I.D. No. 319174

(412) 566-1212

1500 One PPG Place

Pittsburgh, PA 15222

Counsel for Respondent,

Duquesne Light Company

LIT:637117-1 014657-158498

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

BRAD COCHRAN,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: F-2017-2636092

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):

Brad Cochran
1512 Ohio Avenue
Industry, PA 15052

Administrative Law Judge Jeffrey Watson
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Piatt Place, Suite 220
301 Fifth Avenue
Pittsburgh, PA 15222

Dated this 6th day of March, 2018



Lauren N. Rulli, Esquire
Pa I.D. No. 313768
lrulli@tuckerlaw.com
Paul Shane Miller, Esquire
Pa. I.D. No. 319174
smiller@tuckerlaw.com

1500 One PPG Place
Pittsburgh, PA 15222
(412) 566-1212
(412) 594-5619 (fax)
Counsel for Respondent,
Duquesne Light Company