

March 28, 2018

Via Electronic Filing

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

RE: Mícheál McHugh v. Duquesne Light Company
Docket No. C-2018-3000302

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to the Formal Complaint filed by Mícheál McHugh. 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: Mícheál McHugh (with enclosure)

LIT:637662-1 014657-158498

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MÍCHEÁL MCHUGH,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2018-3000302

PRELIMINARY OBJECTIONS

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

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Counsel for Respondent

NOTICE TO PLEAD

TO: COMPLAINANT, MÍCHEÁL MCHUGH

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

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

6. Pennsylvania is a fact pleading, rather than notice, state. Thus, the pleadings should conform to the elements necessary to state a cause of action. Id.

7. In Paragraph 4 of the Complaint, Complainant checks all the boxes. However, Complainant fails to attach any supporting documentation for what he is disputing, nor does he state the billing time periods that are allegedly incorrect. Instead, he merely states that "2017" and "on file" as his responses. The Complaint also fails to state any other acts or omissions of Duquesne Light that Complainant disputes.

8. As Administrative Law Judge Colwell has 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.

Louigens Piller, C-2013-2365623, 2013 WL 3971559, at *2 (July 29, 2013).

9. In this case, Complainant has intermittently been a customer of Duquesne Light since 1983. Because Complainant's allegations are so vague, Duquesne Light cannot respond or even investigate without speculating as to what bills, dates of service, acts, or omissions that Complainant is disputing during the many years that he has been a customer.

10. Additionally, in Paragraph 5 of the Complaint, wherein Complainant is required to explain his requested relief, Complainant again fails to state any specific bills, time periods, or actions of Duquesne Light that would warrant him any type of relief, but once again Complainant states "on file". Again, based Complainant's allegation in Paragraph 5, Duquesne Light is unclear as to what Complainant is disputing.

11. In fact, the Complainant as a whole is so vague that Duquesne Light cannot properly prepare a meaningful response thereto.

12. The Commission regularly dismisses complaints for insufficient specificity when a complainant fails to allege "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." Alice Ann Belmonte-Gates, F-2012-2332583, 2013 WL 596066, at *8 (Jan. 24, 2013) (J. Cheskis) (citing 52 Pa. Code § 5.22(a)(3)).

13. Here, the Complaint lacks the required specificity for a pleading.

14. For these reasons, the Complaint against Duquesne Light 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.


Lauren N. Rulli, Esquire
Counsel for Duquesne Light Company

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MÍCHEÁL MCHUGH,

Complainant,

vs.

No: C-2018-3000302

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):

Micheál McHugh
2807 Spring Street
Pittsburgh, PA 15210

Dated this 28th day of March, 2018



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