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May 24, 2018

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: A. Raymond Kochis v. Duquesne Light Company
Docket No. C-2017-2601038

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion to Quash Complainant's Exceptions. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Please feel free to contact me if you have any questions.

Sincerely,



Jeremy V. Farrell
Attorney for Duquesne Light Company

Lauren N. Rulli
Attorney for Duquesne Light Company

Enclosure

cc: A. Raymond Kochis (with enclosure)

LIT:640601-1 014657-158498

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

A. RAYMOND KOCHIS,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2017-2601038

**MOTION TO QUASH COMPLAINANT'S
EXCEPTIONS**

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

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NOTICE

TO: COMPLAINANT, A. RAYMOND KOCHIS

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE WITHIN MOTION TO QUASH COMPLAINANT'S EXCEPTIONS WITHIN TWENTY (20) DAYS OF SERVICE HEREOF, OR A RULING MAY BE ENTERED AGAINST YOU.

TUCKER ARENSBERG, P.C.



Lauren N. Rulli, Esquire
Counsel for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

A. RAYMOND KOCHIS,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2017-2601038
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

MOTION TO QUASH COMPLAINANT'S EXCEPTIONS

Pursuant to 52 Pa. Code § 5.103, Respondent, Duquesne Light Company ("Duquesne Light"), files this Motion to Quash Complainant's Exceptions:

Introduction

1. Under 52 Pa. Code § 5.536, the decision of an administrative law judge will become final if a party fails to file timely exceptions, unless two or more Commissioners request that the Commission review the decision within 15 days after it is issued.
2. Complainant A. Raymond Kochis ("Complainant") failed to file timely exceptions to the Initial Decision by Administrative Law Judge Katrina L. Dunderdale ("ALJ Dunderdale") on January 22, 2018 ("Initial Decision"), and two or more Commissioners have not requested that the Commission review the Initial Decision.
3. The Initial Decision thus is final, and Complainant's apparent attempt to file exceptions through a letter dated May 13, 2018 should be quashed.

Factual Background

4. On April 26, 2017, Complainant filed a Formal Complaint ("Complaint") against Duquesne Light.

5. In the Complaint, Complainant alleged that Duquesne Light was threatening to shut off his service; that incorrect charges were on his bill; that he was having a reliability, safety, or quality problem with his utility service; and that he was experiencing other issues relating to his electric service.

6. Duquesne Light filed a timely Answer denying Complainant's claims; the company also filed Preliminary Objections.

7. In an Interim Order dated July 6, 2017, ALJ Dunderdale granted Duquesne Light's Preliminary Objections in part and denied them in part.

8. The parties appeared for a hearing before ALJ Dunderdale on October 4, 2017.

9. ALJ Dunderdale closed the Hearing Record about a month later after receiving the hearing transcript.

10. On January 22, 2018, ALJ Dunderdale issued the Initial Decision.

11. The Initial Decision denied the Complaint, finding that Complainant had failed to demonstrate any violation by Duquesne Light.

12. In a Secretarial Letter from the Commission dated January 30, 2018, the parties were notified that Exceptions to the Initial Decision must be filed with the Secretary of the Commission by February 18, 2018.

13. A few days before this deadline, Complainant filed a Petition for Additional Time to File Exceptions and requested a 30-day extension from the date of the Commission's response to his request.

14. Duquesne Light did not object to Complainant's request for an extension of the exceptions' deadline.

15. In a letter dated March 9, 2018, the Commission extended the period for all parties to file Exceptions to April 10, 2018. A true and correct copy of this letter is attached hereto as Exhibit A.

16. Neither party filed exceptions by April 10, 2018.

17. More than a month later, on May 13, 2018, Complainant filed a 72-page letter with the Commission which, in general, disagrees with the Initial Decision.

LAW AND ARGUMENT

18. Under 52 Pa. Code § 5.33(a), exceptions may be filed by a party and served within 20 days after an initial decision, unless some other exception period is provided.

19. Each exception must be numbered and identify the finding of fact or conclusion of law to which exception is taken and identify the relevant pages of the decision. 52 Pa. Code § 5.33(b). Supporting reasons for the exceptions must follow each exception. Id.

20. If no exceptions to an initial decision are filed by the applicable deadline, the decision of the administrative law judge will become final, without further Commission action, unless two or more Commissioners request that the Commission review the decision within 15 days after it is issued. 52 Pa. Code § 5.536(a).

21. In this case, the parties initially were required to file exceptions by February 18, 2018.

22. At Complainant's request -- and without Duquesne Light's objections -- the Commission extended the exceptions' deadline to April 10, 2018.

23. Despite this nearly two-month extension, Complainant failed to file exceptions by April 10, 2018.

24. The Initial Decision thus became final on April 10, 2018 because no party had filed exceptions and two or more Commissioners had not requested to review the Initial Decision within 15 days after it was issued.

25. Accordingly, to the extent that Complainant's letter dated May 13, 2018 is an attempt to file exceptions to the Initial Decision, it should be quashed because it is untimely.

26. Duquesne Light reserves the right to present additional arguments as to why Complainant's exceptions must be denied by the Commission, and it does not waive any such arguments merely because they have not been presented in this motion.

27. Finally, if the Commission denies this motion, Duquesne Light requests that it issue a briefing schedule that sets deadlines by which the parties may submit written briefs relating to Complainant's exceptions to the Initial Decision.

WHEREFORE, Respondent, Duquesne Light Company, respectfully requests that the Pennsylvania Public Utility Commission quash the exceptions filed by Complainant on May 13, 2018.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PA 17120

IN REPLY PLEASE
REFER TO OUR FILE
C-2017-2601038

March 9, 2018

Re: A. Raymond Kochis v. Duquesne Light Company
Docket No. C-2017-2601038

TO ALL PARTIES:

By Secretarial Letter dated January 30, 2018, the Commission issued the Initial Decision of Administrative Law Judge Katrina L. Dunderdale in this matter. Exceptions were due within twenty days of that letter (*i.e.*, February 20, 2018). Reply Exceptions were due within ten days after the date that Exceptions were due (*i.e.*, March 2, 2018).

On February 14, 2018, the Complainant filed a Petition for Additional Time to File Exceptions. The Complainant cited health reasons and issues with mail delivery as he has been hospitalized and is now staying with his daughter in Sharon, PA. The Complainant requested a 30-day extension from the date of the Commission's response to his request.

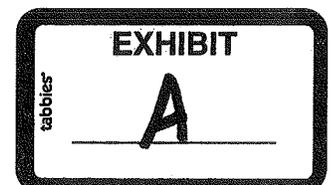
On February 27, 2018, Duquesne Light Company filed a letter stating it has no objection to the Complainant's extension request.

The Commission's Regulation at 52 Pa. Code § 1.15 permits the Commission to grant an extension of time for good cause shown before the pertinent time period has expired. The Commission finds that the Complainant has established good cause for the requested extension of time. As a result, we will extend the period for all Parties to File Exceptions until April 10, 2018. Accordingly, the due date to file Replies to Exceptions will be April 20, 2018.

Should you have any questions you may contact the Office of Special Assistants, Cheryl Walker Davis, Director. Please direct your inquiry to Yasmin Snowberger, Rate Case Review Specialist, at (717) 425-5540 or ysnowberge@pa.gov.

Very truly yours,

Rosemary Chiavetta
Secretary



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

A. RAYMOND KOCHIS,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2017-2601038

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):

A. Raymond Kochis
416 Commonwealth Avenue
West Mifflin, PA 15122

Dated this 24th day of May, 2018



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