



Emily M. Farah
Counsel, Regulatory

411 Seventh Avenue
Mail drop 15-7
Pittsburgh, PA 15219

Tel: 412-393-6431
efarah@duqlight.com

September 24, 2018

Via Electronic Filing

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

**RE: Teresa Pizzonia (Door to Door Dry Cleaning) v. Duquesne Light Company
Docket No. C-2018-3003607**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion for Judgment on the Pleadings. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Respectfully,

A handwritten signature in blue ink, appearing to read "Emily M. Farah", is written over the word "Respectfully,".

Emily M. Farah
Counsel for Duquesne Light Company

Enclosure

cc: Teresa Pizzonia (with enclosure)
Door to Door Dry Cleaning (with enclosure)
ALJ Katrina Dunderdale (with enclosure, via email)

WRITTEN RESPONSE TO THE WITHIN NEW MATTER OF RESPONDENT DUQUESNE LIGHT COMPANY WITHIN TWENTY (20) DAYS OF SERVICE HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.” (bold in original).

7. Complainant did not file a response to Duquesne Light’s New Matter as of the date of this filing.

8. By failing to respond to the New Matter, the Commission can find that Complainant has admitted to the allegations contained therein. See 52 Pa. Code § 5.63(b) (“Failure to file a timely reply to new matter may be deemed in default, and relevant facts stated in the new matter may be deemed to be admitted”); Stefanowicz v. Pennsylvania-American Water Co., C-20078165, 2008 WL 8014613, at *4 (Pa. P.U.C. May 22, 2008) (“The Commission’s Regulations clearly provide that failure to respond to affirmative allegations in New Matter may cause those allegations to be deemed admitted.”). As such, Duquesne Light respectfully requests that the Commission deem the allegations in its New Matter admitted.

9. A party may move for judgment on the pleadings “after the pleadings are closed, but within a time so that the hearing is not delayed.” 52 Pa. Code § 5.102(a).

10. The pleadings are closed in this case, and a hearing has been scheduled for November 1, 2018. Accordingly, this Motion for Judgment on the Pleadings will not delay the hearing.

III. LAW AND ARGUMENT

11. The Complaint must be dismissed because Complainant cannot represent a business entity without being an attorney licensed to practice law in the Commonwealth of Pennsylvania.

12. The Complaint was brought by Teresa Pizzonia on behalf of Door to Door Dry Cleaning to dispute the charges at 2511 Main Street, Pittsburgh, Pennsylvania 15235. Complaint ¶¶ 1, 7, 8.

13. The electric service for 2511 Main Street, Pittsburgh, Pennsylvania, 15235 is listed in the name of Door to Door Dry Cleaning and is billed at a commercial rate. See Answer and New Matter Exhibits B and C.

14. The address provided for “Door to Door Dry Cleaning” on the Pennsylvania Department of State’s website is 2511 Main Street, Pittsburgh, Pennsylvania 15235. See Answer and New Matter Exhibit A.

15. Door to Door Dry Cleaning is a registered business entity with the Pennsylvania Department of State. See Answer and New Matter Exhibit A.

16. Under 52 Pa. Code §§ 1.21 and 1.22, persons other than individuals must be represented by an attorney or certified legal intern in adversarial proceedings, such as this proceeding.

17. Door to Door Dry Cleaning is being represented by Complainant in this proceeding. See Complaint ¶¶ 7, 8; Answer and New Matter ¶13.

18. Complainant is not an attorney or certified legal intern. See Complaint ¶¶ 7, 8; Answer and New Matter ¶13.

19. Complainant is not qualified to represent Door to Door Dry Cleaning in this proceeding.

20. Given that the Complainant, a non-attorney, cannot represent Door to Door Dry Cleaning in this proceeding under 52 Pa. Code §§ 1.21 and 1.22, the Formal Complaint must be dismissed with prejudice.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission grant its Motion for Judgment on the Pleadings and dismiss the Complaint against Duquesne Light with prejudice.

Respectfully submitted,

DUQUESNE LIGHT COMPANY



Emily M. Farah, Esquire
Counsel for Duquesne Light Company
PA I.D. No. 322559
efarah@duqlight.com
(412) 393-6431
411 Seventh Avenue, 15th Fl.
Pittsburgh, PA 15219

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TERESA PIZZONIA,
(DOOR TO DOOR DRY CLEANING)

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2018-3003607

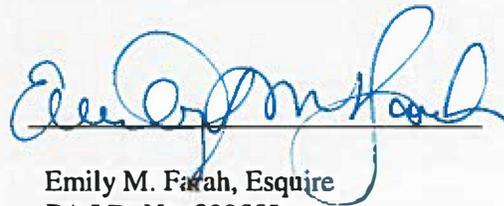
CERTIFICATE OF SERVICE

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):

Teresa Pizzonia
2630 Jordan Avenue
Pittsburgh, PA 15235

Door to Door Dry Cleaning
2511 Main Street
Pittsburgh, PA 15235

Dated this 24th day of September, 2018



Emily M. Farah, Esquire
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efarah@duqlight.com
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411 Seventh Avenue, 15th Fl.
Pittsburgh, PA 15219

