

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG PENNSYLVANIA 17120**

**Richard Wendell
v.
Duquesne Light Company**

**Public Meeting held October 25, 2018
3002839-ALJ
C-2018-3002839**

MOTION OF COMMISSIONER DAVID W. SWEET

Before the Commission is the Initial Decision (ID) of Administrative Law Judge Katrina L. Dunderdale (ALJ) which granted Preliminary Objections of Duquesne Light Company (DLC) and dismissed the complaint filed by Richard Wendell. The Complaint alleged that DLC did not include an environmental component that effectively addresses the preservation and enhancement of the natural beauty of the environment, proposing instead the continued aggressive cutting of trees resulting in visual pollution and more costs. He asks that the Commission require DLC to submit a revised proposal that includes a constructive environmental vision for the future. He attaches several letters that he sent to DLC regarding his concern for an aesthetically pleasing environment, which refers to several places where DLC had engaged in vegetation management in a manner described as severe.

In his attachment, he refers to the DLC base rate case, and accordingly, the Complaint was filed against that base rate case¹.

DLC filed its Answer, New Matter and Preliminary Objections (POs), alleging that Mr. Wendell has no standing to file this Complaint because the specific actions taken by DLC mentioned in the letter attachments to the Complaint did not occur on Complainant's property. Without this ownership, he does not have a direct, immediate, or substantial interest to support his Complaint.

The ID states that the Complaint does not belong in the base rate proceeding because it does not involve the money that DLC may spend on its vegetation management program, nor how the cost is collected nor the allocation of the cost among rate classes. Neither does it involve an ongoing or proposed project at or near Complainant's property. In fact, the record in the DLC base rate case is now closed and a Recommended Decision has been issued.

The Public Utility Code is clear that any person having an interest in the subject matter may file a complaint, setting forth any act or thing done or omitted to be done by any public utility in violation of any law, regulation or order of the Commission². Complaints are not limited to rate cases, and if Mr. Wendell alleges appropriate standing to bring a complaint, then he may do so.

¹ R-2018-3000124.

² 66 Pa. C.S.A. §701.

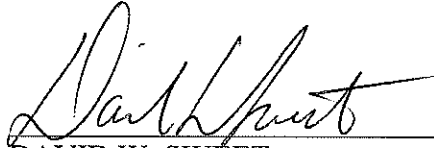
Accordingly, Mr. Wendell shall have thirty (30) days to inform the Commission by letter addressed to the Commission's Secretary that he wishes to proceed to prosecute his Complaint as a stand-alone complaint, and that he possesses the appropriate standing to do so.

THEREFORE,

I MOVE THAT:

1. That the Initial Decision of Administrative Law Judge Katrina L. Dunderdale issued in the case captioned *Richard Wendell v. Duquesne Light Company*, at Docket No. C-2018-3002839, is suspended.
2. That Richard Wendell shall have thirty (30) days from the entry date of the Commission Order issued pursuant to this Motion to file a letter with the Commission's Secretary which indicates his desire to pursue prosecution of this Complaint and specifying his standing to bring the Complaint as either a ratepayer or owner of property affected by Duquesne Light Company's vegetation management.
3. That upon receipt of the letter specified in Paragraph 2, above, the Secretary shall assign the Complaint to the Office of Administrative Law Judge.
4. That failure to file a letter pursuant to Paragraph 2, above will result in the adoption of the Initial Decision of Administrative Law Judge Katrina L. Dunderdale.
5. That the Office of Special Assistants prepare an appropriate order consistent with this Motion.

October 25, 2018
DATE



DAVID W. SWEET
COMMISSIONER