



Emily M. Farah
Counsel, Regulatory

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

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

January 14, 2019

Via Electronic Filing

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

RE: R. George Snyder v. Duquesne Light Company
Docket No. C-2018-3006776

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to the Formal Complaint filed by R. George Snyder. 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, Regulatory

Enclosure

cc: R. George Snyder (with enclosure)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

R. GEORGE SNYDER,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

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No: C-2018-3006776

PRELIMINARY OBJECTIONS

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:
Emily M. Farah, Esquire
PA I.D. No. 322559
efarah@duqlight.com
(412) 393-6431
411 Seventh Avenue, 15th Fl.
Pittsburgh, PA 15219

NOTICE TO PLEAD

TO: COMPLAINANT, R. GEORGE SNYDER

**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.**

DUQUESNE LIGHT COMPANY



Emily M. Farah, Esquire
Counsel for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

R. GEORGE SNYDER,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2018-3006776
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

PRELIMINARY OBJECTIONS

Pursuant to 52 Pa. Code. § 5.101, Duquesne Light files its preliminary objections to R. George Snyder' Formal Complaint:

I. Factual Background

1. On or about December 27, 2018, Duquesne Light was served with R. George Snyder's ("Complainant") Formal Complaint (the "Complaint") initiating this matter.
2. Complainant alleges that Duquesne Light cannot charge him a fee to test the meter on his property, and "request[s] a ruling on ownership insamuchas DLC is asking a \$20.00 fee to re-test their own equipment." Complaint Letter dated November 29, 2018.
3. The sole relief sought in the Complaint is for the \$20 meter inspection fee to be waived.
4. As set forth more fully below, Complainant's allegation that Duquesne Light cannot charge a fee to test the meter at Complainant's residence fails as a matter of law.
5. Duquesne Light files these Preliminary Objections on the grounds that the Complaint fails to identify any alleged violation of a Commission rule or regulation and therefore, the Complaint is legally insufficient.

II. Legal Argument - Complainant's Complaint Should be Dismissed on the Grounds of Legal Insufficiency.

6. Preliminary objections may be filed for "legal insufficiency of a pleading." 52 Pa. Code § 5.101(a)(4). "In order to be legally sufficient, a complaint must set forth an act or thing done or omitted to be done or about to be done or omitted to be done by the respondent in violation, or claimed violation, of a statute which the Commission has jurisdiction to administer, or of a regulation or order of the Commission." Drake v. Pennsylvania Electric Co., Docket No. C-2014-2413771, 2014 WL 2003281 at *1 (Pa. P.U.C. May 7, 2014) (Salapa, ALJ).

7. Section 703(b) of the Public Utility Code allows the Commission to dismiss any complaint without a hearing if, in its opinion, a hearing is not necessarily in the public interest. 66 Pa. C.S. § 703(b). See also, Campisi v. PECO Energy Co., Docket No. 2014-2434501, 2014 WL 4644282 at *1 (Pa. P.U.C. Sept. 3, 2014) ("The provision at 52 Pa. Code § 5.101(a)(4) serves judicial economy by avoiding a hearing where no factual dispute exists.").

8. Even accepting as true all well-pleaded material facts and reasonable inferences, the Complaint does not raise a violation of the Public Utility Code, Commission Order or regulation, or any Commission-approved tariff. It is, therefore, legally insufficient.

9. Complainant alleges that Duquesne Light is not permitted to charge a fee to test the meter at his residence. Complaint ¶ 4 ("the meter is the property of DLC [and] should be tested [and] re-tested at their expense").

10. To the contrary, Pennsylvania Public Utility Commission regulations expressly authorize the Company to charge a fee to test the meter at Complainant's residence. 52 Pa.Code § 57.22(a) ("A public utility shall make a test of the accuracy of registration of a service meter upon the written request of the customer for whom the meter is installed upon payment of the fee specified in this section. . . .") (emphasis added.)

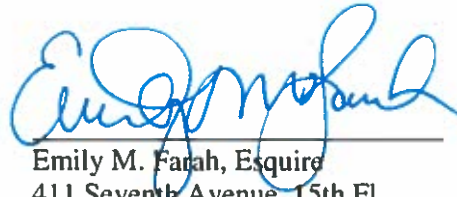
11. Commission regulations further provide that the applicable meter testing fee shall be at least \$20. 52 Pa.Code § 57.22(c). See also, Duquesne Light Retail Tariff Rule No. 42.

12. The meter testing fee is also applied to advanced meters pursuant to 52 Pa.Code § 57.254(a) (“A qualified advanced meter, meter-related device and a network shall conform to §§ 57.20--57.25[.]”)

13. Consequently, Complainant’s assertion that Duquesne Light cannot request a fee for a meter test is incorrect and fails as a matter of law.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objections and dismiss the Complaint with prejudice without a hearing, or in the alternative, dismiss all allegations in the Complaint challenging the \$20 meter fee.

DUQUESNE LIGHT COMPANY



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Pittsburgh, PA 15219
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R. GEORGE SNYDER

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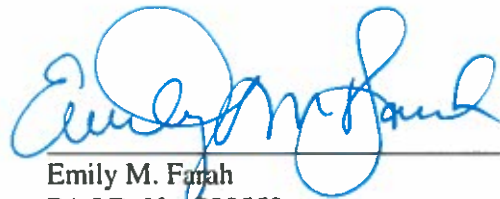
No: C-2018-3006776

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):

R. George Snyder
437 Library Avenue
Carnegie, PA 15016

Dated this 14th day of January, 2019



Emily M. Farah
PA I.D. No. 322559
Counsel for Respondent,
Duquesne Light Company