

April 30, 2019

Via Electronic Filing

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

RE: Geoff Day v. Duquesne Light Company
Docket No. C-2018-3003960

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Answer to Complainant's Request for Revised Litigation Schedule.

A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,



Paul Shane Miller
Jeremy V. Farrell
Attorneys for Duquesne Light Company

Enclosure

c: Geoff Day (with enclosure)
ALJ Jeffrey Watson (with enclosure)

TADMS:5137205-1 014657-158498

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

GEOFF DAY,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

No: C-2018-3003960

**ANSWER TO COMPLAINANT'S
REQUEST FOR REVISED LITIGATION
SCHEDULE**

Filed on behalf of Respondent
Duquesne Light Company

Counsel of Record for this Party:

Paul Shane Miller, Esquire
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Counsel for Respondent

ANSWER TO COMPLAINANT'S REQUEST FOR REVISED LITIGATION SCHEDULE

Pursuant to 52 Pa. Code. § 5.61(a), Duquesne Light Company ("Duquesne Light") files this Answer to Complainant's Request for Revised Litigation Schedule:

1. On April 16, 2019, Complainant Geoff Day ("Complainant") filed a Request for Revised Litigation Shedule [sic] ("Complainant's Request").

2. Complainant's Request stated the following: "On February 1, 2019 an Interim order was issued which stated that a revised litigation schedule would be given upon request of any party. Complainant hereby requests that a revised litigation schedule be provided."

3. Complainant's Request contained no additional information.

4. Several litigation deadlines have already passed under the Presiding Administrative Law Judge's Interim Order Establishing Initial Litigation Schedule dated December 14, 2018 ("Initial Litigation Schedule").

5. Specifically, under the Initial Litigation Schedule, the parties were required to submit fact and expert witness lists on or before February 1, 2019. Duquesne Light submitted timely fact and expert witness lists. Complainant submitted no fact or witness list, and has stated that he does not plan to testify at the hearing.

6. In addition, discovery closed on April 1, 2019 under the Initial Litigation Schedule.

7. Finally, the Initial Litigation Schedule stated that the parties were required to submit status reports on April 15, 2019. Duquesne Light submitted a timely status report. Complainant did not submit a status report.

8. Duquesne Light opposes Complainant's Request to the extent that it seeks to reopen deadlines that have already passed under the Initial Litigation Schedule. Complainant's Requests provides no basis to extend these expired deadlines.

9. Duquesne Light contends that this matter should be scheduled for a hearing.

10. Further, Duquesne Light requests that the parties be required to submit their exhibits and exhibit lists approximately six weeks before the hearing date and that the parties be permitted to file motions in limine approximately four weeks before the hearing date.

11. Duquesne Light will be prepared to discuss these issues when the parties appear before the Presiding Administrative Law Judge for a prehearing conference on May 14, 2019 at 9:00 am.

WHEREFORE, Duquesne Light respectfully requests that the Presiding Administrative Law Judge schedule this matter for a hearing and require that the parties to submit their exhibits and exhibit lists six weeks prior to the hearing date and be permitted to submit motions in limine four weeks before the hearing date.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



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No: C-2018-3003960

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Answer to Complainant's Request for Revised Litigation Schedule upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

Geoff Day
1699 Suburban Avenue
Pittsburgh, PA 15216

Administrative Law Judge Jeffrey Watson
Pennsylvania Public Utility Commission
Piatt Place - 301 Fifth Avenue
Suite 220
Pittsburgh, PA 15222

Dated this 30th day of April, 2019


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