

October 24, 2019

Via Electronic Filing

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

RE: Kathrine E. Hubel v. Duquesne Light Company
Docket No. C-2018-3002620

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion to Dismiss Formal Complaint for Failure to Prosecute.

A copy of this document has been served upon Complainant and Administrative Law Judge Jeffrey Watson in accordance with Commission regulations.

Sincerely,



Jeremy V. Farrell
Attorney for Duquesne Light Company

Paul Shane Miller
Attorney for Duquesne Light Company

Enclosure

c: Kathrine Hubel (with enclosure)
ALJ Jeffrey Watson (with enclosure)

TADMS:5217163-1 014657-158498

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

KATHRINE E. HUBEL,

Complainant,

vs.

No: C-2018-3002620

DUQUESNE LIGHT COMPANY,

Respondent.

**MOTION TO DISMISS FORMAL COMPLAINT FOR FAILURE TO
PROSECUTE**

Pursuant to 52 Pa. Code §§ 5.371-5.372, Duquesne Light Company (“Duquesne Light”) files this Motion to Dismiss Formal Complaint for Failure to Prosecute (“Motion to Dismiss”):

1. In this Motion to Dismiss, Duquesne Light requests that the Formal Complaint filed by Complainant Kathrine Hubel (“Complainant”) be dismissed for failing to prosecute her Formal Complaint.

2. On or about March 2, 2019, Complainant Kathrine E. Hubel (“Complainant”) submitted a letter (the “Letter”) to the Pennsylvania Public Utility Commission (“Commission”) stating that she “was discontinuing her Formal Complaint.” A copy of the Letter is attached as Exhibit A.

3. Complainant also stated in the Letter that “[g]oing forward, I expect to be contacted for an appointment for the meter exchange.” See Exhibit A.

4. Duquesne Light contacted Complainant after receiving the Letter to schedule a meter exchange at her residence.

5. Duquesne Light performed the meter exchange on or about March 25, 2019. A smart meter is now installed at Complainant’s residence.

6. Duquesne Light subsequently received a Prehearing Conference Order from the Presiding Administrative Law Judge (“Presiding ALJ”) scheduling a prehearing conference for April 24, 2019.

7. The Prehearing Conference Order does not refer to the Letter, and it is unclear whether the Presiding ALJ received a copy of the Letter before issuing the Prehearing Conference Order.

8. Complainant did not appear via telephone for the Pre-Hearing Conference scheduled for April 24, 2019. At the conclusion of the Pre-Hearing Conference, Duquesne Light requested that the Formal Complaint be dismissed.

9. The Presiding ALJ subsequently requested that Duquesne Light submit its request through a written motion.

10. Commission regulations permit the withdrawal of pleadings in contested proceedings. 52 Pa. Code § 5.94.

11. The Commission also may dismiss any complaint without a hearing if a hearing is not necessary in the public interest. 66 Pa. C.S. § 703(b).

12. A hearing is not necessary in the public interest when the complainant does not wish to pursue the case. Bergal v. Phila. Gas Works, F-2014-2451331, 2015 WL 1291577, at *1 (Feb. 27, 2015) (Colwell, ALJ); Darden v. Phila. Gas Works, C-2015-2512966, 2016 WL 1301695, at *4 (Mar. 11, 2016) (Colwell, ALJ).

13. Duquesne Light does not object to Complainant’s request to withdraw her Formal Complaint.

14. A hearing is not necessary or in the public interest.

15. Accordingly, Duquesne Light requests that the case be dismissed under 52 Pa. Code §§ 5.371-5.372.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Paul Shane Miller", is written over a horizontal line.

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Counsel for Respondent

TADMS:5215390-1 014657-158498

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

KATHRINE E. HUBEL,

Complainant,

vs.

No: C-2018-3002620

DUQUESNE LIGHT COMPANY,

Respondent.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Motion to Dismiss Formal Complaint For Failure to Prosecute upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

Kathrine E. Hubel
611 Edgewood Road
Pittsburgh, PA 15221

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

Dated this 24th day of October, 2019



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