



Emily Farah  
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November 12, 2019

**Via Electronic Filing**

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

**RE: James Flynn v. Duquesne Light Company  
Docket No. C-2019-3011296**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Motion to Compel Discovery Responses filed in the above-captioned matter. A copy of this document and the enclosed filing have been served upon the Complainant and the Presiding Officer in accordance with Commission regulations.

Please contact me with any questions, comments, or concerns.

Respectfully,

A handwritten signature in blue ink, appearing to read "Emily M. Farah", is written over the typed name and title.

Emily M. Farah  
Duquesne Light Company  
Counsel, Regulatory

Enclosure

cc: Certificate of Service



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JAMES FLYNN,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2019-3011296
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**MOTION TO COMPEL DISCOVERY RESPONSES**

Pursuant to 52 Pa. Code § 5.103, Duquesne Light Company (“Duquesne Light” or the “Company”) files this Motion to Compel Discovery Responses (“Motion to Compel”):

1. In this Motion to Compel, Duquesne Light seeks an order requiring Complainant James Flynn (“Complainant”) to respond to discovery requests submitted by Duquesne Light.
  
2. Complainant filed this action on or about July 2, 2019 requesting a payment arrangement for electric charges incurred 117 Old Quarry Road, Clinton, PA 15026 (the “Property”).
  
3. On July 22, 2018, Duquesne Light served its First Set Of Interrogatories, Requests For Production Of Documents, And Requests For Admission Directed To Complainant (“Discovery”). The Certificate of Service for the Discovery is as **Exhibit A**.
  
4. Complainant’s responses were due on August 12, 2019.
  
5. Complainant has not responded to Discovery. A copy of the Discovery is attached as **Exhibit B**.
  
6. On October 31, 2019, Duquesne Light reached out to the Complainant regarding his discovery responses. To date, Complainant has not indicated whether he intends to answer the Discovery or provided a date by which he will respond to the discovery.

7. Duquesne Light, therefore, respectfully requests that the Commission order Complainant to respond to Duquesne Light's First Set of Discovery Requests within ten days after granting the Motion to Compel.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission grant its Motion to Compel Discovery Responses and require Complainant James Flynn to provide complete answers to Duquesne Light's First Set of Discovery Requests Directed to Complainant by a date certain after granting the Motion to Compel Discovery Responses.

Respectfully submitted,

DUQUESNE LIGHT COMPANY



Emily M. Farah, Esquire  
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efarah@duqlight.com  
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11/12/2019



Emily M. Farah  
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Mail drop 15-7  
Pittsburgh, PA 15219

Tel: 412-393-6431  
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July 22, 2019

**Via Electronic Filing**

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

**RE: James Flynn v. Duquesne Light Company  
Docket No. C-2019-3011296**

Dear Secretary Chiavetta:

Enclosed please find the Certificate of Service for Duquesne Light Company's Interrogatories, Requests for Production of Documents, and Request for Admission Directed to Complainant in the above-captioned matter. A copy of this document has been served upon Complainant in accordance with Commission regulations.

Please contact me with any questions, comments, or concerns.

Respectfully,

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

Emily M. Farah  
Duquesne Light Company  
Counsel, Regulatory

Enclosure

cc: James Flynn (with enclosure)

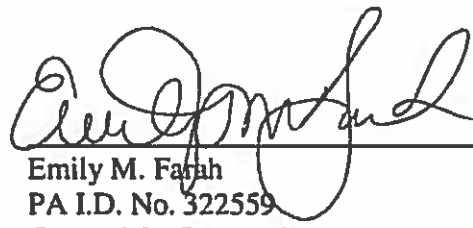


**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing First Set Of Discovery Requests, Requests for Production of Documents, and Request for Admission Directed To Complainant upon the participant listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

James Flynn  
117 Old Quarry Road  
Clinton, PA 15026

Dated this 22<sup>nd</sup> day of July, 2019

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JAMES FLYNN,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

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No: C-2019-3011296

**RESPONDENT'S FIRST SET OF  
INTERROGATORIES, REQUESTS FOR  
PRODUCTION OF DOCUMENTS, AND  
REQUESTS FOR ADMISSION  
DIRECTED TO COMPLAINANT**

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](mailto:efarah@duqlight.com)  
(412) 393-6431  
411 Seventh Avenue, 15th Fl.  
Pittsburgh, PA 15219



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JAMES FLYNN,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2019-3011296
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**RESPONDENT’S FIRST SET OF INTERROGATORIES,  
REQUESTS FOR PRODUCTION OF DOCUMENTS, AND REQUEST FOR  
ADMISSION DIRECTED TO COMPLAINANT**

Respondent Duquesne Light Company (“Duquesne Light”) serves the following First Set of Discovery Requests, Requests for Production of Documents, and Request for Admission Directed to Complainant pursuant to 52 Pa. Code §§ 5.341, 5.349, and 5.350. In accordance with 52 Pa. Code §§ 5.342, 5.349(d), and 5.350, Complainant James Flynn (“Complainant”) must respond to each request within 20 days after being served. Complainant’s responses must be verified in accordance with 52 Pa. Code § 1.36. Duquesne Light reserves the right to serve additional requests.

**DEFINITIONS AND INSTRUCTIONS FOR  
INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS, AND  
REQUEST FOR ADMISSION**

1. “You,” “Your,” or “Complainant” shall mean Complainant James Flynn.
2. “Account” shall mean the Duquesne Light Company Account No. 3540820000 for which Complainant is the Account holder.
3. “Property” shall mean your service address at 117 Old Quarry Road, Clinton, PA 15026.

4. “Person” shall mean any individual, corporation, partnership, joint venture, firm, association, proprietorship, agency, board, authority, commission or other such entity.

5. “Document” shall mean any original written, typewritten, handwritten, printed or recorded material, as well as all tapes, disks, non-duplicate copies and transcripts thereof, which now or at any time have been in the possession, custody or control of, or known to, the person(s) answering these Interrogatories and/or any of the answering person's present or former attorneys, agents, accountants, and/or other persons acting or purporting to act on her behalf; and, without limitation, but for the purposes of illustration only, “document” includes correspondence, emails, text messages, notes and records of telephone conversations, meetings and conferences, notes and records of personal conversations, or interviews, analyses, letters and other written communications, books, records, tapes, reports, accounts, accountants' work sheets, contracts, agreements, drafts, notices, notes (including handwritten notes), projections, summaries, work papers, studies, investigations, diaries, calendars, appointment books, films, photographs, minutes of meetings, books of account, spread sheets, ledgers, invoices, receipts, confirmation slips, checks, drafts, logs, personal financial statements, checking/savings account statements, and/or any other writings.

6. “Identify” shall mean as follows:

- (a) As to a person: name, business and residence address, occupation, job title, and date so employed; and, if not an individual, state the type of entity and the address of its principal place of business.
- (b) As to a document: the type of document (letter, etc.), the identity of the author or originator, the date authored or originated, the identity of each person (as defined herein) to whom the original or copy was addressed for delivery, the identity of such person known or reasonably believed by you to have present possession, custody or control thereof, and a brief description of the subject matter thereof, all with sufficient particularity to request its production under Pa. R.C.P. 4009.

- (c) As to a communication: the date of the communication, The type of communication (telephone conversation, meeting, etc.), the place where the communication took place, the identity of the person who initiated the communication, the identity of each person who received the communication and of each person present when it was made, and the subject matter discussed.
- (d) As to a meeting: the date and place of the meeting, each person invited to attend, each person who attended, and the subject matter discussed.

7. The singular includes the plural and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

8. "All" and "any" shall mean "any and all".

9. Without limitation of the term "control" as used in the definition of "Document," a document is deemed to be in your control if you have the right to secure the document or a copy thereof from another person or entity having actual possession thereof.

10. If a document is responsive to a request for identification or production and is in your control, but is not in your possession or custody, identify the person, as defined herein, with possession or custody.

11. If any document was, but is no longer, in your possession or subject to your control, state what disposition was made of it, by whom, and the date(s) or approximate date(s) on which disposition was made, and why.

12. If you do not answer any Interrogatory or Request, either in whole or in part, on the grounds that the information sought is privileged, you shall answer as much of the Interrogatory or Request as to which no privilege is claimed. With respect to each Interrogatory or Request or portion thereof for which a privilege is claimed, please provide a privilege log stating the following information:

- (a) Privilege claimed;

- (b) Facts as will enable the Court to determine the merits of the claim of privilege;
- (c) Identify all documents or portions thereof for which the privilege is claimed;
- (d) Identify the person(s) who wrote, conceived or generated the document or portion thereof for which a privilege is claimed; and
- (e) Identify the person(s) in present custody of the privileged document or portion thereof for which the privilege is claimed.

## INTERROGATORIES

1. Please provide all facts that support your allegation in Paragraph 5 of your Complaint that you had or have a “defective heat pump” that started “approx. 7 years” ago.

**ANSWER:**

2. Please identify all exhibits and documents that you intend to introduce at the hearing and/or trial of this matter.

**ANSWER:**

3. Identify all persons you intend to call as witnesses at the trial or hearing of this matter.

**ANSWER:**

4. Identify each person by name, as well as title or position, who provided answers to these interrogatories, assisted in the preparation thereof, who you consulted with in answering these interrogatories, or is in any fashion responsible for the information and/or documentary materials provided.

**ANSWER:**

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please produce all documents related to, concerning, responsive to, identified in and/or referred to in any of Complainant' Answers to Plaintiff's Interrogatories to Complainant.

**RESPONSE:**

2. Please produce any seller's disclosure statements prepared for the Property within the last seven (7) years.

**RESPONSE:**

**REQUEST FOR ADMISSION**

1. Please admit that the Property is listed for sale as of July 22, 2019.

Admitted: \_\_\_\_\_

Denied: \_\_\_\_\_

DUQUESNE LIGHT COMPANY

Dated: July 22, 2019

By: \_\_\_\_\_  
Emily M. Farah, Esquire  
Counsel for Respondent,  
Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JAMES FLYNN,

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

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No: C-2019-3011296

**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):

**VIA FIRST-CLASS MAILING AND ELECTRONIC MAILING**

James Flynn  
117 Old Quarry Road  
Clinton, PA 15026

Administrative Law Judge Steven K. Haas  
Office of Administrative Law Judge  
P.O. Box 3265  
Harrisburg PA 17105-3265

Dated this 12th day of November, 2019

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