



Emily Farah
Counsel, Regulatory

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

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

December 16, 2019

Via Electronic Filing

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

**RE: Darnell Jones D v. Duquesne Light Company
Docket No. C-2019-3014574**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objection to the Formal Complaint in the above-captioned matter. A copy of this document and the enclosed filing have been served upon Complainant 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.

Emily M. Farah
Duquesne Light Company
Counsel, Regulatory

Enclosure

cc: Darnell Jones D (w/encl.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DARNELL JONES D, :
 :
 Complainant, :
 :
 vs. :
 :
 DUQUESNE LIGHT COMPANY, :
 :
 Respondent. :

No: C-2019-3014574

PRELIMINARY OBJECTION

Filed on behalf of Respondent
Duquesne Light Company

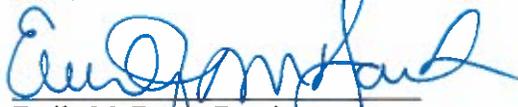
Counsel of Record for this Party:
Emily M. Farah, Esquire
PA I.D. No. 322559
efarah@duqlight.com
(412) 393-6431
411 Seventh Avenue, 15th Fl.
Pittsburgh, PA 15219

NOTICE TO PLEAD

TO: COMPLAINANT, DARNELL JONES D

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE WITHIN PRELIMINARY OBJECTION OF RESPONDENT, DUQUESNE LIGHT COMPANY, WITHIN TEN (10) DAYS OF SERVICE HEREOF, OR A JUDGMENT MAY BE ENTERED AGAINST YOU IN ACCORDANCE WITH 52 PA. CODE § 5.101.

DUQUESNE LIGHT COMPANY



Emily M. Farah, Esquire
Counsel for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DARNELL JONES D,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2019-3014574
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

PRELIMINARY OBJECTION

Pursuant to 52 Pa. Code. § 5.101, Duquesne Light files its preliminary objection to Darnell Jones D’s Formal Complaint:

I. Factual Background

1. On or about December 27, 2018, Duquesne Light was served with Darnell Jones D’s (“Complainant”) Formal Complaint (the “Complaint”) initiating this matter.
2. Upon information and belief, Complainant’s allegation is that Duquesne Light should not be able to create bills that include more days than the calendar month, stating that Duquesne Light uses “35 days to make a bill for one month[.]”Complaint ¶ 5.
3. As set forth more fully below, Complainant’s sole allegation is that Duquesne Light should not be able to create bills that include more days that the calendar month fails as a matter of law.
4. Duquesne Light files this Preliminary Objection on the grounds that the Complaint fails to identify any alleged violation of a Pennsylvania Public Utility Commission (“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.

5. A preliminary objection 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 (May 7, 2014).

6. 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 (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.").

7. 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.

8. Upon information and belief, Complainant's sole allegation is that Duquesne Light should not be able to create bills that include more days than the calendar month, stating that Duquesne Light uses "35 days to make a bill for one month[.]" Complaint ¶ 5.

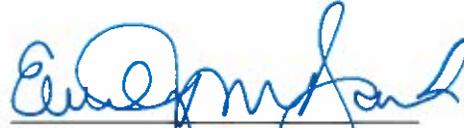
9. Commission regulations expressly define a billing month as a "period of not less than 26 days and not more than 35 days." 52 Pa. Code § 56.2.

10. Commission regulations further provide that a billing month may be less than 26 days and more than 35 days when the utility issues an initial bill, final bill, or a rebill. 52 Pa. Code § 56.2.

11. Consequently, Complainant's assertion that Duquesne Light should not be able to create bills that include more days than the calendar months incorrect and fails as a matter of law.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objection and dismiss the Complaint with prejudice and without a hearing.

DUQUESNE LIGHT COMPANY



Emily M. Farah, Esquire
411 Seventh Avenue, 15th Fl.
Pittsburgh, PA 15219
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Counsel for Respondent,
Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DARNELL JONES

Complainant,

vs.

DUQUESNE LIGHT COMPANY,

Respondent.

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No: C-2019-3014574

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):

Darnell Jones D
1210 Holmes Street, Apartment 1
McKees Rocks, PA 15136

Dated this 16th day of December, 2019



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