



Emily M. Farah
Counsel, Regulatory

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

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

September 3, 2020

Via Electronic Filing

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

RE: Todd Koger v. Duquesne Light Company
Docket No. C-2019-3013238

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Reply to Complainant's New Matter and Motion to Join C-2020-3023094 and BSC 3767867 in the above-captioned matter. A copy of this document was served upon the participants as indicated on the Certificate of Service. Please feel free to contact me if you have any questions.

Respectfully,

A handwritten signature in blue ink, appearing to read "Emily M. Farah", is written over a faint, larger version of the signature.

Emily M. Farah
Counsel, Regulatory

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------|---|--------------------|
| TODD KOGER, | : | |
| | : | |
| Complainant, | : | |
| | : | |
| vs. | : | No: C-2019-3013238 |
| | : | |
| DUQUESNE LIGHT COMPANY, | : | |
| | : | |
| Respondent. | : | |

**REPLY TO COMPLAINANT’S NEW MATTER
AND MOTION TO JOIN C-2020-3020394 AND BSC CASE #3767867**

Respondent Duquesne Light Company (“Duquesne Light” or the “Company”), files its Response to the Complainant’s “New Matter And Motion To Join C-2020-3020394 And BSC¹ Case #3767867” filed by Todd Koger at the above-captioned docket number, stating as follows:

BACKGROUND AND PROCEDURAL HISTORY

Complainant filed Complainant filed a formal complaint at docket number C-2019-3013238 (“2019 Complaint”) on September 30, 2019 regarding electric service provided to 515 Kelly Avenue, Pittsburgh, PA 15221 (the “Property”). Duquesne Light filed a timely Answer on October 21, 2019. In its Answer to the 2019 Complaint, Duquesne Light denied all material allegations and stated that the account holder for the account in question is Todd Koger, Jr., not the Complainant, Todd Koger, Sr.

On January 9, 2020 and February 25, 2020, the Commission held telephonic hearings regarding the 2019 Complaint. As of the date of this filing, an Initial Decision has not yet been issued for the 2019 Complaint.

¹ Upon information and belief, Complainant has a typographical error in his motion. When Complainant refers to the Pennsylvania Public Utility Commission’s acronym for the Bureau of Consumer Services, or the “BCS,” Complainant types “BSC.”

On June 16, 2020, Duquesne Light was served with another formal complaint filed by the Complainant, at docket number C-2020-3020394 (“2020 Complaint”). Duquesne Light filed a timely Answer, New Matter, and Preliminary Objection to the 2020 Complaint on July 6, 2020. In its Answer and New Matter to the 2020 Complaint, Duquesne Light denied all material allegations and reiterated its position that the account holder for the Property is not the Complainant. On July 15, 2020, Complainant filed an informal complaint with the Commission’s Bureau of Consumer Services (“BCS”) at No. #3767867. On July 17, 2020 Complainant’s BCS complaint was dismissed due to Complainant’s active formal complaints.

By Interim Order dated August 5, 2020, the ALJ in this proceeding ordered Complainant to e-serve a document titled “New Matter Motion to Reopen Record” previously e-mailed to the ALJ and the undersigned counsel. The Interim Order indicated Complainant had until August 19, 2020 to file said motion.

On August 11, 2020, Duquesne Light filed a Motion for Judgement on the Pleadings in the 2020 Complaint matter. On August 16, 2020, Complainant emailed Duquesne Light counsel his “New Matter and Motion to Join C-2020-3020394 And BSC Case # 3767867” (“Complainant’s Motion to Join”). On August 17, 2020, Complainant’s Motion to Join was posted to the Pennsylvania Public Utility Commission’s (“Commission”) docket associated with the 2019 Complaint. Pursuant to the Interim Order, Duquesne Light is filing its reply to Complainant’s Motion to Join.

REPLY TO COMPLAINANT’S MOTION TO JOIN

1. Duquesne Light denies all material allegations in the Complainant’s Motion to Join unless specifically admitted. Duquesne Light requests that certain portions of the Complainant’s Motion to Join be stricken in accordance with the Motion to Strike filed contemporaneously with this filing.

2. Though Complainant’s Motion to Join is hard to follow, Duquesne Light’s interpretation of the assertions raised in Complainant’s Motion to Join is three-fold: First, Complainant attempts to reiterate certain claims made during the hearings for the 2019 Complaint; Second, Complainant attempts to

reiterate the claims made in the 2020 Complaint, and; Third, Complainant asks for the 2019 Complaint to be joined with the 2020 Complaint.

3. Duquesne Light reserves the right to address any and all claims made by the Complainant as may be necessary and appropriate during the course of this proceeding.

4. First, Complainant's Motion to Join reiterates certain claims relating to his personal relationships. Such claims were ruled irrelevant during the 2019 Formal Complaint hearings. Duquesne Light reiterates that Complainant's personal relationships are irrelevant to both proceedings, and moves to strike such allegations as stated in Duquesne Light's Motion to Strike filed contemporaneously with this Reply.

5. Second, Complainant reiterates claims made in the 2020 Complaint. For reasons stated in Duquesne Light's Motion for Judgment on the Pleadings and Preliminary Objection to the 2020 Complaint, the 2020 Complaint (and the claims asserted therein) should be dismissed in its entirety. As stated in the Motion for Judgment on the Pleadings in the 2020 Complaint, the 2020 Complaint should be barred pursuant to the doctrine of claim preclusion. As stated in the Preliminary Objection to the 2020 Complaint, Complainant's allegations related to federal statutes must be dismissed because the Commission does not have jurisdiction to rule on federal law. As stated in its Answer to the 2020 Complaint, Duquesne Light denies that the suffix ("Jr.") was added to the account name for the Property as retaliation for filing the 2019 Complaint and further denies that adding the suffix on the account has caused Complainant to be denied energy assistance grants. Duquesne Light added the suffix on the account to better reflect the account holder and to prevent confusion. Duquesne Light denies any wrongdoing related to adding the suffix on the account.

6. Third, Complainant requests that the 2020 Complaint and the 2019 Complaint be joined. For reasons stated in Duquesne Light's Preliminary Objection to the 2020 Complaint, Duquesne Light does not object to joining the 2019 Complaint and 2020 Complaint for procedural efficiency.

WHEREFORE, Respondent Duquesne Light Company respectfully requests that the Pennsylvania Public Utility Commission join the matters docketed at C-2019-3013238 and C-2020-3020394, deny the relief sought and dismiss the matter with prejudice.

Respectfully submitted,

DUQUESNE LIGHT COMPANY



Emily M. Farah, Esquire
411 Seventh Avenue, MD 15-7
Pittsburgh, PA 15219
efarah@duqlight.com
(412) 393-6431
Counsel for Respondent,
Duquesne Light Company

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| | : | |
| Respondent. | : | |

VERIFICATION

I, Lisa Davenport, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Lisa Davenport
Lisa Davenport

9/21/2020
Date

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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| Complainant, | : | |
| | : | |
| vs. | : | No: C-2019-3013238 |
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| DUQUESNE LIGHT COMPANY, | : | |
| | : | |
| Respondent. | : | |

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **REPLY TO COMPLAINANT’S NEW MATTER AND MOTION TO JOIN C-2020-3020394 AND BSC CASE** upon the participant listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

BY U.S. MAILING ONLY

Todd Koger, Sr.
515 Kelly Avenue
Pittsburgh, PA 15221

BY ELECTRONIC MAILING ONLY

The Honorable Mark A. Hoyer
Administrative Law Judge
Piatt Place Downtown
301 Fifth Avenue #220
Pittsburgh, PA 15222
mhoyer@pa.gov

Dated this 3rd day of September, 2020



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