



**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 Motion to Strike in the above-captioned matter. A copy of this document was served upon the participants in the manner(s) 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".

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.	:	

**MOTION TO STRIKE**

Filed on behalf of Respondent  
Duquesne Light Company

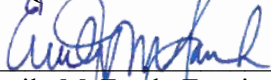
Counsel of Record for this Party:  
Emily M. Farah, Esquire  
PA I.D. No. 322559  
[efarah@duqlight.com](mailto:efarah@duqlight.com)  
(412) 393-6431  
411 Seventh Avenue, MD 15-7  
Pittsburgh, PA 15219

**NOTICE TO PLEAD**

**TO: COMPLAINANT TODD KOGER**

**YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE WITHIN MOTION TO STRIKE OF RESPONDENT DUQUESNE LIGHT COMPANY WITHIN TWENTY (20) DAYS OF SERVICE PURSUANT TO 52 PA. CODE § 5.103 OR A JUDGEMENT MAY BE ENTERED AGAINST YOU.**

DUQUESNE LIGHT COMPANY

  
\_\_\_\_\_  
Emily M. Farah, Esquire  
Attorney for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**MOTION TO STRIKE**

Pursuant to 52 Pa. Code § 5.103 Respondent Duquesne Light Company (“Duquesne Light” or the “Company”), files this Motion to Strike to the Complainant’s “New Matter And Motion To Join C-2020-3020394 And BSC<sup>1</sup> Case #3767867,” stating as follows:

1. Duquesne Light moves to strike<sup>2</sup> paragraphs 6 through 15 of Complainant’s “New Matter And Motion To Join C-2020-3020394 And BCS Case #3767867” (“Complainant’s Motion to Join”), docketed on August 17, 2020 at the above-captioned matter because of the inclusion of a scandalous or impertinent matter.

2. Notwithstanding the fact that Complainant’s Motion to Join paragraphs 6 through 15 are reiterations of allegations made in the hearings at the above-captioned matter that are barred by the doctrine of claim preclusion, the allegations raised in paragraphs 6 through 15 should be stricken because of the scandalous and impertinent nature.

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<sup>1</sup> 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.”

<sup>2</sup> To the extent the Complainant’s “New Matter And Motion To Join C-2020-3020394 And BSC Case #3767867” is treated as a pleading, despite the pleadings being closed in this matter, Duquesne Light respectfully requests that this Motion to Strike be treated as a Preliminary Objection on the basis of the inclusion of a scandalous or impertinent matter pursuant to 52 Pa. Code § 5.101(a)(2).

3. When a motion to strike is filed on the basis of a scandalous or impertinent matter, the court must determine whether facts are legally relevant to action involved or whether they could have any influence in leading to result. Springdale Tp. v. Kane, 328 A.2d 904, 16 Pa.Cmwlth. 171, Cmwlth.1974.

4. Complainant's personal relationships are not relevant to the above-captioned complaint, as ruled upon by the Administrative Law Judge ("ALJ") who presided over the hearings in the above-captioned matter.

5. Specifically, Complainant's personal relationships have no bearing on the allegations recited in the above-captioned complaint, including whether the Company threatened termination of electric service at 515 Kelly Avenue, Pittsburgh, PA 15221 (the "Property") or whether a security deposit was assessed when Complainant applied for service in his own name at the Property in 2018.

6. Additionally, Duquesne Light denies that the suffix ("Jr.") was added to the account name for the Property for any other reason other than to properly reflect the account holder and to prevent confusion.

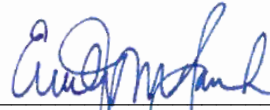
7. In summary, Complainant's Motion to Join paragraphs 6-15 should be stricken because of the scandalous and impertinent nature related to Complainant's personal relationships.

**WHEREFORE**, Duquesne Light Company respectfully requests that the Commission grant its Motion to Strike and remove paragraphs 5-16 of Complainant's "New Matter And Motion To Join C-2020-3020394 And BSC Case #3767867" from the record.

[signature on the following page]

Respectfully submitted,

DUQUESNE LIGHT COMPANY



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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **MOTION TO STRIKE** upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

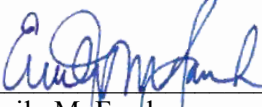
**BY U.S. MAILING ONLY**

Todd Koger  
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 3<sup>rd</sup> day of September, 2020

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