

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NANCY LEININGER,

Complainant,

v.

No.: C-2020-3021150

DUQUESNE LIGHT COMPANY,

Respondent.

**RESPONSE IN OPPOSITION TO
MOTION FOR JUDGMENT ON THE
PLEADINGS**

FILED ON BEHALF OF COMPLAINANT
NANCY LEININGER

COUNSEL OF RECORD FOR THIS
PARTY:

JOHN P. CORCORAN, JR., ESQUIRE
PA. ID. NO. 74906

JONES, GREGG, CREEHAN &
GERACE, LLP
411 SEVENTH AVENUE
SUITE 1200
PITTSBURGH, PA 15219
(412) 261-6400
jpc@jgcg.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NANCY LEININGER,

Complainant,

v.

No.: C-2020-3021150

DUQUESNE LIGHT COMPANY,

Respondent.

RESPONSE IN OPPOSITION TO MOTION FOR JUDGMENT ON THE PLEADINGS

AND NOW, comes the Complainant, Nancy Leininger, by and through her undersigned counsel, John P. Corcoran, Jr., Esquire, and Jones, Gregg, Creehan & Gerace, LLP, and files the following Response in Opposition to Motion for Judgment on the Pleadings pertaining to the Formal Complaint filed pursuant to 58 2 Pa. Code §5.102(a), and states as follows:

I. INTRODUCTION

1. The allegations contained in Paragraph 1 are denied. It is denied that the Administrative Law Judge should dismiss the Complaint. This is not a re-litigation of the prior allegations and incorrect charges appearing in the bills. To the contrary, there is a significant issue now with respect to the issues in the case and results specifically as to the transformer.

2. The allegations contained in Paragraph 2 are admitted.

3. The allegations contained in Paragraph 3 are admitted.

4. The allegations contained in Paragraph 4 are denied as stated.

5. The allegations contained in Paragraph 5 are denied and Complainant is not required to file a response to New Matter since the New Matter asserted conclusions of law to which no response was deemed required.

6. The allegations contained in Paragraph 6 are denied and Complainant is not required to file a response to New Matter since the New Matter asserted conclusions of law to which no response was deemed required.

7. The allegations contained in Paragraph 7 are denied.

8. The allegations contained in Paragraph 8 constitute conclusions of law to which no response is deemed required.

9. The allegations contained in Paragraph 9 constitute conclusions of law to which no response is deemed required.

II. UNDISPUTED FACTS

10. The allegations contained in Paragraph 10 are admitted.

11. The allegations contained in Paragraph 11 constitute conclusions of law to which no response is deemed required.

10. The allegations contained in Paragraph 10 are denied. It is denied that this matter results from a defective meter. To the contrary, the transformer is now at issue.

11. The allegations contained in Paragraph 11 constitute conclusions of law to which no response is deemed required.

12. The allegations contained in Paragraph 12 constitute conclusions of law to which no response is deemed required.

III. LEGAL STANDARD

13. The allegations contained in Paragraph 13 constitute conclusions of law to which no response is deemed required.

14. The allegations contained in Paragraph 14 constitute conclusions of law to which no response is deemed required. To the extent a response is deemed required, there is a genuine issue of material fact in this case as to the defective transformer.

15. The allegations contained in Paragraph 15 constitute conclusions of law to which no response is deemed required.

16. The allegations contained in Paragraph 16 constitute conclusions of law to which no response is deemed required.

17. The allegations contained in Paragraph 17 constitute conclusions of law to which no response is deemed required.

18. The allegations contained in Paragraph 18 constitute conclusions of law to which no response is deemed required.

19. The allegations contained in Paragraph 19 constitute conclusions of law to which no response is deemed required.

20. The allegations contained in Paragraph 11 constitute conclusions of law to which no response is deemed required. To the extent a response is deemed required, counsel has not had the opportunity to fully litigate the issue regarding the failure of the transformer.

21. The allegations contained in Paragraph 21 are denied. It is denied that the charges appeared on Complainant's Duquesne Light bills due to a "defective" meter. To

the contrary, there is a transformer which has caused the incredibly high billing for the subject premises.

22. The allegations contained in Paragraph 22 constitute conclusions of law to which no response is deemed required.

23. The allegations contained in Paragraph 23 are admitted.

24. The allegations contained in Paragraph 24 are denied as stated. There has been no evidentiary hearing with respect to the failure of the transformer system. Complainant is now obtaining expert reports concerning those specific facts.

25. The allegations contained in Paragraph 25 constitute conclusions of law to which no response is deemed required.

26. The allegations contained in Paragraph 26 constitute conclusions of law to which no response is deemed required.

27. The allegations contained in Paragraph 27 constitute conclusions of law to which no response is deemed required.

WHEREFORE, Complainant, Nancy Leininger, respectfully requests that the Pennsylvania Public Utility Commission deny the Motion for Judgment on the Pleadings.

Respectfully submitted,

JONES, GREGG, CREEHAN & GERACE, LLP

BY: 

JOHN P. CORCORAN, JR., ESQUIRE
ATTORNEY FOR COMPLAINANT
NANCY LEININGER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **RESPONSE IN OPPOSITION TO MOTION FOR JUDGMENT ON THE PLEADINGS** has been furnished, via electronic mailing only, this 7 day of October, 2020, to:

EMILY M. FARAH, ESQUIRE
411 SEVENTH AVENUE
MD 15-7
PITTSBURGH, PA 15219
efarah@duqlight.com

JONES, GREGG, CREEHAN & GERACE, LLP

BY: 

JOHN P. CORCORAN, JR., ESQUIRE
ATTORNEY FOR COMPLAINANT
NANCY LEININGER