



**Emily M. Farah**  
Counsel, Regulatory

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

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

October 19, 2020

**Via Electronic Filing**

Ms. Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120

**RE: Cathy Drake v. Duquesne Light Company**  
**Docket No. F-2020-3022173**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objection to the Formal Complaint filed by Cathy Drake. A copy of this document and the enclosed filing has been served upon Complainant in accordance with Commission regulations.

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 for Duquesne Light Company

Enclosure

cc: Cathy Drake (with enclosure)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CATHY DRAKE,	:	
	:	
Complainant,	:	
	:	
v.	:	No: F-2020-3022173
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**PRELIMINARY OBJECTION**

Filed on behalf of Respondent  
Duquesne Light Company

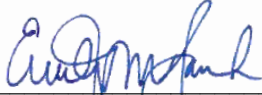
Counsel of Record for this Party:  
Emily M. Farah, Esquire  
PA I.D. No. 322559  
[efarah@duqlight.com](mailto:efarah@duqlight.com)  
(412) 393-6431  
411 Seventh Avenue, MD 15-7  
Pittsburgh, PA 15219

**NOTICE TO PLEAD**

**TO: COMPLAINANT CATHY DRAKE**

**YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO RESPONDENT'S  
PRELIMINARY OBJECTION WITHIN TEN (10) DAYS OF SERVICE PURSUANT TO 52 PA  
CODE § 5.101 OR A JUDGMENT MAY BE ENTERED AGAINST YOU.**

DUQUESNE LIGHT COMPANY

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CATHY DRAKE,	:	
	:	
Complainant,	:	
	:	
v.	:	No: F-2020-3022173
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**PRELIMINARY OBJECTION**

Pursuant to 52 Pa. Code § 5.101(a)(4), Duquesne Light Company (“Duquesne Light” or the “Company”) files its preliminary objection to Cathy Drake’s Formal Complaint on the basis of legal insufficiency, and in support thereof, states as follows:

**I. Factual Background**

1. On or about September 29, 2020, Duquesne Light was served with Cathy Drake’s (“Complainant”) Formal Complaint (the “Complaint”) initiating this matter.

2. Complainant alleges that she is not responsible for electric service that accrued at the service address, located at 506 3<sup>rd</sup> Street, Apartment 10, North Versailles, Pennsylvania 15137 (the “Property”) while she was the named account holder. Complaint ¶¶ 4-5.

3. Duquesne Light files this Preliminary Objection on the grounds that the Complaint fails to identify any alleged violation of a 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.**

4. According to Commission regulations, 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 (Pa. P.U.C. May 7, 2014) (Salapa, ALJ).

5. 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 (Pa. P.U.C. 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.”).

6. 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 rule contained within the Company’s Commission-approved tariff. It is, therefore, legally insufficient.

7. Complainant attributes her electric use to others being in her residence when she was not present (“I am willing to take a polygraph test to prove I did not make this bill”). Complaint ¶¶ 4-5.

8. The Complaint fails to claim any act or omission done or about to be done or omitted by Duquesne Light Company. Complaint ¶ 5.

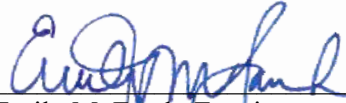
9. As the customer of record, Complainant is responsible for the balance that accrued at the service address, regardless of whether she was physically present.

10. Because the Complaint fails to state an act or omission to be done or about to be done by Duquesne Light Company in violation of its Commission-approved tariff, the Commission’s regulations, or Commission’s orders, the Complaint is legally insufficient.

11. Consequently, the Complaint fails as a matter of law, and must be dismissed in its entirety.

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

DUQUESNE LIGHT COMPANY



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(412) 393-6431  
Counsel for Respondent,  
Duquesne Light Company

**BEFORE THE  
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CATHY DRAKE	:	
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Complainant,	:	
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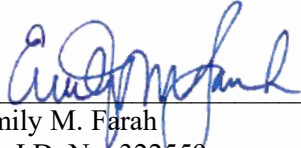
**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Preliminary Objection upon the participant listed below in accordance with the requirements of 52 PA. Code § 1.54 (relating to service by a participant):

**VIA U.S. MAILING**

Cathy Drake  
625 Marne Avenue, Apartment 9  
Monongahela, PA 15063

Dated this 19<sup>th</sup> day of October, 2020

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