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November 24, 2020

Via Electronic Filing

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

RE: Delroy May v. Duquesne Light Company
Docket No. C-2020-3022458

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objection to the Formal Complaint filed by Delroy May at the above docket. A copy of this correspondence letter and the enclosed filing have been served upon Complainant in accordance with Commission regulations.

Please feel free to contact me if you have any questions, comments, or concerns.

Respectfully,

A handwritten signature in blue ink, appearing to read "Emily M. Farah".

Emily M. Farah
Counsel, Regulatory

cc: Delroy May (w/ encl.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DELROY MAY,	:	
	:	
Complainant,	:	
	:	
v.	:	No: C-2020-3022458
	:	
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

PRELIMINARY OBJECTION

Pursuant to 52 Pa. Code § 5.101(a)(7), Respondent Duquesne Light Company ("Duquesne Light" or the "Company") files this Preliminary Objection to the Formal Complaint ("Complaint") filed by Delroy May ("Complainant"), and in support thereof, states as follows:

I. INTRODUCTION

1. Duquesne Light seeks to dismiss this Complaint in its entirety on the basis that Complainant lacks standing to bring the present case. See 52 Pa. Code § 5.101 (a)(7)(allowing a party to file preliminary objections for lack of standing).

2. Complainant's service address is 1833 Seaton Street, Pittsburgh, PA 15226.

3. The Complaint pertains to the condition of electric service to a different customer at a different address utility service to the Complainant.

4. The Complaint attempts to bring claims on behalf of one or more of his neighbors, specifically the property owner of 1942 Creedmore Place, Pittsburgh, PA 15226. ("Creedmore Property").

5. As set forth more fully below, Complainant does not have a direct, immediate, or substantial interest in the proceeding pursuant to 52 Pa. Code § 5.101(a)(7).

II. LAW AND ARGUMENT

A. The Complainant lacks standing because he does not have a direct, immediate, or substantial interest in the suit.

6. Pursuant to 52 Pa. Code § 5.101(a)(7), a party may file preliminary objections on the grounds of “[s]tanding of a party to participate in the proceeding.”

7. “Generally, the Commission has held that a person or entity has standing when the person or entity has a direct, immediate and substantial interest in the subject matter of a proceeding.” Pamela Giacomet Luke v. Columbia Gas of Pennsylvania, Docket No. C-2014-2425948, 2014 WL 3824555, *5 (Pa. P.U.C., July 18, 2014).

8. Further, “[t]he Complainant’s interest in the subject matter of the proceeding is direct if his interest is adversely affected by the actions challenged in the complaint, is immediate if there is a causal nexus between his asserted injury and the actions challenged in the complaint and is substantial if he has a discernible interest other than the general interest of all citizens in seeking compliance with the law.” Luke v. Columbia Gas, 2014 WLC3824555 at *5 (citing Ken R. ex rel. C.R. v. Arthur Z., 682 A.2d 1267 (Pa. 1996)).

9. A party who asserts standing “in a representational capacity would still be required to demonstrate an interest on the part of its members that is direct, immediate and substantial.” Pennsylvania Pub. Utility Comm’n v. Pennsylvania Gas & Water Company, et al., R-922169, 1992 WL 687130, at *3 (Oct 29, 1992).

10. Here, Complainant lacks standing to bring the present Complaint because Complainant does not have a direct, immediate, and substantial interest in the proceeding.

11. Complainant's interest is not direct because the Creedmore Property owner, not the Complainant, is allegedly adversely affected by the actions challenged in the complaint, namely, the burden of removing the tree on the Creedmore Property. See Complaint ¶ 5 (“The [Creedmore Property] owner should not be held responsible in any way since he did try to have the tree cut down.”).

12. Complainant's interest is not immediate because the Complainant fails to assert any actual injury. See Complaint ¶¶ 4-5.

13. Complainant's interest is not substantial because he has no interest in the vegetation management for the Creedmore Property beyond the general interest of all citizens in the area, which is inadequate to confer standing. See Complaint ¶ 5 (“My concern is not damage to my property but I'm afraid there will be an injury or death caused by this situation.”).

14. Further, Complainant is not an attorney licensed to practice in the Commonwealth of Pennsylvania and is therefore unable to represent one or more persons' interest(s) in this proceeding.¹

15. Given that the Complainant does not have adequate standing because he does not have a direct, immediate, or substantial interest in this proceeding, the Complaint must be dismissed in its entirety.

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¹ After reasonable investigation, Complainant is not included in the Pennsylvania Disciplinary Board's attorney database.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objection and dismiss the Complaint with prejudice.

November 24, 2020

Respectfully submitted,

DUQUESNE LIGHT COMPANY



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**BEFORE THE
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DELROY MAY,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: C-2020-3022458
	:	
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing 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 FIRST-CLASS MAILING AND ELECTRONIC MAILING

Delroy May
1833 Seaton Street
Pittsburgh, PA 15226
demjem2@verizon.net

Dated this 24th day of November, 2020.



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