

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NANCY LEININGER,

Complainant,

v.

No.: C-2020-3021150

DUQUESNE LIGHT COMPANY,

Respondent.

**EXCEPTIONS OF NANCY LEININGER
TO THE INITIAL DECISION OF THE
HONORABLE MARK A. HOYER**

FILED ON BEHALF OF COMPLAINANT
NANCY LEININGER

COUNSEL OF RECORD FOR THIS
PARTY:

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Pursuant to 52 Pa Code § 5.533, Nancy Leininger hereby files its Exceptions to the Initial Decision of Administrative Law Deputy Chief Administrative Law Judge Mark A. Hoyer (“Judge Hoyer”) issued on December 10, 2020, which granted Duquesne Light Company’s Motion for Judgment on the Pleadings and dismissed the Formal Complaint filed by Nancy Leininger in the above-captioned proceeding.

1. Nancy Leininger takes exception to Judge Hoyer’s Initial Decision to grant Duquesne Light Company’s Motion for Judgment on the Pleadings and dismiss Nancy Leininger’s Formal Complaint under the theories of *res judicata* and collateral estoppel. Particularly, Nancy Leininger asserts:

- a. There exists a dispute as to the material fact of whether the defective transformer has caused Nancy Leininger to be overcharged for her electric use;
- b. The proceeding at Docket No. F-2018-3003226 involved a dispute as to whether a defective smart meter was causing inappropriate overcharges for Nancy Leininger’s electric use; and

c. This proceeding involves a dispute as to whether a defective transformer is causing inappropriate overcharges for Nancy Leininger's electric use;

d. Nancy Leininger cites to pages 3-6 of Judge Hoyer's Initial Decision.

2. Nancy Leininger takes exception to Judge Hoyer's Conclusion of Law Number 5 insofar as this proceeding dealt with a different factual scenario than the proceeding at Docket No. F-2018-3003226 – the question here involved whether the incorrect overcharges were occurring as a result of a defective transformer, as opposed to a defective smart energy meter. *Initial Decision* Pg. 6.

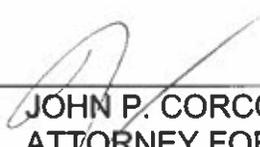
3. Nancy Leininger takes exception to Judge Hoyer's Conclusion of Law Number 6 insofar as this proceeding dealt with a different issue than the proceeding at Docket No. F-2018-3003226 – the question here involved whether the incorrect overcharges were occurring as a result of a defective transformer, as opposed to a defective smart energy meter. *Initial Decision* Pgs. 6-7.

WHEREFORE, for the reasons set forth herein, Nancy Leininger respectfully requests this Honorable Court grant these exceptions and enter an appropriate order reversing Judge Hoyer's Initial Decision, granting the motion to dismiss the Formal Complaint.

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 25 day of January, 2021, to:

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