



Emily M. Farah
Counsel, Regulatory

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

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

May 13, 2021

Via Electronic Filing

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

RE: Jevan, LLC v. Duquesne Light Company
Docket No. F-2021-3025453

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objection in the above-mentioned matter. A copy of this document and the enclosed filing were served upon Complainant in accordance with Commission regulations.

Please feel free to contact me if you have any questions.

Respectfully Submitted,

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, Regulatory

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEVAN, LLC,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: F-2021-3025453
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

PRELIMINARY OBJECTION

Filed on behalf of Respondent
Duquesne Light Company

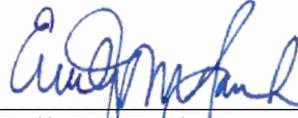
Counsel of Record for this Party:
Emily M. Farah, Esquire
PA I.D. No. 322559
efarah@duqlight.com
(412) 393-6431
411 Seventh Avenue, MD 15-7
Pittsburgh, PA 15219

NOTICE TO PLEAD

TO COMPLAINANT JEVAN, LLC:

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO RESPONDENT'S PRELIMINARY OBJECTION WITHIN 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
Counsel for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEVAN, LLC,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: F-2021-3025453
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

PRELIMINARY OBJECTION

Pursuant to 52 Pa. Code § 5.101(a)(1), Duquesne Light files its preliminary objection the above-captioned Formal Complaint, and in support thereof, states as follows:

I. FACTUAL BACKGROUND

1. The structure located at 1430-1432 Potomac Avenue, Pittsburgh, PA 15216 (the “Property”) is a mixed-use commercial and residential building.
2. The Property is owned by JEVAN, LLC. Complaint ¶ 1, Answer and New Matter ¶¶ 4, 13.
3. On or about December 21, 2020, one of the Property’s residential tenants contacted Duquesne Light alleging high electric bills.
4. On December 23, 2020, a Duquesne Light meter technician visited the Property and confirmed the presence of foreign load, meaning the meter servicing the tenants’ apartments were registering electricity usage outside of the their respective residential units.
5. On January 27, 2021, Duquesne Light confirmed the foreign load had been corrected at the Property, pursuant to Act 54 of 1993 (“Act 54”), codified in relevant part at 66 Pa.C.S.A. § 1529.1(b).

6. Complainant contends that Duquesne Light should reimburse him for fees associated with hiring an electrician to investigate foreign load at the Property. Complaint ¶¶ 4-5.

7. Complainant seeks to be compensated for the electrician fees of \$125. See Complaint ¶ 5.

8. Duquesne Light seeks to dismiss the portion of the Formal Complaint seeking \$125 reimbursement for electrician fees because the Pennsylvania Public Utility Commission (“Commission”) lacks jurisdiction to provide Complainant with monetary damages.

II. LAW AND ARGUMENT

9. Pursuant to 52 Pa. Code § 5.101(a)(1), a party may file a preliminary objection for “[l]ack of Commission jurisdiction.”

10. Duquesne Light filed the present Preliminary Objection because the Commission lacks jurisdiction over a portion Complainant’s requested relief.

11. The Complainant states that a portion of the request for relief is monetary damages. Complaint ¶ 5 (“Also reimbursed for \$125 to hire electrician...”)

12. The Commission must act within its jurisdiction, and may only hear complaints regarding the Pennsylvania Code, Commission Regulations or Commission Order. 66 Pa. C.S. § 701; Haleema B. Alkhatib v. PECO Energy Co., C-2011-2242125, 2012 WL 641672, at *5 (Pa. P.U.C. Jan. 12, 2012); City of Pittsburgh v. Pa. Pub. Util. Comm’n., 43 A.2d 348, 348 (Pa. Super. 1945).

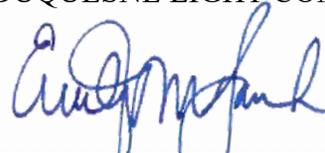
13. The Commission lacks jurisdiction to award damages on behalf of a complainant. Poorbaugh v. Pa. Public Utility Comm’n., 666 A.2d 744 (Pa. Cmwlth. 1995).

14. Accordingly, the Commission lacks the jurisdiction to award the monetary damages sought in the Complaint. See Complaint ¶ 5.

15. For these reasons, the portion of the Formal Complaint seeking money damages should be dismissed because it is outside of the Commission's jurisdiction.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objection and dismiss the portion of the Formal Complaint for monetary damages.

DUQUESNE LIGHT COMPANY



Emily M. Farah
Counsel for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JEVAN, LLC,	:	
	:	
Complainant,	:	
	:	
vs.	:	No: F-2021-3025453
	:	
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(s) listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

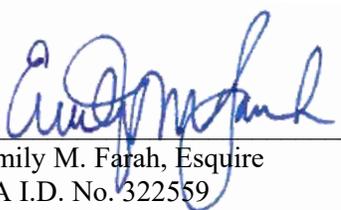
VIA FIRST-CLASS MAILING AND ELECTRONIC MAILING

JEVAN, LLC
c/o Justin Berger
1430 Potomac Avenue
Pittsburgh, PA 15216
Juberger18@gmail.com

VIA FIRST-CLASS MAILING

JEVAN, LLC
229 Meadowfield Lane
Clairton, PA 15025

Dated this 13th of May, 2021



Emily M. Farah, Esquire
PA I.D. No. 322559
(412) 393-6431
EFarah@duqlight.com
Counsel for Duquesne Light Company