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June 29, 2021

**Via Electronic Filing**

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

**RE: Fred DeIuliis v. Duquesne Light Company**  
**Docket No. C-2021-3026386**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to the Formal Complaint filed by Fred DeIuliis at the above-mentioned docket. A copy of this document and the enclosed filing were served upon Complainant, as indicated on the Certificate of Service.

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

Enclosure

cc: Certificate of Service (w/encl.)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

FRED DEIULIIS,

Complainant,

v.

DUQUESNE LIGHT COMPANY,

Respondent.

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No: C-2021-3026386

**PRELIMINARY OBJECTION**

Filed on behalf of Respondent  
Duquesne Light Company

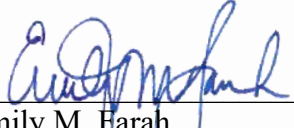
Counsel of Record for this Party:  
Emily M. Farah, Esquire  
PA I.D. No. 322559  
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Pittsburgh, PA 15219

**NOTICE TO PLEAD**

**TO COMPLAINANT FRED DEIULIIS:**

**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

  
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Emily M. Farah  
Counsel for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

FRED DEIULIIS,	:	
	:	
Complainant,	:	
	:	
v.	:	No: C-2021-3026386
	:	
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 Complainant Fred DeIuliis’s Formal Complaint (“Complaint”), and states as follows:

**I. INTRODUCTION & BACKGROUND**

1. As more fully set forth, below, Duquesne Light seeks to dismiss the portion of the above-captioned Complaint disputing the Company’s Customer Charge because the Customer Charge is permitted by the Company’s tariff, and does not constitute a violation of Pennsylvania Public Utility Commission (“Commission”) rules or orders.

2. On June 9, 2021, the Company was electronically served with Complainant’s Complaint at the above-captioned docket.

3. Duquesne Light is timely filing its Answer to the Complaint contemporaneously with this Preliminary Objection.

**II. ARGUMENT**

4. The Commission's Rules of Practice and Procedure permit parties to file preliminary objections. The grounds for preliminary objections are limited to those set forth in

52 Pa. Code § 5.101(a) as follows:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

5. The Commission's procedural regulations allow a party to file a Preliminary objection to pleadings that are legally insufficient. See 52 Pa. Code § 5.101(a)(4).

6. 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." 52 Pa. Code § 5.22(a)(4).

7. In the Complaint, the Complainant alleges, in part, dissatisfaction with the Customer Charge on his bills.

8. Specifically, the Complaint states: "If you have an electric meter in the apartment turned on in my name or tenant's name, and there is no usage, Duquesne Light will still charge you around \$14/ \$15 even with no use." Complaint Attachment #1; See also Complaint Attachment #1-A ("Duquesne Light charges if the meter is turned on even if there is no usage.").

9. The allegation(s) in preceding paragraph the Complaint refer to the Company's Customer Charge, which is a monthly basic service charge that includes costs for meter reading, customer billing, service equipment, and other expenses.

10. It is well established the rates specified in public utility tariffs are lawful rates. 66 Pa. C.S. § 1303.

11. Public utility tariffs have the full force and effect of law and are binding on the customer and utility alike. Pennsylvania Elec. Co. v. Pennsylvania Pub. Util. Comm'n, 663 A.2d 281, 284 (Pa. Cmwlth. 1995).

12. Duquesne Light is complying with the Public Utility Code and Commission regulations by billing the Complainant a Customer Charge in accordance with all relevant rates and riders included in the Company's tariff.

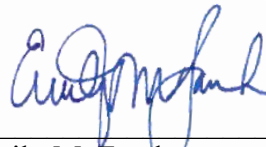
13. Therefore, the portion of the Complaint alleging wrongdoing relating to billing the Complainant with a Customer Charge must be dismissed.

14. Given the foregoing, and even viewing the Complaint in light most favorable to the Complainant, the Complaint fails to state any violation of the Public Utility Code, Pennsylvania Public Utility Commission regulation, rule, or order.

15. To the contrary, Duquesne Light is acting in accordance with the safety and billing practices set forth by the it's Commission-approved tariff, which carries the full force and effect of law.

**WHEREFORE**, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objection and dismiss the above-captioned formal complaint with prejudice.

DUQUESNE LIGHT COMPANY



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Emily M. Farah  
Counsel for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

FRED DEIULIIS,	:	
	:	
Complainant,	:	
	:	
v.	:	No: C-2021-3026386
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**CERTIFICATE OF SERVICE**

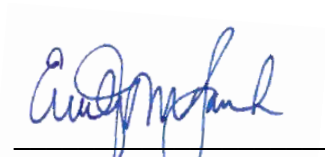
I hereby certify that I have this day served a true copy of the foregoing Preliminary Objection upon the participant listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

**VIA FIRST-CLASS MAILING**

Fred DeIuliis  
3605 Dawson Street  
Pittsburgh, PA 15213

Fred DeIuliis  
14 Cable Pl., Apt. 3  
Pittsburgh, PA 15213

Dated this 29th day of June, 2021.



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Emily M. Farah, Esquire  
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Counsel for Respondent, Duquesne Light  
Company