

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NANCY LEININGER,

Complainant,

v.

No.: C-2020-3021150

DUQUESNE LIGHT COMPANY,

Respondent.

**PETITION FOR LEAVE TO WITHDRAW
FORMAL COMPLAINT WITHOUT
PREJUDICE**

FILED ON BEHALF OF COMPLAINANT
NANCY LEININGER

COUNSEL OF RECORD FOR THIS
PARTY:

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AND NOW comes the Complainant, by and through her attorneys, John P. Corcoran, Jr., Esquire, and Jones, Gregg, Creehan & Gerace, LLP, and files this within Petition for Leave to Withdraw Formal Complaint Without Prejudice, pursuant to 52 Pa. Code § 5.94(a). In support thereof, Complainant states as follows:

1. On July 16, 2020, Nancy Leininger ("Complainant") filed a Formal Complaint ("Complaint") against Duquesne Light Company ("Respondent"), alleging that Respondent has and continues to improperly overcharge the Complainant for her electricity usage.

2. On August 25, 2020, Respondent filed an Answer and New Matter to the Complaint, asserting that Complainant is seeking to relitigate issues previously addressed at Docket No. F-2018-3003226.

3. Later, on September 21, 2020, Respondent filed a Motion for Judgment on the Pleadings, asserting *res judicata* and collateral estoppel as to the defective nature of

a SmartMeter on Complainant's property, to which Complainant responded on October 7, 2020.

4. On January 6, 2021, this Honorable Administrative Law Judge ("ALJ") granted Respondent's Motion for Judgment on the Pleadings in its Initial Decision.

5. Soon thereafter, Complainant filed her Exceptions to the Initial Decision on January 6, 2021, stating that, contrary to Respondent's arguments, the issues in this case pertain to a defective transformer, as opposed to a defective SmartMeter.

6. Respondent filed a response on February 4, 2021.

7. On May 20, 2021, the Public Utilities Commission ("PUC") granted Complainant's Exceptions, vacating the Initial Decision and remanding the matter to the Office of Administrative Law Judge for further proceedings.

8. A hearing before the ALJ is currently scheduled for August 20, 2021.

9. The above-captioned case is currently assigned to Deputy Chief Administrative Law Judge Mark A. Hoyer.

10. On June 24, 2021, Complainant, through her counsel, filed a Complaint in Civil Action with the Allegheny County Court of Common Pleas, at Docket No. GD-21-7318, alleging, similarly, that Respondent has overbilled Complainant due to a defective transformer.

11. Complainant intends to file a motion in that case to allow inspection of the transformer herein at issue, which is owned by the Respondent.

12. Given the foregoing, Complainant petitions to withdraw its Formal Complaint, without prejudice.

WHEREFORE, for the foregoing reasons, Complainant respectfully requests that its Formal Complaint in this proceeding be withdrawn, without prejudice.

Respectfully submitted,

JONES, GREGG, CREEHAN & GERACE, LLP

BY:



MARK E. CASPER, JR., ESQUIRE
JOHN P. CORCORAN, JR., ESQUIRE
ATTORNEYS FOR COMPLAINANT
NANCY LEININGER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **PETITION FOR LEAVE TO WITHDRAW FORMAL COMPLAINT** has been furnished, via electronic mailing only, this 18TH day of August 2021, to:

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