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August 18, 2021

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Filing Room  
Harrisburg, PA 17120

Re: Benjamin Kroop v. Duquesne Light Company; Docket No. F-2021-3027160;  
**ANSWER OF AEP ENERGY, INC. TO DUQUESNE LIGHT  
COMPANY'S MOTION TO JOIN IT AS AN INDISPENSABLE PARTY**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission is the Answer of AEP Energy, Inc. to Duquesne Light Company's Motion to Join it as an Indispensable Party in the above-captioned docket. Copies of this Answer have been served in accordance with the attached Certificate of Service.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

Todd S. Stewart  
*Counsel for AEP Energy, Inc.*

TSS/jld  
Enclosure  
cc: Per Certificate of Service

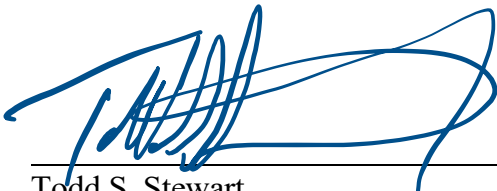
**CERTIFICATE OF SERVICE**

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

**VIA ELECTRONIC MAIL ONLY**

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

Benjamin Kroop  
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Pittsburg, PA 15201  
[benkroop@gmail.com](mailto:benkroop@gmail.com)



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Todd S. Stewart

DATED: August 18, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BENJAMIN KROOP,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2021-3027160
	:	
DUQUESNE LIGHT COMPANY	:	
	:	
Respondent.	:	

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**ANSWER OF AEP ENERGY, INC.  
TO DUQUESNE LIGHT COMPANY’S  
MOTION TO JOIN IT AS AN INDISPENSABLE PARTY**

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NOW COMES AEP Energy, Inc. (“AEPE”), by and through its counsel, Hawke McKeon & Sniscak LLP, and pursuant to 52 Pa. Code § 5.103(c), hereby answers the Motion of Defendant Duquesne Light Company (“Duquesne”) to join AEPE as an indispensable party to the above-captioned matter (“Motion”).

This Complaint matter apparently arises out of Mr. Benjamin Kroop’s (“Complainant”), failed effort to switch his electric generation supplier to AEPE for two residential accounts on October 13, 2020. Mr. Kroop’s attempt to enroll was made online. Duquesne rejected the enrollments, presumably because Mr. Kroop had incorrectly entered his account information into AEPE’s online portal. Upon receiving notice that Duquesne had rejected the enrollments, AEPE notified Mr. Kroop of the rejections, both by email and by regular mail, and provided the reason for the rejections: that incorrect account information was used. AEPE’s

communications to Mr. Kroop explained how he could correct the information and provided a toll-free number for Mr. Kroop to call if he had questions. Mr. Kroop never called and did not correct the account information. Later, on April 16, 2021, Mr. Kroop did successfully enroll a third account.

Duquesne's Motion avers that the Pennsylvania Public Utility Commission ("Commission") served Mr. Kroop's Complaint on or about July 9, 2021. To date, however, neither the Commission nor Duquesne has provided a copy of Mr. Kroop's formal complaint to AEPE, nor is the Complaint available on the Commission's public docket.<sup>1</sup> Upon this basis alone, Duquesne's Motion should be denied as being legally insufficient. It is impossible for AEPE to answer Duquesne's Motion, which contains numerous allegations regarding the contents of Mr. Kroop's complaint, without being privy to the Complaint. Accordingly, in this response to Duquesne's Motion, AEPE will be unable to Answer any allegation concerning Mr. Kroop's Complaint and any such factual allegations will be denied.

AEPE accordingly Answers Duquesne's Motion as follows:

1. Admitted.
2. Admitted.
3. Admitted in part, Denied in Part. It is admitted that Mr. Kroop's Complaint appears to concern his inability to enroll as an AEPE customer, but there are a number of potential scenarios in which such a complaint would lodge solely against Duquesne and would not implicate service provided by AEPE. Accordingly, it is denied that AEPE should be joined as an indispensable party.

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<sup>1</sup> To the extent that the Presiding ALJ grants Duquesne's Motion, AEPE reserves its right to be served with a copy of the Complaint and to Answer same.

4. Admitted in part. It is admitted that the Commission's records indicate that the Complaint at the above docket number was served on July 8, 2021.

5. Admitted in part. It is admitted that a copy of Duquesne's Answer and New Matter dated July 28, 2021, was attached to Duquesne's Motion. Any averment with regard to the substance of the Complaint are denied. Duquesne's Answer and New Matter speak for themselves, and any characterization thereof is denied.

5. (There are two paragraphs numbered "5" in the Motion) Denied. The allegation in paragraph 5, 2<sup>nd</sup>, appears to be drawn from the Complaint and is therefore denied. Duquesne's answer speaks for itself.

6. Denied. The reference in paragraph 6 appears to be to the Complaint and is accordingly denied.

7. Denied. Duquesne's Answer and New Matter speaks for itself.

8. Denied. AEPE has no ability to determine the extent to which the Complaint might reference any billing dispute between Mr. Kroop and AEPE and therefore such allegations are denied. By way of further answer, AEPE is not aware, and has no record of, any contact from Mr. Kroop regarding any billing dispute.

7. (There are two paragraphs numbered "7" in the Motion) Denied. Because Mr. Kroop was not a customer of AEPE, until April 16, 2021, at an account number not herein referenced, Duquesne's characterization of the subject matter of the Complaint as regarding supplier charges on his bill from October 13, 2020, forward, cannot be in reference to AEPE. Accordingly, Duquesne's characterization of the Compliant in this regard is denied.

8. (There are two paragraphs numbered “8” in the Motion) Denied. The conclusion that that AEPE’s being joined as a party is necessary for resolution of the instant complaint is denied.

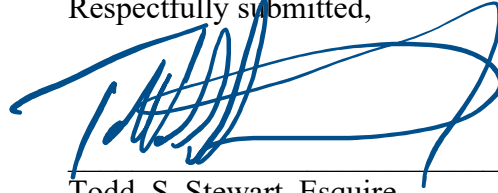
9. Denied. AEPE is unable to address this allegation because it is unaware of the allegations made in the Complaint regarding conduct alleged to have been undertaken by AEPE.

10. Denied. Paragraph 10 is a request for relief to which responsive pleading typically is not required. To the extent that the allegations in paragraph 10 suggest that there are any facts which are attributable solely to AEPE, such allegation is denied.

12. (There is no paragraph “11” in the Motion) Denied. It is denied that AEPE is an indispensable party “without whom the Formal Complaint cannot be affirmed,” however, to the extent that Duquesne seeks to have the complaint dismissed on account of Mr. Kroop’s failure to join AEPE, AEPE avers that it does not believe that it has provided service in a manner that is violation of any applicable statute, regulation or Commission Order and it therefore avers that there is no basis upon which to pursue a complaint as to it.

WHEREFORE, AEP Energy, Inc respectfully requests that Duquesne Light Company’s Motion to Join AEPE as an Indispensable Party be denied, as its motion fails to present any basis for doing so. Duquesne’s motion should likewise be dismissed for its failure to provide a document upon which its motion relies, namely the Complaint, to the Party that is the subject of the Motion. To the extent that the Administrative Law Judge assigned to this matter is inclined to grant said motion, Duquesne should be ordered to provide AEPE with a copy of the Complaint and AEPE be permitted to answer the instant motion with the benefit of being able to review the allegations of the Complaint, to preserve AEPE’s due process rights.

Respectfully submitted,



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*Counsel for AEP Energy, Inc.*

DATED: August 18, 2021

**VERIFICATION**

I, [name], certify that I am the authorized agent of AEP Energy, Inc., and that in this capacity I am authorized to, and do make this Verification on their behalf, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information, and belief, and that AEP Energy, Inc., expects to be able to prove the same at any hearing that may be held in this matter. I understand that false statements made therein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

DocuSigned by:

*Frank Willson*

609F867D4AC7444...  
Name, Title

VP of Residential and SBS

DATED: August \_\_, 2021  
8/17/2021