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August 24, 2021

Via Electronic Filing

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

RE: Darlene N. DeFelice v. Duquesne Light Company
Docket No. F-2021-3027683

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to the Formal Complaint filed by Darlene N. DeFelice 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**

DARLENE N. DEFELICE,	:	
	:	
Complainant,	:	
	:	
v.	:	No: F-2021-3027683
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

PRELIMINARY OBJECTION

Filed on behalf of Respondent
Duquesne Light Company

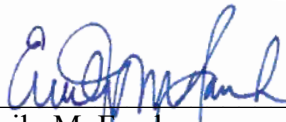
Counsel of Record for this Party:
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(412) 393-6431
411 Seventh Avenue, MD 15-7
Pittsburgh, PA 15219

NOTICE TO PLEAD

TO COMPLAINANT DARLENE N. DEFELICE:

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**

DARLENE N. DEFELICE,	:	
	:	
Complainant,	:	
	:	
v.	:	No: F-2021-3027683
	:	
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 Darlene N. DeFelice’s Formal Complaint (“Complaint”), and states as follows:

I. INTRODUCTION

1. Duquesne Light seeks to dismiss the above-captioned Complaint disputing the Company’s switch from a budget-based Customer Assistance Program (“CAP”) to a Percentage of Income Payment Plan (“PIPP”) CAP, pursuant to Duquesne Light’s 2020-2025 Universal Service and Energy Conservation Plan (“2020-2025 USECP”) at Docket No. M-2019-3008227.

2. On August 5, 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.

4. The Pennsylvania Public Utility Commission’s (“Commission”) 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, dissatisfaction with the Company's Customer Assistance Program ("CAP").

8. Specifically, the Complainant requests a payment arrangement and states: "I am no longer on the budget plan." Complaint ¶ 4.

9. Additionally, the Complaint indicates: "Since January 2021, I have not received m[on]thly [CAP] & am no longer on budget [payment]." Complaint ¶ 5.

10. The allegations in preceding two paragraph the Complaint refer to the Company's switch from a budget-based CAP to a PIPP-based CAP, pursuant to Duquesne Light's 2020-2025 USECP at Docket No. M-2019-3008227.

II. BACKGROUND

11. On February 28, 2019, Duquesne Light filed its proposed 2020-2022 USECP at docket number M-2019-3008227.

12. The 2020-2022 USECP proposed implementation of a new PIPP structure for the Customer Assistance Program (“CAP”), among other things.

13. On November 5, 2019, the Commission entered a Final Policy Statement and Order adopting CAP Policy Statement at 52 Pa. Code §§ 69.261-69.267, Docket No. M-2019-3012599 (“Final Policy Statement and Order”) and was published in the Pennsylvania Bulletin on March 21, 2020.

14. In accordance with the Final Policy Statement and Order, Duquesne Light filed a revised 2020-2025 USECP at Docket No. M-2019-3008227.

15. In its revised 2020-2025 USECP, the Company proposed to implement the PIPP tiers contained in the Commission’s Final Policy Statement and Order.

16. Consistent with the letter filed on March 8, 2021, at Docket No. M-2019-3008227, Duquesne Light implemented the PIPP effective January 19, 2021.

III. ARGUMENT

17. 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, and therefore, the Complaint must be dismissed.

18. In fact, Complainant’s allegations point to the Company acting in accordance with its revised 2020-2025 USECP and the Commission’s Final Policy Statement and Order.

19. Complainant, who is billed in accordance with the Residential Heating rate, is required to pay a maximum of 10% of her household income under the new PIPP-based CAP.

20. Previously, Complainant was required to pay a portion of her budget bill amount.

21. The “co-payment” Complainant refers to represents the portion of her monthly CAP bills that were discounted under the budget-based CAP.

22. Though the allegations in the Complaint are misleading, the Complainant correctly states that she is no longer receiving discounted budget bills each billing period.

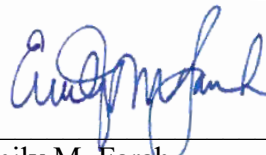
23. Instead, consistent with the Company’s revised 2020-2025 USECP with a PIPP-based CAP, she is receiving bills that are reflective of her monthly electric charges, or 10% of her household income, whichever is less.

24. 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.

25. To the contrary, the allegations in the Complaint point to the Company billing the Complainant in accordance with its revised 2020-2025 USECP and the Commission’s Final Policy Statement and Order.

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

DUQUESNE LIGHT COMPANY



Emily M. Farah
Counsel for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DARLENE N. DEFELICE,	:	
	:	
Complainant,	:	
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v.	:	No: F-2021-3027683
	:	
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

Darlene N. DeFelice
101 Delaware Avenue, Apartment 4W
Oakmont, PA 15139

Dated this 24th day of August, 2021.



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