



Emily Farah
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November 30, 2021

Via Electronic Filing

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

**RE: Nancy Leininger v. Duquesne Light Company
Docket No. C-2020-3021150**

Dear Secretary Chiavetta:

Pursuant to the First Interim Order Denying Petition For Leave To Withdraw Formal Complaint Without Prejudice dated September 15, 2021 in the Nancy Leininger v. Duquesne Light Company matter at docket number C-2020-3021150, enclosed please find Duquesne Light Company's Status Report.

A copy of this cover letter and the enclosed status report were served upon Complainant's counsel and the Presiding Officer, by electronic mailing only, as indicated in the enclosed Certificate of Service. Please contact me with any questions, comments, or concerns.

Respectfully,

A handwritten signature in blue ink, appearing to read "Emily M. Farah", is written over a faint, larger version of the same signature.

Emily M. Farah
Duquesne Light Company
Counsel, Regulatory

Enclosure

cc: Certificate of Service (w/ enclosure)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NANCY LEININGER,

Complainant,

v.

No: C-2020-3021150

DUQUESNE LIGHT COMPANY,

Respondent.

RESPONDENT DUQUESNE LIGHT COMPANY'S STATUS REPORT

Respondent Duquesne Light Company (“Duquesne Light” or the “Company”) files this Joint Status Report pursuant to the Presiding Administrative Law Judge’s First Interim Order Denying Petition for Leave to Withdraw Formal Complaint Without Prejudice dated September 15, 2021:

I. Brief Procedural History

On August 17, 2020, Duquesne Light was served with a Formal Complaint (“Complaint”) docketed at C-2020-3021150, filed by John P. Corcoran, Esq. from the law firm of Jones, Gregg, Creehan & Gerace LLP on behalf of Nancy Leininger (“Complainant”), initiating the above-captioned proceeding. The Complaint checked the box alleging “incorrect charges,” and further alleged that the Complainant’s service address, 106 Byron Rd., Pittsburgh, PA 15237 (the “Property”) had a defective meter. Complaint ¶ 4.

On June 2, 2021,¹ a hearing notice was issued in the Complaint proceeding, which scheduled an initial telephonic hearing for July 21, 2021.

¹ The procedural history of the Complaint proceeding is lengthy. For the purposes of this status report, the Company is providing a truncated summary of the legal proceedings.

On June 24, 2021, a complaint was filed against Duquesne Light in the Court of Common Pleas of Allegheny County, Pennsylvania at GD-21-7318 (“Civil Action”) by Complainant, through her counsel, Mark E. Casper, Jr., Esq. from the law firm of Jones, Gregg, Creehan & Gerace LLP, which alleged that Duquesne Light overbilled Complainant due to “the installation of the Smart Meter System and its inaccurate billing system and/or as a result of the damaged transformer.” Civil Action Complaint ¶ 22.

On July 19, 2021, Mark E. Casper, Jr., Esq., requested, and was granted, a continuance of the hearing for the Complaint proceeding. On July 20, 2021, the hearing for the Complaint proceeding was rescheduled for August 20, 2021.

On August 4, 2021, Duquesne Light, through counsel, filed Preliminary Objections to the Complainant’s Civil Action complaint, and oral arguments on the Preliminary objections were scheduled for November 4, 2021.

On August 18, 2021, Complainant’s counsel filed a Petition for Leave to Withdraw Formal Complaint Without Prejudice (“Petition”) on the basis that counsel for Complainant intended to file a motion in the Civil Action for an inspection of the transformer serving the Property.

On August 27, 2021, counsel for Duquesne Light filed a response to Complainant’s Petition requesting that the Petition be denied with prejudice, or that this proceeding be held in abeyance until after the Preliminary Objections in the Civil Action were ruled upon.

On September 15, 2021, the Presiding Officer in the Complaint proceeding issued a First Interim Order Denying Petition For Leave To Withdraw Formal Complaint Without Prejudice (“Interim Order”), ordering that the Complaint proceeding be continued

generally and directing each party to file and serve a status report on or before November 30, 2021.

As directed by the Presiding Officer's Interim Order, Duquesne Light Company provides the following status report:

II. Status Report

1. On the eve of oral argument for the Civil Action Preliminary Objections, November 3, 2021, counsel for Duquesne Light Company and Mark E. Casper, Jr., counsel for Complainant Nancy Leininger² (collectively, the "Parties"), discussed the allegations in the Complaint that initiated the above-captioned proceeding.

2. In part, the Parties discussed Complainant's long-standing³ desire to coordinate an independent inspection of the transformer serving the Property.

3. To be clear, Duquesne Light is, and has been,⁴ willing to allow an independent third-party inspect the transformer serving the Property, subject to certain conditions.⁵

4. Also on November 3, 2021, counsel for the Complainant filed a Praecipe to Discontinue Action Without Prejudice ("Praecipe") in the Court of Common Pleas of Allegheny County, Pennsylvania at GD-21-7318 ("Civil Action"). A true and correct copy of the Praecipe to Discontinue is enclosed as **Exhibit A**.

² Mark E. Casper, Jr., Esq. has not filed an entry of appearance for the Complainant in the Complaint proceeding, but is listed as counsel on the Petition that was filed on August 18, 2021.

³ Complainant's counsel, John P. Corcoran, Esq. first mentioned attempts to arrange an independent inspection of the transformer at the Property on by letter to Duquesne Light counsel on June 9, 2020.

⁴ By email to John P. Corcoran, Esq., dated June 17, 2020, Duquesne Light indicated that, while its own evaluations revealed no issues with the transformer serving the Property, that it would be willing to allow Complainant's counsel to have an independent evaluator inspect the transformer. Counsel for Duquesne Light further indicated that Company personnel was required to be on site if the Complainant's evaluator intended to perform anything other than a visual inspection, and requested counsel contact the Company's counsel to coordinate the independent inspection.

⁵ Given that Duquesne Light owns the transformer serving the Property, and to protect the safety and well-being of the Company's customers and distribution service territory, Duquesne Light requested that Complainant's counsel provide certain details related to the desired inspection, including but not limited to: who will perform and/or attend the inspection, the inspector's qualifications, whether the inspection involves de-energizing nearby electrical facilities.

5. The Praecipe resulted in the Civil Action being discontinued.

6. As a result, the only active litigation between Complainant and Duquesne Light Company is the above-captioned Complaint proceeding.

7. Between November 3, 2021, and November 12, 2021, the Parties discussed Complainant's counsel's efforts to arrange an independent inspection to perform an evaluation of the transformer serving the Property.

8. Complainant's counsel has had ample opportunity to arrange an independent inspection of the transformer for the Property.

9. To date, Complainant's counsel has failed to arrange an independent inspection of the transformer for the Property, despite Duquesne Light's willingness to coordinate the effort. See fn 3.

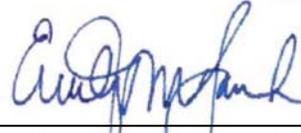
10. Specifically, Complainant's counsel has failed to secure an inspector in the 17 months since Complainant's counsel initially attempted to obtain an independent inspection to perform an evaluation of the transformer. See fn 2.

11. In the interest of judicial economy, and to avoid further delay, Duquesne Light Company requests the above-captioned matter be scheduled for a formal hearing.

WHEREFORE, Duquesne Light requests a hearing be scheduled in the above-captioned matter to avoid further delay in the proceeding.

[signature on the following page]

DUQUESNE LIGHT COMPANY

A handwritten signature in blue ink, appearing to read "Emily M. Farah", is positioned above a horizontal line.

Emily M. Farah, Esquire
PA I.D. No. 322559

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

Counsel for Respondent,
Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NANCY LEININGER,

Complainant,

v.

No: C-2020-3021150

DUQUESNE LIGHT COMPANY,

Respondent.

CERTIFICATE OF SERVICE

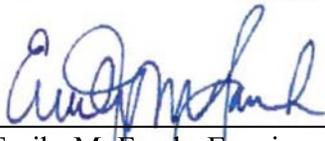
I hereby certify that I have this day served a true copy of the foregoing Status Report upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

VIA ELECTRONIC MAILING ONLY

John P Corcoran Jr., Esq.
Mark E. Casper, Jr. Esq.
Jones Gregg Creehan & Gerace LLP
411 Seventh Avenue
Suite 1200
Pittsburgh, PA 15120
JPC@jgcg.com
MEC@jgcg.com
(Counsel for the Complainant)

Honorable Mark A. Hoyer, Administrative Law Judge
c/o Nick Miskanic, Legal Assistant
Piatt Place Downtown
301 Fifth Avenue #220
Pittsburgh, PA 15222
nmiskanic@pa.gov

Dated this 30th day of November, 2021



Emily M. Farah, Esquire
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Pittsburgh, PA 15219
Counsel for Respondent,
Duquesne Light Company