



**Emily M. Farah**  
Counsel, Regulatory

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

Tel: 412-393-6431  
efarah@duqlight.com

July 1, 2022

**Via Electronic Filing**

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

**RE: Mark Taylor v. Duquesne Light Company**  
**Docket No. C-2022-3032874**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objection to the Formal Complaint filed by Mark Taylor 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 positioned above the typed name.

Emily M. Farah  
Counsel, Regulatory

Enclosure

cc: Certificate of Service (w/encl.)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MARK TAYLOR, :  
 :  
 Complainant, :  
 :  
 v. : No: C-2022-3032874  
 :  
 DUQUESNE LIGHT COMPANY, :  
 :  
 Respondent. :  
 :

**PRELIMINARY OBJECTION**

Filed on behalf of Respondent  
Duquesne Light Company

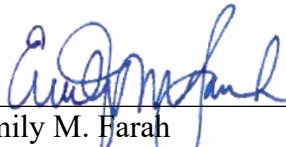
Counsel of Record for this Party:  
Emily M. Farah, Esquire  
PA I.D. No. 322559  
[efarah@duqlight.com](mailto:efarah@duqlight.com)  
(412) 393-6431  
411 Seventh Avenue, MD 15-7.  
Pittsburgh, PA 15219

**NOTICE TO PLEAD**

**TO COMPLAINANT MARK TAYLOR**

**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**

MARK TAYLOR,	:	
	:	
Complainant,	:	
	:	
v.	:	No: C-2022-3032874
	:	
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 the above-captioned Formal Complaint (“Complaint”) filed by Mark Taylor (“Complainant”), and states as follows:

**I. INTRODUCTION**

1. On June 13, 2022, the Company was electronically served with Complainant’s Complaint at the above-captioned docket.

2. As more fully set forth, below, Duquesne Light seeks to dismiss the above-captioned Complaint on the basis of legal insufficiency, given that the Complaint fails to allege any violation of Pennsylvania Public Utility Commission (“Commission” or “PUC”) rule, regulation, or orders. See 52 Pa. Code § 5.101(a)(4).

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

**II. LEGAL STANDARD**

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." Drake v. Pa. Elec. Co., No. C-2014-2413771, 2014 WL2003281, at \*1 (Pa. P.U.C. May 7, 2014).

7. Section 703(b) of the Code allows the Commission to dismiss any complaint without a hearing if, in its opinion, a hearing is not necessarily in the public interest. 66 Pa. C.S. § 703(b).

8. Preliminary Objections on the basis of legal insufficiency promote judicial economy by avoiding hearing(s) where there are no factual disputes. Campisi v. PECO Energy Co., No. C-2014-2434501, 2014 WL 4644282, at \*1 (Pa. P.U.C. Sept. 3, 2014).

9. For the sole purpose of ruling on Preliminary Objections, the Commission must assume all well-pleaded facts in the Complaint are true. County of Allegheny v. Commw. of Pa., 490 A.2d 402 (Pa. 1985).

10. Here, and as more fully set forth below, the Complainant fails to allege that the Company has violated any Public Utility Code, Commission regulations or orders.

11. Given the foregoing, it is proper and in the public interest to dismiss the Complaint as legally insufficient, without a hearing.

### **III. COMPLAINANT'S ALLEGATIONS**

12. Complainant expresses dissatisfaction with the Company's automatic bill payment service ("AutoPay"). Complaint ¶¶ 4-5.

13. Specifically, the Complainant correctly states that the Company does not offer AutoPay with a credit card. Complaint ¶ 4.

14. Instead, customers who want to be enrolled in AutoPay must use a checking or savings account. Complaint ¶¶ 4.

15. Complainant's sole request for relief is for "the utility company to set up auto pay with [his] credit card not a bank account." Complaint ¶ 5.

### **IV. ARGUMENT**

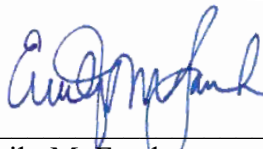
16. Accepting all facts alleged in the Complaint as true, the Complainant fails to allege that the Company has violated the Code, Commission regulations, or orders. See County of Allegheny v. Commw. of Pa., 490 A.2d 402 (Pa. 1985).

17. Requiring customers to use bank account information instead of a credit card to enroll in AutoPay does not constitute an act or thing done or omitted to be done in violation of a PUC rule, regulation, or order. See Drake v. Pa. Elec. Co.

18. Therefore, the Complainant's dissatisfaction with the Company's inability to enroll customers in AutoPay with a credit card must be deemed legally insufficient. See Drake v. Pa. Elec. Co.

**WHEREFORE**, Because the Complaint fails to allege that the Company committed an act or thing done or omitted to be done in violation of a Commission rule, regulation or order, Duquesne Light Company respectfully requests that the Complaint deemed legally insufficient, sustain its Preliminary Objection, and dismiss the Complaint with prejudice.

DUQUESNE LIGHT COMPANY



---

Emily M. Farah  
Counsel for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MARK TAYLOR, :  
 :  
 :  
 Complainant, :  
 :  
 v. : No: C-2022-3032874  
 :  
 :  
 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 AND ELECTRONIC MAILING**

Mark Taylor  
102 Klementina Drive  
Pittsburgh, PA 15212  
[Markus51@verizon.net](mailto:Markus51@verizon.net)

Dated this 1st day of July, 2022.

  
\_\_\_\_\_  
Emily M. Farah, Esquire  
PA I.D. No. 322559  
(412) 393-6431  
EFarah@duqlight.com  
Counsel for Respondent, Duquesne Light  
Company