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December 21, 2022

Via Electronic Filing

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

RE: Karen A. Feitt v. Duquesne Light Company
Docket No. C-2022-3037095

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to the formal complaint filed by Complainant Karen A. Feitt. Copies of this cover letter and the enclosed filing were served upon Complainant in accordance with Pennsylvania Public Utility Commission regulations.

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 light blue rectangular background.

Emily M. Farah
Counsel, Regulatory

Enclosures

cc: Certificate of Service (w/encl.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KAREN A. FEITT,	:	
	:	
Complainant,	:	
	:	
v.	:	No: C-2022-3037095
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

PRELIMINARY OBJECTIONS

Pursuant to 52 Pa. Code § 5.101(a)(1), Duquesne Light Company (“Duquesne Light” or the “Company”) files its preliminary objections to Karen A. Feitt’s (“Complainant”) above-captioned formal complaint (“Complaint”), and states as follows:

I. INTRODUCTION

1. On Monday, December 5, 2022, Duquesne Light was electronically served with the Complaint.
2. Duquesne Light is timely filing its Answer contemporaneously with these Preliminary Objections.
3. Duquesne Light seeks to dismiss the portions of the Complaint rooted in the United States Code, namely, the Fair Debt Collection Practice Act, 15 U.S.C. 1692 et seq., the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., the Truth in Lending Act, 15 U.S.C. § 1601 et seq., and the Uniform Commercial Code (“UCC”) because the Pennsylvania Public Utility Commission (“Commission”) lacks jurisdiction to rule on those pieces of the formal complaint. Complaint ¶¶ 4-5.

II. BASIS FOR PRELIMINARY OBJECTIONS

1. 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.

2. The Commission's procedural regulations allow a party to file a preliminary objection where the Commission lacks jurisdiction over the proceeding. See 52 Pa. Code § 5.101(a)(1).

3. As more fully set forth below, these Preliminary Objections request the Commission dismiss the above-captioned Complaint due to the lack of Commission jurisdiction to interpret federal law and the UCC.

III. ARGUMENT

4. Commission regulations allow parties to file preliminary objections on the basis that the Commission lacks jurisdiction over the proceeding. 52 Pa. Code § 5.101(a)(1).

5. The Commission may only exercise powers that are expressly conferred upon it by the legislature.¹

6. The Commission must act within its jurisdiction and may only hear complaints regarding the Public Utility Code, Commission regulations, or Commission orders.²

7. The Commission does not have jurisdiction over claims arising under the United States Code or the UCC.³

8. Here, the Complaint raises alleged violations of the Fair Debt Collection Practice Act, 15 U.S.C. 1692 et seq., the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq., the Truth in Lending Act, 15 U.S.C. § 1601 et seq. and the UCC. See Complaint ¶¶ 4-5.

9. Application and interpretation of federal law and the UCC are outside of the Commission's express jurisdiction of Pennsylvania Code, Commission regulations, or Commission orders.⁴

10. Therefore, the Commission lacks jurisdiction over the Complainant's allegations that are rooted in alleged violations of federal law or the UCC.

11. Consequently, because the Commission lacks jurisdiction, the portions of the Complaint that allege violations of the United States Code and the UCC must be dismissed pursuant to 52 Pa. Code § 5.101(a)(1).

¹ Feingold v. Bell of Pennsylvania, 383 A.2d 791, 794 (1977).

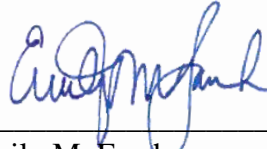
² Alkhatib v. PECO Energy Co., Docket No. C-2011-2242125, 2012 WL 641672, at *5 (Jan. 12, 2012) citing 66 Pa. C.S. § 701. See also Mark B. Aronson v. Duquesne Light Company, 2000 WL 35799627, at *1 (Pa. P.U.C., 2000) ("DLC is exempted from the requirements of the Truth and Lending Act because of its status as a state-regulated public utility.") citing Mark B. Aronson v. The Peoples Natural Gas Company, 180 F.3rd 558 (1999).

³ Feingold v. Bell at 794.

⁴ 66 Pa. C.S. § 701; Alkhatib v. PECO at *5.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objections and dismiss the portions of the above-captioned formal complaint that it does not have the jurisdiction to rule upon.

DUQUESNE LIGHT COMPANY



Emily M. Farah
Counsel for Duquesne Light Company

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	:	
Complainant,	:	
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v.	:	No: C-2022-3037095
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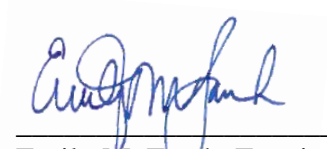
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Preliminary Objections 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 ONLY

Karen A. Feitt
1036 Jackman Ave.
Pittsburgh, PA 15202

Dated this 21st day of December, 2022.



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