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February 10, 2023

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Cinnamon Coprich v. Duquesne Light Company
Docket No. C-2022-3035891

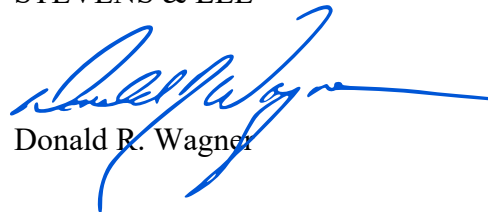
Dear Secretary Chiavetta:

Enclosed for filing is the Motion to Dismiss of Duquesne Light Company to the above-referenced Complaint. A copy has been served on the Complainant in accordance with the attached Certificate of Service.

If you have any questions, please contact me.

Very truly yours,

STEVENS & LEE



Donald R. Wagner

Enclosure

cc: Hon. Mary D. Long, Administrative Law Judge (via email only to malong@pa.gov)
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CINNAMON COPRICH
Complainant

v.

DUQUESNE LIGHT COMPANY
Respondent

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:
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Docket No. C-2022-3035891

NOTICE TO PLEAD

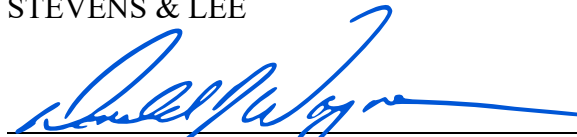
To: *Cinnamon Coprich*

You are hereby notified to file a written response to the attached Motion to Dismiss of Duquesne Light Company within twenty (20) days from the date of service of this notice. If you do not file a written response denying or correcting the enclosed New Matter within twenty (20) days of service, the facts set forth by Duquesne Light Company may be deemed to be true, thereby requiring no other proof, and judgment may be entered against you. All pleadings, such as Answers to Motions, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

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

You must also serve a copy of your response on the undersigned counsel for Duquesne Light Company. Failure to respond to this Motion for Judgment on the Pleadings could result in the dismissal of your case.

STEVENS & LEE



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COUNSEL FOR DUQUESNE LIGHT COMPANY

Dated: February 10, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CINNAMON COPRICH	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3035891
	:	
DUQUESNE LIGHT COMPANY	:	
Respondent	:	
	:	

**MOTION TO DISMISS OF
DUQUESNE LIGHT COMPANY**

Pursuant to 52 Pa Code § 5.102, Duquesne Light Company (“Duquesne Light” or “Company”), by and through its attorneys Stevens & Lee, hereby files this Motion requesting dismissal of the Complaint of Cinnamon Coprich (“Complainant”). In support thereof, the Company avers as follows:

BACKGROUND

1. On October 5, 2022, Duquesne Light was served with a copy of the formal complaint (the “Complaint”) that Complainant filed with the Pennsylvania Public Utility Commission (the “PUC” or “Commission”) against Duquesne Light.
2. In Paragraph 4 of the Complaint, Complainant’s only averment was that the Company threatened to shut off her service or had already shut off her service. See Complaint, ¶4.
3. In her Complaint, Complainant did not ask for a payment arrangement. See Complaint, ¶¶4-5.
4. In her Complaint, Complainant did not ask for any relief. See Complaint, ¶5.

5. On October 25, 2022, Duquesne Light filed an Answer and New Matter (the “Answer”) with a notice to plead.¹

6. In its Answer, Duquesne Light explained that Complainant no longer has service in her name on the account (the “Account”) that is the subject of the Complaint as of October 17, 2022; did not provide the Company with a forwarding mailing address; did not express an intent of reapplying for service from the Company and that the Company had discontinued Complainant’s service on the Account. See Answer and New Matter, ¶12.

7. In its Answer, Duquesne Light explained that the Company stayed the termination of Complainant’s service for failure to pay past due amounts pending the resolution of the Formal Complaint and did not shut off Complainant’s service before service was established in someone else’s name at the service address. See Answer and New Matter, ¶16.

8. The Complainant did not file an Answer to Duquesne Light’s New Matter. As such, the averments in the Company’s New Matter may be deemed admitted. See 52 Pa. Code §5.63(b).

9. On November 28, 2022 Duquesne Light filed a motion for judgement on the pleadings, which motion included a notice to plead.

¹ Which notice to plead provided:

You are hereby notified to file a written response to the attached Answer and New Matter of Duquesne Light Company within twenty (20) days from the date of service of this notice. If you do not file a written response denying or correcting the enclosed New Matter within twenty (20) days of service, the facts set forth by Duquesne Light Company may be deemed to be true, thereby requiring no other proof, and judgment may be entered against you. All pleadings, such as responses to New Matter, must be filed with the Secretary of the Pennsylvania Public Utility Commission:

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

You must also serve a copy of your response on the undersigned counsel for Duquesne Light Company. Failure to respond to this Answer and New Matter could result in the dismissal of your case.

10. The Complainant did not file a response to Duquesne Light's motion for judgment on the pleadings.

11. On January 9, 2023, the matter was assigned to the Honorable Mary D. Long, Administrative Law Judge.

12. On January 13, 2023, the Honorable Mary D. Long entered an Interim Order Denying the Motion for Judgment on the Pleadings and Directing a More Specific Complaint (the "Order").

13. Pursuant to the Order, Complainant was directed to file, on or before January 30, 2023, an amendment to the Complaint including more details regarding the nature of her dispute with Duquesne Light and specifically stating what [Complainant] would like the Commission to do to resolve her dispute.

14. The Order directed that Complainant serve the amended complaint upon legal counsel for Duquesne Light and the presiding officer.

15. The Order provided further that, in the event that Complainant failed to comply with the Order, Duquesne Light may file an appropriate motion to seek dismissal of the Complaint.

16. Complainant did not respond to the Order, did not file an amended Complaint on counsel for Duquesne Light or the presiding officer on or before January 30, 2023 and has not provided any justification for failure to comply with the Order.

17. A formal complaint must set forth "the act or thing done or omitted to be done" by a public utility "in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission." 66 Pa.C.S. § 701; 52 Pa.Code § 5.22(a)(4).

18. The Commission's regulations require that a complaint contain a clear and concise statement of the relief sought. 52 Pa.Code § 5.22(a)(5). A complaint should contain information specific enough to allow the respondent to understand the allegations against it, in order to conduct a meaningful investigation of the allegations and to prepare a coherent response or defense.

19. The Commission's regulations permit the Commission to direct a party to file a more specific amended pleading. 52 Pa. Code § 5.93.

20. The Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest. 52 Pa. Code § 5.21(d).

21. A Complainant's failure to set forth a clear and concise statement of the facts alleged and relief being sought deprives a respondent of the opportunity to prepare adequate defenses. Alice Ann Belmonte-Gates v PECO Energy Company, Docket No. F-2012-2332583 and Alice Ann Belmonte- Gates v Pennsylvania-American Water Company, Docket No. F-2012-2332589 (Order entered August 15, 2013) (Belmonte-Gates).

22. A complaint may be dismissed where a complainant has filed to comply with an order of the presiding officer directing the complainant to file an amended complaint providing a clear and concise statement of the facts alleged and relief being sought. Emilia Zaslav v. Philadelphia Gas Works, Docket No. F-2016-2549869 (Order entered December 20, 2016).

23. A presiding officer's orders must be complied with, a lack of compliance presents sufficient basis to dismiss a complaint. Emilia Zaslav v. Philadelphia Gas Works, Docket No. F-2016-2549869 (Order entered December 20, 2016); Walter Randall v. Metropolitan Edison Company, Docket No. C-2013-2367046 (Order entered October 7, 2013).

24. The Complainant's failure to comply with the Order to file an amended complaint setting forth a clear and concise statement of the facts alleged and relief being sought deprives

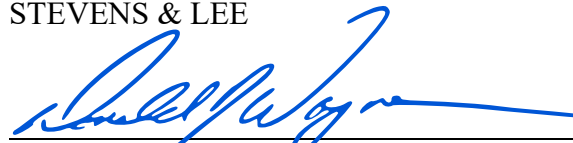
Duquesne Light of the ability to prepare adequate defenses to the Complaint and is grounds for dismissal, with prejudice, of the Complaint.

REQUEST FOR RELIEF

WHEREFORE, for all the reasons stated herein, Duquesne Light respectfully requests that your Honorable Commission grant the within Motion and dismiss the Complaint with prejudice.

Respectfully submitted,

STEVENS & LEE



Donald R. Wagner (Attorney I.D. No. 80280)

David R. Beane (Attorney ID No. 53343)

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Reading, PA 19601

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email: david.beane@stevenslee.com

COUNSEL FOR DUQUESNE LIGHT COMPANY

Dated: February 10, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CINNAMON COPRICH	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3035891
	:	
DUQUESNE LIGHT COMPANY	:	
Respondent	:	
	:	

CERTIFICATE OF SERVICE

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

VIA FIRST CLASS U.S. MAIL AND ELECTRONIC MAIL

Cinnamon Coprich
124 Miller Road
Rankin, PA 15104
Email: ccoprich@moraviahealth.com



Donald R. Wagner

Dated: February 10, 2023