

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Cinnamon Coprich	:	
	:	
v.	:	C-2022-3035891
	:	
Duquesne Light Company	:	

INITIAL DECISION

Before
Mary D. Long
Administrative Law Judge

INTRODUCTION

A formal complaint is dismissed. The complainant was directed to file a more specific complaint to provide the utility with adequate notice regarding the nature of the dispute, but the complainant failed to do so.

HISTORY OF THE PROCEEDINGS

On October 3, 2022, Cinnamon Coprich (Complainant) filed a formal complaint against Duquesne Light Company (DLC). She checked the box noting that the “utility is threatening to shut off my service or has already shut off my service,” but did not request any relief.

On October 25, 2022, DLC filed an answer and new matter. DLC admitted that it had notified the Complainant of its intent to terminate service, but averred that the notice was in accordance with Commission rules and regulations. DLC further noted that the Complainant did not request a payment arrangement or seek any other relief from the Commission. In the new

matter, DLC stated that the Complainant requested that DLC discontinue service to her. Therefore, according to DLC, the complaint is moot.

DLC filed a motion for judgment on the pleadings on November 28, 2022. DLC averred that the Complainant never responded to DLC's new matter, therefore the facts set forth in DLC's October 25, 2022, New Matter should be deemed admitted. According to DLC, the statement that the Complainant voluntarily discontinued service should be considered undisputed, and therefore the complaint is moot and should be dismissed.

The Complainant did not file a response to the motion. The matter was assigned to me on January 9, 2023. By interim order entered on January 13, 2023, I denied DLC's motion for judgment on the pleadings, concluding that because the Complainant was self-represented, it was not, at that time, appropriate to dismiss the complaint on technical procedural grounds. However, in reviewing the formal complaint form filed by the Complainant, I found that the Complainant did not provide any detail regarding the termination of the Complainant's service, nor did the Complainant explain what relief the Complainant wanted from the Commission.¹ DLC was left to speculate as to the reason for the complaint and the relief that the Complainant was seeking. Therefore, I directed the Complainant to file an amended complaint setting forth additional facts, consistent with the instructions provided on the Commission's formal complaint form, in support of the Complainant's allegations against Duquesne Light Company on or before January 30, 2023.

The Complainant did not file an amended complaint on or before January 30, 2023. On February 10, 2023, DLC filed a motion to dismiss the complaint. The Complainant did not respond to the motion to dismiss. As set forth below, DLC's motion will be granted.

FINDINGS OF FACT

1. The Complainant is Cinnamon Coprich.

¹ 52 Pa. Code §§ 5.22(a)(5) and (6).

2. The Respondent is Duquesne Light Company, a jurisdictional public utility.

3. On January 13, 2023, the Commission electronically served an interim order which directed the Complainant to file a more specific complaint on or before January 30, 2023.

4. The Complainant did not file an amended formal complaint or otherwise respond to the January 13, 2023, Interim Order.

DISCUSSION

Commission regulations provide a person may file a formal complaint claiming violation of a statute that the Commission has jurisdiction to administer.² Section 5.22 of the Commission’s regulations require that a formal complaint set forth a clear and concise statement of the act or omission being complained of including the result of any informal complaint or informal investigation, as well as a clear and concise statement of the relief sought.³ The Commission’s formal complaint form is designed to aid self-represented individuals in meeting this and other requirements for the filing of formal complaints.⁴ The form includes a series of boxes which can be checked to help frame the basis of a complainant’s dispute with a public utility. The form also includes an instruction to include “relevant details including dates, times and places and any other information that may be important.” When alleging incorrect charges, the form directs a complainant to provide “dates that are important and an explanation about any amounts or charges that you believe are not correct.” Similarly, a reliability or safety allegation should “[e]xplain the problem, including dates, times or places and any other relevant details that may be important.”

² 52 Pa. Code § 5.21(a).

³ 52 Pa. Code §§ 5.22(a)(5) and (6).

⁴ See *Richmond v. PECO Energy Co.*, Docket No. F-2010-2187305 (Opinion and Order entered Dec. 7, 2011).

In reviewing the formal complaint form filed by the Complainant, the complaint failed to conform to the Commission's requirements. The Complainant only checked the box stating that her service was terminated or was going to be terminated, but did not request any relief or offer any details regarding the nature of the complaint. The Complainant was directed to file a more specific complaint to include sufficient information to ensure that DLC's right and ability to answer and defend the complaint will not be unduly impaired by a vague pleading. In my order, I cautioned her that failure to file an amended complaint as directed may result in dismissal of the complaint. The Complainant failed to file anything in response to my order.

As explained in the January 13, 2023, Interim Order, Complainant must provide more information about her complaint so DLC can form a meaningful response. To allow the complaint to go forward at this point would result in a denial of DLC's due process rights. Further, litigation expenses are generally recovered by utilities in base rate filings. It does not serve DLC's other ratepayers to require the company to go through the expense of attempting to prepare for a hearing without a more specific explanation of the nature of the Complainant's dispute.

The Commission has previously dismissed complaints because the complainant failed to file an amended complaint when directed to do so. In *Zaslav v. Philadelphia Gas Works* the complainant checked only the "other" box on the complaint form and wrote the word "appeal."⁵ The presiding administrative law judge directed the complainant to file a more specific complaint. The complainant failed to do so. Accordingly, the complaint was dismissed.

In the consolidated decision of *Belmonte-Gates v PECO Energy Company*, and *Belmonte-Gates v Pennsylvania-American Water Company*, the Commission characterized the complaints as incomprehensible and held that the complainant's failure to set forth a clear and concise statement of the facts alleged, and relief being sought would deprive the respondents of

⁵ *Zaslav v. Phila. Gas Works*, Docket No. F-2016-2549869 (Final Order entered Dec. 20, 2016) (*Zaslav*); see also *McHugh v. Duquesne Light Co.*, Docket C-2019-3000302 (final Order entered Oct. 2, 2018).

the opportunity to prepare adequate defenses.⁶ The complainant was directed to file more concise complaints. The complainant failed to comply with the order of the presiding administrative law judge. Those complaints were dismissed as well, in part because the complainant's failure to set forth a clear statement of the facts being alleged deprived the utility of the opportunity to prepare a defense.

Failure to comply with the order of an Administrative Law Judge is grounds for dismissal of the case.⁷ Further, the Commission has held on numerous occasions that such lack of compliance presents a sufficient basis to dismiss a complaint without a hearing.⁸ In the July 10 Interim Order, I warned the Complainant that failing to respond to the order would result in the dismissal of her complaint. The Complainant did not file any response to either DLC's preliminary objections or the July 10 Interim Order.

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them.⁹ However, this due process requirement is satisfied when the parties are provided notice and the opportunity to appear and be heard.¹⁰ The Complainant had an opportunity to appear and be heard in this proceeding, but voluntarily chose not to do so. Therefore, the due process rights of the Complainant have been fully protected.¹¹ The complaint will be dismissed.

⁶ *Belmonte-Gates v PECO Energy Co.*, Docket No. F-2012-2332583 (Opinion and Order entered Aug. 15, 2013).

⁷ *Snyderville Cmty. Dev. Corp. v. Verizon Pa., Inc.*, Docket No. C-20055032, (Opinion and Order entered July 31, 2006).

⁸ *Jackson v. Duquesne Light Co.*, Docket No. C-2018-2644080 (Order entered July 12, 2018); *Zaslav; Randall v. Metro. Edison Co.*, Docket No. C-2013-2367046 (Final Order entered Oct. 7, 2013); *Snyderville*.

⁹ *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

¹⁰ *Id.*

¹¹ *Cf. Olmstead v. Equitable Gas Co., LLC*, Docket No. C-2009-2125349 (Order entered Mar. 3, 2010); *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Order entered Oct. 25, 1993); 52 Pa. Code § 5.245(a).

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and subject matter of the dispute. 66 Pa.C.S. § 701.

2. Failure to comply with the order of an Administrative Law Judge is grounds for dismissal of the case. *Snyderville Community Development Corporation v. Verizon Pennsylvania, Inc.*, Docket No. C-20055032, (Opinion and Order entered July 31, 2006).

3. The due process rights of the Complainant have been fully protected. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Cinnamon Coprich in Cinnamon Coprich versus Duquesne Light Company, Docket C-2022-3035891, is dismissed.

2. That the Secretary shall mark the docket closed.

Date: March 23, 2023

_____/s/
Mary D. Long
Administrative Law Judge