

PENNSYLVANIA PUBLIC UTILITY COMMISSION

CRAIG MURPHY, COMPLAINANT

V

DUQUESNE LIGHT CO., RESPONDENT

NO. C-2023-3038940

ANSWER TO PRELIMINARY OBJECTIONS

1. The complainant is without sufficient knowledge or information to form a belief about the truth of the allegation and therefore denies same. The Complainant further submits that this allegation constitutes a conclusion of law to which no response is required. Plaintiff further submits that the **doctrine of constitutional avoidance may allow this Commission to resolve this matter on statutory grounds.**

2. The averments of the respondent are admitted. The complainant however denies that the respondent's preliminary objections may be sustained on one or all of the grounds stated.

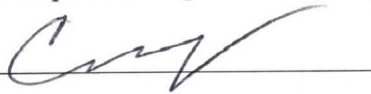
3. Admitted.

4. The averment of the respondent constitutes a conclusion of law to which no response is required. In addition, Complainant submits that any act of legislation that is repugnant to the U.S. Constitution is void See Marbury v. Madison, 5 U.S. 137 (1803) Id. at 176. State law inasmuch that it conflicts with federal law and the constitution is invalid See Hillsborough County v. Automated Medical Laboratories Inc. 471 U.S. 707 (1985) Id. at 712-714.

5. The Complainant incorporates by reference respondent's PO paragraphs 4-10, and avers that these paragraphs constitute a conclusion of law to which no response is required. Complainant submits that any act of legislation that is repugnant to the U.S. Constitution is void See Marbury v. Madison, 5 U.S. 137 (1803) Id. at 176. State law inasmuch that it conflicts with federal law and the constitution is invalid See Hillsborough County v. Automated Medical Laboratories Inc. 471 U.S. 707 (1985) Id. at 712-714. Complainant further submits that nothing within 66 P.a.C.S. § 701 places any limitation on the commission's ability to adjudicate a claim of constitutional violations See Commonwealth v. Johnson., 26 A.3d 1078 (Pa. 2011) Id. at 1090. See also FDA v. Brown Williamson Tobacco Corp., 529 U.S. 120 (2000) Id. at 132- 133.

CONCLUSION

The respondent's preliminary objections must be overruled.



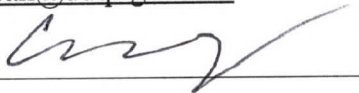
Craig D. Murphy
117 Friendship Street
Duquesne, PA 15110

CERTIFICATE OF SERVICE

AND NOW, this 13th day of April 2023, The complainant has caused this answer to preliminary objections to be served upon the following counsel by electronic mail:

Emily Farah

Efarah@duqlight.com



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