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September 5, 2023

Via Electronic Filing

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

RE: Rosemarie Mahone v. Duquesne Light Company
Docket No. C-2023-3042258

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to the Formal Complaint filed by Rosemarie Mahone. A copy of this document and the enclosed filing have been served upon Complainant in accordance with Pennsylvania Public Utility Commission regulations.

Please contact me with any questions, comments, or concerns.

Respectfully,

A handwritten signature in blue ink, appearing to read "Emily M. Farah", is placed over a light gray rectangular background.

Emily M. Farah
Counsel, Regulatory
Duquesne Light Company

Enclosure

cc: Certificate of Service (w/encl.)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ROSEMARIE MAHONE,	:	
	:	
Complainant,	:	
	:	
v.	:	No: C-2023-3042258
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

PRELIMINARY OBJECTIONS

Filed on behalf of Respondent
Duquesne Light Company

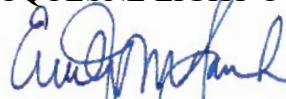
Counsel of Record for this Party:
Emily M. Farah, Esquire
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(412) 393-6431
411 Seventh Avenue, MD 15-7
Pittsburgh, PA 15219

NOTICE TO PLEAD

TO ROSEMARIE MAHONE:

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO RESPONDENT'S PRELIMINARY OBJECTIONS 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**

ROSEMARIE MAHONE,	:	
	:	
Complainant,	:	
	:	
v.	:	No: C-2023-3042258
	:	
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 Rosemarie Mahone’s (“Complainant”) above-captioned formal complaint (“Complaint”), and states as follows:

I. INTRODUCTION

1. On August 15, 2023, 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 requesting compensation for emotional or financial losses because the Commission lacks jurisdiction to grant Complainant such relief. See Complaint ¶ 5.
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. As more fully set forth below, these Preliminary Objections request the Commission dismiss the portions of the Complaint seeking monetary damages because the Commission does not have jurisdiction or authority to award the Complainant with civil damages.

II. ARGUMENT

6. The Commission's Rules of Practice and Procedure permit parties to file preliminary objections on the basis that the Commission lacks jurisdiction. 52 Pa. Code § 5.101(a)(1).

7. It is well established that the Commission does not have jurisdiction over actions for damages. Horowitz v. PECO, Docket No. C-2013-2382740 (Dec. 30, 2013).

8. Here, the Complainant's requested relief is "reimbursement for my *losses* due to the frayed electrical wires." Complaint, pp. 9, 13 (emphasis added).

9. The Complainant demonstrates, in paragraph 5 of the Complaint, that the references to "losses" are *financial* losses. Complaint ¶ 5 ("I incurred significan[t] hardship and financial losses due to outside frayed...").

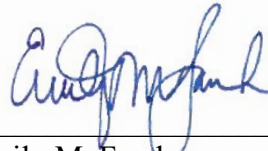
10. Accepting Complainant's allegations as true for purposes of the present Preliminary Objections, and without waiving any of Duquesne Light's defenses in this

proceeding, the portions of the Complaint requesting financial damages must be dismissed because the Commission does not have jurisdiction over actions for damages. Horowitz v. PECO.

11. Because Complainant's requested relief is a request for monetary compensation, and granting of such relief is outside the Commission's jurisdiction, those portions of the Complaint must be dismissed.

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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ROSEMARIE MAHONE,	:	
	:	
Complainant,	:	
	:	
v.	:	No: C-2023-3042258
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DUQUESNE LIGHT COMPANY,	:	
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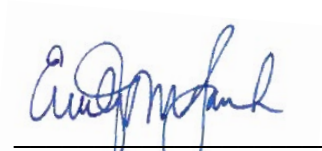
CERTIFICATE OF SERVICE

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 ELECTRONIC MAILING ONLY

Rosemarie Mahone
704 Whitney Avenue
Pittsburgh, PA 15221
rosemarie@hotmail.com

Dated this 5th day of September, 2023.



Emily M. Farah, Esquire
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Counsel for Duquesne Light Company