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File #: 201116

September 20, 2023

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Karen Feitt v. Peoples Natural Gas Company LLC
Docket No. C-2023-3040660

Dear Secretary Chiavetta:

Attached for filing are the Replies of Peoples Natural Gas Company LLC to the Exceptions of Karen Feitt in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully,



Nicholas A. Stobbe

NAS/dmc
Attachments

cc: The Honorable Mary D. Long (*via email; w/attachments*)
Office of Special Assistants (*via email; w/attachments*)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA EMAIL AND FIRST-CLASS MAIL

Karen Feitt
1036 Jackman Avenue
Pittsburgh, PA 15202
kfeitt@gmail.com

Date: September 20, 2023



Nicholas A. Stobbe

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|----------------------------------|---|---------------------------|
| Karen Feitt, | : | |
| | : | |
| Complainant, | : | |
| | : | |
| v. | : | Docket No. C-2023-3040660 |
| | : | |
| Peoples Natural Gas Company LLC, | : | |
| | : | |
| Respondent. | : | |

**REPLIES OF PEOPLES NATURAL GAS COMPANY LLC TO THE
EXCEPTIONS OF KAREN FEITT**

Peoples Natural Gas Company LLC (“Peoples Natural Gas” or the “Company”), pursuant to 52 Pa. Code § 5.535, hereby respectfully submits these Replies to the Exceptions of Karen Feitt (“Complainant”). In her Exceptions, the Complainant¹ apparently disputes Administrative Law Judge Mary D. Long’s (“ALJ”) well-reasoned Initial Decision (“ID”) dismissing the above-captioned Formal Complaint (“Complaint”) with prejudice and barring the Complainant and Mr. Mendoza from filing further informal and formal complaints pertaining to the issues previously adjudicated regarding Peoples Natural Gas’s billing presentation for the gas account at 1036 Jackman Avenue, Pittsburgh, PA 15202 (“Service Address”).

¹ Peoples Natural Gas notes that it appears that the Complainant did not author nor file her Exceptions. Rather, it appears that Higinio Mendoza Jr. (“Mr. Mendoza”) did. Mr. Mendoza is a member of the Complainant’s household (*See* ID at 2, Findings of Fact No. 2). Under information and belief, Peoples Natural Gas understands that Mr. Mendoza is not an attorney licensed to practice law in the Commonwealth of Pennsylvania. Assuming, *arguendo*, that Mr. Mendoza is licensed to practice law in the Commonwealth of Pennsylvania—and he is not—he has not entered his appearance in this proceeding as the Complainant’s attorney pursuant to 52 Pa. Code § 1.24(b). That being said, for the purposes of Peoples Natural Gas’s Replies to the Exceptions, Peoples Natural Gas will treat the Exceptions as if they were authored and filed by the Complainant.

The Complainant's Exceptions do not conform to the Commission's regulations because they are unnumbered and do not cite to any Conclusions of Law, nor any specific pages of the ID.² Further, it does not appear that the Complainant is actually disputing any of the findings or conclusions reached by the ALJ in the ID, as the Complainant does not include supporting reasons for the Exceptions as is required by the Commission's regulations.³ Rather, the Exceptions focus on Mr. Mendoza's alleged "executor" status over the Complainant and the Complainant's account with Peoples Natural Gas. This argument is as irrelevant as it is "inscrutable."⁴

For these reasons and as further explained below, Peoples Natural Gas respectfully requests that the Commission deny the Complainant's Exceptions, adopt the well-reasoned ID without modification, and dismiss the Complaint with prejudice as legally insufficient. As the ID correctly found, the Complaint is barred by *res judicata* and constitutes an abuse of administrative process because the Complainant – or members of her household – have now filed three complaints disputing the efficacy and presentation of Peoples Natural Gas's bills since 2018.

I. INTRODUCTION

On May 15, 2023, Peoples Natural Gas was served with the Complaint, which challenged the Company's billing practices and presentation, and requested the provision of a "true bill" for the account in the Complainant's name at the Service Address.

On June 5, 2023, Peoples Natural Gas filed an Answer and New Matter to the Complaint, denying any violation of the provisions of the Public Utility Code ("Code"), the regulations of the Commission, a Commission Order, or the Company's Commission-approved tariff. In the

² Section 5.533(b) of the Pennsylvania Public Utility Commission's ("Commission") regulations provides that "[e]ach exception must be numbered and identify the finding of fact or conclusion of law to which exception is taken and cite relevant pages of the decision. Supporting reasons for the exceptions shall follow each specific exception." 52 Pa. Code § 5.533(b).

³ See note 1, *supra*.

⁴ See ID at 4 ("[Mr. Mendoza], the Complainant's partner, filed a document entitled 'Executor Letter.' This document is not only inscrutable, but is also non-responsive.")

Company's New Matter, Peoples Natural Gas delineated the Complainant's – or certain members of her household – history of filing similar Complaints and averred that the instant Complaint is barred by Section 316 of the Code,⁵ as well as the doctrines of *res judicata* and collateral estoppel.

Concurrent with the Company's Answer and New Matter, Peoples Natural Gas filed a Preliminary Objection to the Complaint, arguing that the Complaint is legally insufficient and constitutes an abuse of administrative process because of the Complainant's – or certain members of her household – history of filing formal complaints disputing the Company's billing methods and presentation, and requesting a “true-bill.” Therefore, Peoples Natural Gas argued that the Complaint is barred by *res judicata*.

On June 27, 2023, the Complainant filed a document entitled “Notice of Occupancy of the Executor Office.”

On July 24, 2023, the Motion Judge Assignment Notice was issued, assigning the ALJ to rule on the Company's Preliminary Objection.

On August 22, 2023, the ALJ issued the ID, which granted the Company's Preliminary Objection and dismissed the Complaint for legal insufficiency and an abuse of administrative process.

Later on August 22, 2023, the Complainant filed a document entitled “Warranted Bonded Property Claim” which was docketed with the Commission as a “Notification of Disagreement for Satisfaction.”

On September 2, 2023, the Complainant served the Company with her Exceptions to the ID.

⁵ See 66 Pa. C.S. § 316.

On September 5, 2023, Peoples Natural Gas and the Complainant were served with a letter from the Secretary of the Commission, explaining that the Secretary's Bureau had received the Complainant's Exceptions to the ID on September 5, 2023, but those Exceptions were not accompanied by a Certificate of Service and, therefore, were being provided as an enclosure to the letter.

For the reasons explained in more detail below, the Complainant's Exceptions are without merit, and the Commission should adopt the ALJ's well-reasoned ID without modification and dismiss the Complaint with prejudice because it is legally insufficient and an abuse of administrative process.

II. REPLIES TO EXCEPTIONS

A. REPLY TO EXCEPTION NO. 1 – THE ALJ CORRECTLY DISMISSED THE COMPLAINT, AND NOTHING PRESENTED IN THE COMPLAINANT'S EXCEPTIONS WARRANTS DISTURBING THAT RULING.⁶

The ALJ correctly dismissed the Complaint with prejudice and barred the Complainant and Mr. Mendoza from filing further informal and formal complaints pertaining to the issues already adjudicated with respect to Peoples Natural Gas's billing presentation for the gas account at the Service Address because the Complainant and/or Mr. Mendoza have now filed three formal complaints disputing the same since 2018. (*See* ID at 14; *See also* ID at 12; Conclusion of Law Nos. 5, 7.) The Complainant's and Mr. Mendoza's two prior formal complaints were dismissed by the Commission on the merits.⁷

As the ALJ held:

⁶ Although the Complainant failed to number her Exceptions as required by the Commission's regulations, Peoples Natural Gas is grouping the entirety of her Exceptions into Exception No. 1 for ease of reference.

⁷ *Feitt v. Peoples Natural Gas Co. LLC – Equitable Div.*, Docket No. F-2018-3003833 (Final Order entered Mar. 29, 2019), *Petition for Recission denied* (Opinion and Order entered Oct. 8, 2020); *Mendoza v. Peoples Natural Gas Co. LLC*, Docket No. F-2019-3015189 (Opinion and Order entered July 15, 2021).

[T]he Complainants basically challenge Peoples [Natural Gas's] presentation of the bill and contend that if the bill were properly presented it would be evident that they do not owe any debt to Peoples. In the 2018 Complaint and 2019 Complaint proceedings, the Commission considered and rejected the Complainants' arguments. Specifically, the Commission has concluded that the presentation of Peoples' bill complies with the Commission's regulations and that there is no requirement that a different format be used, *i.e.* a "true bill" or a bill showing a corresponding credit for each debt. The challenge in the current complaint is essentially the same claim: that Peoples is not correctly presenting its bill. That claim has been considered and rejected by the Commission twice before. The Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest. There is no need for another hearing on the current Complaint.

(ID at 11; *See also* Conclusion of Law Nos. 5, 7.)

This ruling is consistent with the Commission's well-settled precedent that the serial filing of the same or similar complaints can constitute an abuse of administrative process, with further complaints appropriately dismissed with prejudice. *See Moyer v. PPL Elec. Utils. Corp.*, Docket No. C-2022-3031294 (Order entered Dec. 8, 2022) ("The facts of the present case reflect an egregious example of the Complainant's use of the administrative process to repeatedly raise the same issues which have been previously decided against [Complainant]. This proceeding demonstrates that both the agency and the utility, [], have expended substantial resources to address claims which have been previously reviewed and decided. Accordingly, in these extreme circumstances, in view of the substantial wasteful use of the Commission's and the respondent's time, energy and resources, we conclude that dismissal with prejudice is appropriate."); *See also Jefferson v. UGI Utilities, Inc.*, Docket No. Z-00269892 (Order entered December 26, 1995), *see also, e.g., Charles Nichols III v. Bell-Atlantic-Pennsylvania*, Docket No. C-00956667 (Order entered August 4, 1995). Therefore, as correctly stated in the ID, the Complaint is barred by the doctrine of *res judicata*, constitutes an abuse of administrative process, and is properly dismissed.

Moreover, to the extent that the Complainant disputes the ALJ's ruling in her Exceptions, she fails to identify any errors in the ALJ's factual findings or legal reasoning. In fact, the Complainant only references the ID twice throughout her Exceptions, first arguing that: "it is agreed that your court (Administrative Law Judge (?), MARY D. LONG & initial decision violate our rights in attempting to determine legal authority." (Exceptions, p. 3.) The Complainant goes on the state that "no one, not even the Commissions [sic] administrative ALJ Judges [sic] (Mary D. Long / *initial decision*) Courts, have the authority to look into the business of the estate." (Exceptions, p. 5.) These respective passages bring to bear the fact that it is wholly unclear what findings or conclusions in the ID the Complainant is challenging. Indeed, if the Complainant is disputing the Commission's jurisdiction over the subject matter of the Complaint, it is confusing why the Complaint was filed with the Commission in the first place. That being said, the ALJ made three Findings of Fact and seven Conclusions of Law and the Complainant does not dispute any of those in her Exceptions. Thus, the Complainant's Exceptions should be denied.

III. CONCLUSION

WHEREFORE, for all the foregoing reasons, as well as those more fully explained in the well-reasoned Initial Decision of Administrative Law Judge Mary D. Long, Peoples Natural Gas respectfully requests that the Pennsylvania Public Utility Commission: (1) deny the Exceptions filed by Karen Feitt; (2) adopt the Initial Decision without modification; and (3) dismiss the Formal Complaint at Docket No. C-2023-3040660 with prejudice because the Complaint is barred by the doctrine of *res judicata* and, therefore, is legally insufficient and an abuse of administrative process.

Respectfully submitted,



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Dated: September 20, 2023

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