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October 30, 2023

**Via Electronic Filing**

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

**RE: Cheryl Kreider v. Duquesne Light Company**  
**Docket No. C-2023-3043450**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to the Formal Complaint filed by Cheryl Kreider. 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 written over a light blue rectangular background.

Emily M. Farah  
Counsel, Regulatory  
Duquesne Light Company

Enclosure

cc: Certificate of Service (w/encl.)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHERYL KREIDER, :  
 :  
 Complainant, :  
 :  
 v. :  
 :  
 DUQUESNE LIGHT COMPANY, :  
 :  
 Respondent. :

No: C-2023-3043450

**PRELIMINARY OBJECTIONS**

Filed on behalf of Respondent  
Duquesne Light Company

Counsel of Record for this Party:  
Emily M. Farah, Esquire  
PA I.D. No. 322559  
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(412) 393-6431  
411 Seventh Avenue, MD 15-7  
Pittsburgh, PA 15219

**NOTICE TO PLEAD**

**TO CHERYL KREIDER:**

**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



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Emily M. Farah  
Counsel for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHERYL KREIDER,	:	
	:	
Complainant,	:	
	:	
v.	:	No: C-2023-3043450
	:	
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 Cheryl Kreider’s (“Complainant”) above-captioned formal complaint (“Complaint”), and states as follows:

**I. INTRODUCTION**

1. On October 10, 2023, Duquesne Light was electronically served with the Complaint.
2. Duquesne Light is timely filing its Answer contemporaneously with its Preliminary Objections.
3. Duquesne Light seeks to dismiss the entirety of the Complaint, because the Complaint’s sole request for relief is “restitution,” which the Pennsylvania Public Utility Commission (“Commission”) lacks jurisdiction to provide. See Complaint ¶ 6.
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 Complaint in its entirety, because the sole request for relief is a request for monetary damages, and the Commission does not have jurisdiction or authority to award 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 only requested relief is "restitution for work not completed." Complaint ¶ 6.

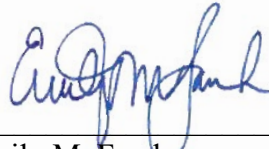
9. Accepting all the Complainant's allegations as true for purposes of the present Preliminary Objections, it is clear that the sole request for relief is "restitution." Complaint ¶ 6.

10. Commission does not have jurisdiction over actions for damages. Horowitz v. PECO.

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

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objections and dismiss the Complaint in its entirety because the Commission lacks jurisdiction to grant the relief requested in the Complaint.

DUQUESNE LIGHT COMPANY

A handwritten signature in blue ink, appearing to read "Emily M. Farah", is written over a horizontal line.

Emily M. Farah  
Counsel for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CHERYL KREIDER,	:	
	:	
Complainant,	:	
	:	
v.	:	No: C-2023-3043450
	:	
DUQUESNE LIGHT COMPANY,	:	
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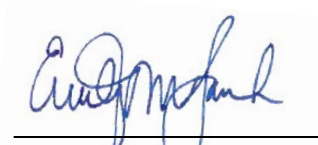
**CERTIFICATE OF SERVICE**

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**

Cheryl Kreider  
6 National Dr.  
Pittsburgh, PA 15236  
[bkreider28@yahoo.com](mailto:bkreider28@yahoo.com)

Dated this 30<sup>th</sup> day of October, 2023.



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