



Emily Farah  
Counsel, Regulatory

411 Seventh Avenue  
Mail Drop 15-7  
Pittsburgh, PA 15219

Tel: 412-393-6431  
efarah@duqlight.com

November 24, 2023

**Via Electronic Filing**

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

**RE: Craig Murphy v. Duquesne Light Company  
Docket No. C-2023-3038940**

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Reply Exceptions in the matter indicated above. Copies of this document and the enclosed filing have been served upon the parties listed in the Certificate of Service.

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  
Duquesne Light Company  
Counsel, Regulatory

Enclosure

cc: Certificate of Service (with enclosure)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CRAIG MURPHY	:	
	:	
v.	:	C-2023-3038940
	:	
DUQUESNE LIGHT COMPANY	:	

**DUQUESNE LIGHT’S REPLY EXCEPTIONS**

Respondent Duquesne Light Company (“Duquesne Light” or the “Company”) files Reply Exceptions pertaining to the above-captioned Formal Complaint (“Complaint”) filed by Craig Murphy (“Complainant”), pursuant to 52 Pa. Code § 5.535. As set forth below, the Complainant’s Exceptions should be denied, and the Initial Decision should be upheld by the Commission. The Administrative Law Judge (“ALJ”) correctly determined that Complainant had failed to prove that the Company violated any provisions of the Public Utility Code, or the regulations or orders of the Commission. Complainant’s Exceptions provide no basis for rejecting the Initial Decision, and instead merely restate the same allegations that the ALJ correctly dismissed.

**I. BACKGROUND**

On Tuesday, March 14, 2023, Duquesne Light was electronically served with the above-captioned Complaint. In the Complaint, the Complainant’s checked the boxes for incorrect charges on their bill and termination of service. On April 3, 2023, Duquesne Light timely filed an Answer and Preliminary Objections to the Complaint. Pursuant to the Interim Order Sustaining Preliminary Objections and Directing Case for Hearing dated May 18, 2023 (“Interim Order”), the ALJ sustained the Company’s Preliminary Objections that the Commission lacks jurisdiction over any alleged violations of the Fourteenth Amendment of the U.S. Constitution and struck such claims from the Complaint. The Interim Order further directed case be set for

initial telephone hearing on the remaining issues in the Complaint. On Thursday, July 6, 2023, an evidentiary hearing was held as scheduled.

On October 23, 2023, the ALJ issued an Initial Decision dismissing the Complaint. On November 13, 2023, the Complainant filed Exceptions to the Initial Decision.

## **II. Reply to Exceptions**

The Complainant's Exceptions incorrectly assert that Complainant was ineligible for termination in or around February 2023 because the Company "relied upon speculated income information from the year 2014." Exceptions ¶ 2.

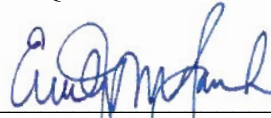
At hearing, Duquesne Light witness Alissa Thong stated that the termination process is triggered when a customer is \$300 or more past due on their electric service account. Tr. 29-30. As demonstrated by Duquesne Light's Exhibit A, the Complainant's overdue account balance on February 20, 2023 was \$102.36. See also FOF No. 3; Tr. 20-21. Ms. Thong's testimony confirmed that Complainant's income from 2014 is not why Complainant was ineligible for termination in or around February 2023. Tr. 34-35. In fact, Ms. Thong plainly and credibly stated at hearing that the Complainant was not eligible for termination in or around February 2023 because Complainant's past due balance was under the \$300 threshold. Tr. 35. The Complainant's allegation that the Company "speculated income" for the purpose of denying his request for a termination notice is baseless. Exceptions ¶ 2. Consistent with 52 Pa. Code § 56.99, Duquesne Light had no intent to terminate service in or around February 2023 because Complainant's past due account balance was lower than \$300.

Given the foregoing, the ALJ correctly found that the Complainant was ineligible for termination in or around February 2023 because his overdue account balance at the time was less than Duquesne Light's threshold of \$300. See FOF No. 3, 10.

#### IV. CONCLUSION

The Initial Decision's Findings of Fact and Conclusions of Law regarding Mr. Murphy's account are fully supported by the record, and Complainant's Exceptions provide no basis to reject any of those Findings or Conclusions. As the Complainant, Mr. Murphy bears the burden of proving the allegations in the Complaint by a preponderance of the evidence. Nothing in the record for the above-captioned Complaint would allow for a conclusion that Duquesne Light violated the Public Utility Code or the Commission's orders or regulations. The Initial Decision is fully supported by the evidence of record, and there is no basis for granting any of the Complainant's Exceptions or overturning the Initial Decision.

Respectfully Submitted,  
DUQUESNE LIGHT COMPANY



---

Emily M. Farah  
Counsel for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CRAIG MURPHY

v.

DUQUESNE LIGHT COMPANY

:  
:  
:  
:  
:

C-2023-3038940

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Reply Exceptions upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

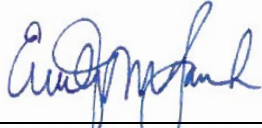
**VIA ELECTRONIC MAILING ONLY**

Administrative Law Judge Mark A. Hoyer  
c/o Nick Miskanic, Legal Assistant  
Piatt Place Downtown  
301 Fifth Avenue #220  
Pittsburgh, PA 15222  
[nmiskanic@pa.gov](mailto:nmiskanic@pa.gov)

The Office of Special Assistants  
400 North Street  
Commonwealth Keystone Building  
Harrisburg, PA 17120  
[ra-OSA@pa.gov](mailto:ra-OSA@pa.gov)

Craig Murphy  
117 Friendship St.  
Duquesne, PA 15110  
[Murphy.craig.pro@gmail.com](mailto:Murphy.craig.pro@gmail.com)

Dated this 24th day of November, 2023.

  
\_\_\_\_\_  
Emily M. Farah, Esquire  
PA I.D. No. 322559  
(412) 393-6431

EFarah@duqlight.com  
Counsel for Duquesne Light Company