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December 18, 2023

Via Electronic Filing

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

RE: Susan Hineman v. Duquesne Light Company
Docket No. C-2023-3044412

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Preliminary Objections to the Formal Complaint filed by Susan Hineman. 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**

| | | |
|-------------------------|---|--------------------|
| SUSAN HINEMAN, | : | |
| | : | |
| Complainant, | : | |
| | : | |
| v. | : | No: C-2023-3044412 |
| | : | |
| 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 SUSAN HINEMAN:

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**

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| SUSAN HINEMAN, | : | |
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| Complainant, | : | |
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| v. | : | No: C-2023-3044412 |
| | : | |
| 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 Susan Hineman’s (“Complainant”) above-captioned formal complaint (“Complaint”), and states as follows:

I. INTRODUCTION

1. On November 27, 2023, Duquesne Light was electronically served with the Complaint.
2. Duquesne Light is timely filing its Answer and New Matter contemporaneously with its Preliminary Objections.
3. Duquesne Light seeks to dismiss the portions of the Complaint that request restitution for property damage which the Pennsylvania Public Utility Commission (“Commission”) lacks jurisdiction to provide. 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 requesting monetary damages because 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. Accepting all the Complainant's allegations as true for purposes of the present Preliminary Objections, it is clear that the Complainant requests monetary damages. Complaint pp. 3, 7-8.

9. Specifically, the Complaint takes issue with Duquesne Light's denial of Complainant's claim for property damage included an itemization of the damages. See Complaint pp. 7-8.

10. The Complainant attached various invoices associated with alleged damage that the Complainant's business experienced and included a copy of a check from Harold's Inn for an invoice. Complaint p. 11-16.

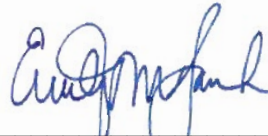
11. The Commission does not have jurisdiction over actions for damages. Horowitz v. PECO.

12. Because Complainant's requested relief includes a request for monetary compensation for alleged property damage and granting such relief is outside the Commission's jurisdiction, such portions of the Complaint must be dismissed.

13. Duquesne Light respectfully requests that the portions of the Complaint seeking monetary relief be dismissed, and further requests that the matter be referred to the Commission's Mediation Unit for further proceedings.

WHEREFORE, Duquesne Light Company respectfully requests that the Commission sustain its Preliminary Objections, dismiss the portions of the Complaint request civil damages due to lack of Commission jurisdiction, and assign the matter to the Commission's Mediation Unit for further proceedings.

DUQUESNE LIGHT COMPANY



Emily M. Farah
Counsel for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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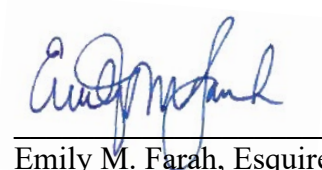
CERTIFICATE OF SERVICE

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

Susan Hineman
Owner, Harold's Inn
2134 Brodhead Road
Aliquippa, PA 15001
haroldsinn@comcast.net

Dated this 18th day of December, 2023.



Emily M. Farah, Esquire
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(412) 393-6431
EFarah@duqlight.com
Counsel for Duquesne Light Company