

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Moorefield	:	
	:	
v.	:	C-2023-3041919
	:	
Duquesne Light Company	:	

INITIAL DECISION

Before
Emily I. DeVoe
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the unopposed Petition for Leave to Withdraw the Complaint filed by Michael Moorefield against Duquesne Light Company because it is in the public interest.

HISTORY OF THE PROCEEDING

On July 21, 2023, Michael Moorefield (Mr. Moorefield or Complainant) filed a Formal Complaint (Complaint) with the Public Utility Commission (the Commission) against Duquesne Light Company (DLC, Company, or Respondent). In his Complaint, Complainant avers DLC was threatening to shut off his service or has already done so. Attached to his Complaint is a document entitled, “Notice to Principle is Notice to Agent” dated July 17, 2023, and addressed to the Commission’s Secretary, Rosemary Chiavetta; a Power of Attorney and Declaration of Representative Form (IRS Form 2848); a Notice Concerning Fiduciary Relationship Form (IRS Form 56); an Acquisition or Abandonment of Secured Property Form (IRS Form 1099-A); a document entitled, “Notice and Warning to Utility Companies;” a letter

dated June 12, 2023, from DLC to Complainant, regarding an invalid payment; copies of certified mail receipts; and a letter dated June 22, 2023, from Complainant addressed to DLC.

Complainant explains that he is acting as power of attorney over a trust created for the benefit of himself, Michael Moorefield. In his documents, Complainant argues various federal laws and regulations provide that he is owed “unearned interest” from DLC, that the only way to pay debts is to “accept credits and transfer,” and that he is entitled to pay his electric bill by “endorsing” “remittance coupons” which are actually “dividend checks.” In support of his arguments, he cites various federal statutes and regulations, including: 15 USC 1615; “Cestui que vie act 1666”; 18 U.S.C. § 8; House Joint Resolution 192 (HJR) (Public Law 7310); 15 U.S.C. §1681(a)(1)(2); Trading with the Enemy Act; and the National Bank Act. He argues DLC is violating these federal statutes and regulations by insisting he pay his bill with United States currency.

On August 16, 2023, Respondent filed an Answer to the Complaint, averring all its actions have been consistent with the Commission’s rules and regulations. DLC explains Complainant established service in his name at 305 San Juan Dr., Apt. 8, Port Vue, PA 15131 (service location) on March 22, 2023, and no payments have posted to account since. DLC argues Complainant is responsible for payment of his utility bill and may not pay with “remittance coupons.”

On August 16, 2023, DLC also filed a Preliminary Objection to the Complaint. DLC argued the portions of the Complaint alleging violations of federal law should be dismissed. DLC argued the Commission lacks jurisdiction to adjudicate those claims, thus rendering those portions of the Complaint legally insufficient.

On August 24, 2023, Complainant filed a response to DLC’s pleadings, essentially reiterating the arguments raised in his Complaint.

On August 28, 2023, the Commission issued a Hearing Notice, assigning this matter to me and scheduling an evidentiary hearing for October 11, 2023.

On August 31, 2023, I issued a Prehearing Order. I also issued an Interim Order granting the Preliminary Objection, dismissing the alleged violations of federal law from the Complaint, and advising the hearing would convene as scheduled.

Counsel for DLC subsequently contacted me by email requesting the hearing be rescheduled due to a scheduling conflict. After giving Complainant an opportunity to respond, I granted the request. On September 19, 2023, the Commission issued a Hearing Notice rescheduling the hearing for October 10, 2023.

At 9:40 a.m. on October 10, 2023, twenty minutes prior to the scheduled start time for the hearing, I received an email from Emily Farah, Esq., counsel for DLC, advising that “minutes ago, [she] received correspondence from Complainant indicating that he intends to withdraw his Complaint.” Complainant was copied on Ms. Farah’s email. Ms. Farah did not express any objection to the withdrawal, and offered to submit a certificate of satisfaction in lieu of processing the withdrawal if I deemed it necessary.

At 9:44 a.m., I replied to both Ms. Farah and Mr. Moorefield that if Mr. Moorefield wanted to withdraw his Complaint, he may do so by sending me an email prior to 10:00 am, expressing his intent to do so. Otherwise, we would convene as scheduled.

At 9:53, a.m., Mr. Moorefield sent me an email, copying Ms. Farah, withdrawing his Complaint. At 9:59 a.m., I emailed the parties advising I was cancelling the hearing due to Mr. Moorefield’s withdrawal. The Commission then issued a cancellation Notice.

I instructed my legal assistant to contact the Commission’s Secretary’s Bureau and request they attach the email string containing Mr. Moorefield’s withdrawal to the record in this case. On October 12, 2023, once the written withdrawal was attached to the record, I issued an Interim Order closing the record.

This matter is now ripe for adjudication.

FINDINGS OF FACT

1. Complainant is Michael Moorefield.
2. Respondent is Duquesne Light Company.
3. On July 21, 2023, Michael Moorefield filed a Complaint against DLC, alleging, *inter alia*, DLC was violating various federal statutes and regulations by requiring him to pay his utility bill using United States currency.
4. On August 16, 2023, Respondent filed an Answer and Preliminary Objection to the Complaint, denying all material allegations in the Complaint and arguing the Commission lacked jurisdiction over Complainant's claims that DLC violated federal statutes and regulations.
5. On August 24, 2023, Complainant filed a response to DLC's pleadings, reiterating the arguments he raised in his Complaint.
6. On August 28, 2023, the Commission issued a Hearing Notice, assigning this matter to me and scheduling an evidentiary hearing for October 11, 2023.
7. On August 31, 2023, I issued a Prehearing Order.
8. On August 31, 2023, I issued an Interim Order granting the Preliminary Objection, dismissing the alleged violations of federal law from the Complaint and advising the hearing would convene as scheduled.
9. On September 19, 2023, the Commission issued a Hearing Notice rescheduling the hearing for October 10, 2023, due to a scheduling conflict for DLC.

10. On October 10, 2023, Complainant emailed a written request to withdraw his Complaint.

11. DLC did not object to Complainant's request to withdraw.

12. On October 10, 2023, the Commission issued a Cancellation Notice, cancelling the evidentiary hearing.

13. On October 12, 2023, an Interim Order was issued closing the record in this matter.

DISCUSSION

The Commission's rules provide that a Complainant in a contested proceeding may file for leave to withdraw the pleading with the Commission and serve it upon the other parties.¹ Any objection to the petition must be filed within ten days of service.² The Commission's rules further provide that the Commission or presiding officer, at any stage of an action or proceeding, may disregard an error or defect of procedure which does not affect the substantive rights of the parties,³ and may waive a requirement when necessary or appropriate, as long as the waiver does not adversely affect a substantive right of a party.⁴

After considering the petition, any objection thereto, and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.⁵

¹ 52 Pa. Code § 5.94(a).

² *Id.*

³ 52 Pa Code § 1.2(a).

⁴ 52 Pa. Code § 1.2(c).

⁵ 52 Pa. Code § 5.94(a).

In this case, Complainant submitted an email to me and counsel for DLC indicating his desire to withdraw the Complaint. I am exercising my discretion under the Commission's rules and considering Complainant's email as a Petition for Leave to Withdraw the Complaint. DLC did not object to the withdrawal.

There is no purpose in moving forward with the instant Complaint. It is in the public interest to allow Complainant to withdraw his Complaint. Forcing the parties to proceed to an evidentiary hearing in this matter would needlessly consume the Commission's and parties' time and resources. Therefore, I grant the Petition for Leave to Withdraw.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter in this proceeding. 66 Pa.C.S. § 701.

2. A party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. 52 Pa. Code § 5.94(a).

3. A party may object to a petition for leave to withdraw a pleading within ten days of service. 52 Pa. Code § 5.94(a).

4. The Commission or presiding officer, at any stage of an action or proceeding, may waive a requirement or disregard an error or defect of procedure which does not affect the substantive rights of the parties. 52 Pa. Code § 1.2(a), (c).

5. After considering a petition for leave to withdraw a pleading, any objection thereto, and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted. 52 Pa. Code § 5.94(a).

6. The withdrawal of this Complaint is in the public interest. 52 Pa. Code § 5.94(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the unopposed Petition for Leave to Withdraw the Complaint filed by Michael Moorefield against Duquesne Light Company at Docket No. C-2023-3041919, is granted.
2. That the Complaint at Docket No. C-2023-3041919 is dismissed.
3. That the Docket at C-2023-3041919 be marked as closed.

Date: January 4, 2024

_____/s/
Emily I. DeVoe
Administrative Law Judge