

January 19, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Miranda Grace Edwards v. Duquesne Light Company
Docket No. C-2018-3002741

Dear Secretary Chiavetta:

Attached please find my **Motion for Recusal of Administrative Law Judge Jeffrey A. Watson** in the above-referenced matter.

A copy of this document has been mailed to ALJ Watson and emailed to his law clerk Laythan Foster at layfoster@pa.gov as required by ALJ Watson's Interim Order dated December 20, 2023. I also mailed a copy of this document to Chief ALJ Charles E. Rainey, Jr. I also e-filed a copy of this document with the Respondent's Counsel, Shane Miller, Esq.

Please feel free to contact me if you have any questions.

Sincerely,

/s/

M. Grace Edwards
Complainant
msea.mdew@gmail.com

Attachment

Cc: Chief Administrative Law Judge Charles E. Rainey, Jr.
Administrative Law Judge Jeffrey A. Watson
Laythan Foster (via email)
Shane Miller, Esquire, Counsel for Duquesne Light Company (via email)

E-filed with:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Emailed to:

Laythan Foster
Pennsylvania Public Utility Commission
301 5th Ave., Piatt Place, Suite 220
Pittsburgh, PA 15222

Mailed to:

Administrative Law Judge Jeffrey A. Watson
Pennsylvania Public Utility Commission
301 5th Ave., Piatt Place, Suite 220
Pittsburgh, PA 15222

E-filed with:

Shane Miller, Esq.
Duquesne Light Company
1500 One PPG Place
Pittsburgh, PA 15222

Mailed to:

Chief Administrative Law Judge Charles E. Rainey, Jr.
Pennsylvania Public Utility Commission
Office of the Administrative Law Judge
400 North Street
Harrisburg, PA 17120

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MIRANDA GRACE EDWARDS :
 Complainant :
 v. :
 :
DUQUESNE LIGHT COMPANY :
 Respondent :

Docket No. C-2018-3002741

**MOTION TO RECUSE
ADMINISTRATIVE LAW JUDGE
JEFFREY A. WATSON**
Filed on behalf of Complainant
Miranda Grace Edwards, Pro Se

COMPLAINANT'S MOTION TO RECUSE ADMINISTRATIVE LAW JUDGE JEFFREY A. WATSON

Complainant Miranda Grace Edwards submits this Motion to Recuse Administrative Law Judge (ALJ) Jeffrey A. Watson, and in support thereof states as follows:

INTRODUCTION

ALJ Watson's actions and statements throughout the proceedings of C-2018-3002741 demonstrate a self-evident bias that has made it impossible for Complainant to receive a fair and impartial hearing on the facts. ALJ Watson's belittling attitude culminated in his abusive behavior toward Complainant during the 11+-hour February 27, 2020, initial telephonic hearing in this matter. ALJ Watson's actions have abridged and denied Complainant of her due process rights to a fair and impartial hearing. As such, and for the reasons advanced below, a recusal is mandated.

REASONS WHY A RECUSAL IS REQUIRED

A. ALJ Watson ignored PA PUC rules to weight this case against Complainant. On October 24, 2018, ALJ Watson issued an interim order regarding this matter. In the Procedural Background section of the order, he stated: "Complainant also averred that Respondent provided her with a termination notice after she filed a formal complaint." ALJ Watson's statement was factually incorrect. Complainant stated on multiple occasions, including her original and amended complaints, that DLC served a 72-hour termination notice to Complainant on June 12, 2018. Complainant filed her original formal complaint on June 14, 2018. In his order, ALJ Watson misinterpreted Complainant's claim that PUC itself actively prevented her from filing an **informal** complaint on June 1, 2018, and that by doing so PUC acted in violation of **PA Code §56.92, §56.142, §56.151, and §56.162-§56.166.**

On March 4, 2019, Complainant filed an amended formal complaint that noted—among other matters—the PUC's violation of PA Code **§56.92** and ALJ Watson's misinterpretation of Complainant's original formal complaint in his Interim Order of October 24, 2018.

ALJ Watson never corrected his misinterpretation of Complainant's statement or acknowledged her correction to the misinterpretation. The issue is significant because if the PUC had adhered to **PA Code §56.92, §56.142, §56.151, and §56.162-§56.166** and allowed Complainant to file an informal complaint, Complainant would not have been forced (by threat of losing electricity service to her residence) into a rushed, three-day timeline for filing her formal complaint that was assigned to ALJ Watson.

In addition, as detailed in section C, ALJ Watson never dismissed Complainant's February 12, 2020, Second Motion to Stay of Proceedings before holding the initial hearing on February 27, 2020.

B. ALJ Watson contrived the litigation schedule to Complainant's disadvantage. On November 28, 2018, six days after Thanksgiving, ALJ Watson entered an interim order that established an "initial litigation schedule." This order specified January 4, 2019, as the date by which "any Party wishing to present expert testimony of any person other than Complainant must provide to the other Party in writing, the name and business address of that person and a written summary of the expected testimony of that person." The order also specified that on the same date, "any Party wishing to present expert testimony (including but not limited to medical, technical, etc.) must provide to the other Party in writing, the name and business address of that person and a written summary of the expected testimony of that person."

On December 10, 2018, Complainant filed a motion to adjust the initial litigation schedule. Complainant stated that the specified deadline of January 4, 2019, was impossible for her to meet. The interim order of November 28, 2018, was filed during the holiday season when Complainant, and likely most experts, have increased family obligations. Moreover, this *pro se* Complainant is a single parent, and has a full-time job and other responsibilities. She did not already know suitable witnesses to contact at the time the November 28 interim order was entered. By contrast, DLC has a stable of paid witnesses lined up to testify in response to multiple complaints. Complainant requested more time, asking to extend the January 4, 2019, deadline to February 28, 2019; to extend the February 28, 2019, deadline to conclude discovery to April 25, 2019, and to extend the date to file a "progress report" from March 11, 2019, to May 7, 2019.

Complainant received no response from either PUC or DLC concerning her motion to adjust the initial litigation schedule.

On December 18, 2018, DLC filed a motion to extend the discovery response deadline. ALJ Watson granted this motion, which was also agreed to by Complainant.

C. ALJ Watson never dismissed Complainant's Second Motion to Stay of Proceedings before continuing with the proceedings. On February 12, 2020, Complainant filed a Second Motion to Stay of Proceedings after the PA Commonwealth Court's ruling on *Povacz v. Pennsylvania Public Utilities Commission*, Docket No. 492 CD 2019—the outcome of which would directly affect the instant complaint. *Povacz v. Pennsylvania Public Utilities Commission* was argued on June 10, 2020. Given that the Commonwealth Court had recently ruled on cases heard around the same time, a ruling was anticipated soon.

Complainant has no record of ALJ Watson's dismissal of Complainant's Second Motion to Stay of Proceedings; however, this motion was effectively dismissed because the proceedings were not stayed.

D. ALJ Watson abused Complainant throughout her "initial telephonic hearing" and showed favoritism toward Respondent. The aforementioned hearing took place on February 27, 2020. During the 11+-hour hearing, ALJ Watson refused the introduction of ANY evidence contrary to the DLC position that smart meters are safe—even factual, easily verifiable information about opt-out provisions in other states and studies written by and backed by established scientists researching potential biological harm.

ALJ Watson routinely made rude and sarcastic comments to Complainant and shouted at her on multiple occasions. When Complainant pointed this out, ALJ Watson said that he's "very soft-spoken" and just wanted to make sure he was being heard. After that exchange, he was careful not to raise his voice but continued to exhibit a disrespectful attitude toward Complainant. He frequently noted the time of day and duration of the hearing after Complainant stumbled, paused, or finished questioning a witness. When Complainant fell silent for too long he would say, "Take your time." Complainant was sitting in her kitchen throughout the hearing, trying to take notes while participating in the proceedings and surrounded by stacks of DLC's paper exhibits that took time to sort through.

At around 4:30 p.m., when Complainant started asking if the court would consider finishing the hearing on another day, ALJ Watson said, "Let's just do the highest priority witnesses and then we'll revisit it." He subsequently decided to keep pushing through to the end without giving Complainant the chance to express an objection. ALJ Watson said that the DLC witnesses' schedules had to be accommodated and some of them had been sitting there all day. But they didn't have to be present for the entire hearing, while Complainant did.

One of Complainant's friends who called in to listen to some of the hearing reported that ALJ Watson "was a total dick" toward her while technical issues caused Complainant to be dropped off the call temporarily.

By contrast, ALJ Watson complimented DLC counsel on their huge stacks of exhibits. The lawyer chuckled and apologized in response to ALJ Watson's comment. ALJ Watson replied, "I meant that in a good way, heh heh."

Complainant was not prior informed of and never consented to the extreme length of the hearing.

E. ALJ Watson obstructed Complainant's access to the hearing transcript. Complainant had to ask ALJ Watson directly to receive any information about obtaining

a transcript. He instructed Complainant to contact his office to obtain one. This did not sound like a normal procedure to the admittedly inexperienced *pro se* Complainant, who was led to wonder whether ALJ Watson would have a chance to "edit" the transcript before anyone else saw it.

Complainant learned from the transcription service that purchasing the hearing transcript would cost \$1,400. Complainant was told that the cost is based on the number of pages in the transcript, and ALJ Watson's actions resulted in the hearing stretching over 11 hours.

Complainant learned from Audley Brown and Shirley Spunaugle of the PUC that because the PUC offices had closed indefinitely due to COVID-19, transcripts were not available to view in person. They said contracts with the transcription services prevented the PUC from providing transcripts for Complainants by any method other than in-person viewing. Complainant had no way to reference the transcript pages noted in DLC's brief as required by PUC regulations.

WHEREFORE, for the foregoing reasons, Complainant requests respectfully that the instant Motion be granted and Administrative Law Judge Jeffrey A. Watson be recused from presiding over *Miranda Grace Edwards v. Duquesne Light Company*, Docket Number C-2018-3002741.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MIRANDA GRACE EDWARDS :
 Complainant :
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DUQUESNE LIGHT COMPANY :
 Respondent :

Docket No. C-2018-3002741

ORDER

AND NOW, this ___ day of _____, 2024, upon consideration of the Motion for Recusal Pursuant to 34 Pa. Code § 131.24 and after notice having been given to Administrative Law Judge Jeffrey A. Watson and Respondent, it is hereby ORDERED that:

1. Complainant's Motion for Recusal is GRANTED.

BY THE COURT:

J.