

January 31, 2024

Via Electronic Filing

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

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

Dear Secretary Chiavetta:

Enclosed please find Duquesne Light Company's Answer in Opposition to Complainant's Motion to Recuse Administrative Law Judge Jeffrey A. Watson.

A copy of this document has been served upon Complainant in accordance with Commission regulations.

Sincerely,



Jeremy V. Farrell
Attorney for Duquesne Light Company

Enclosure

c: Miranda Edwards (w/enc.) (via email and regular mail)
ALJ Jeffrey Watson (w/enc.) (via email and regular mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MIRANDA GRACE EDWARDS,

Complainant,

No: C-2018-3002741

v.

DUQUESNE LIGHT COMPANY,

Respondent.

**ANSWER IN OPPOSITION TO
COMPLAINANT'S MOTION TO RECUSE
ADMINISTRATIVE LAW JUDGE
JEFFREY A. WATSON**

Served on Behalf of Respondent:
Duquesne Light Company

Counsel of Record for this Party:

Jeremy V. Farrell, Esquire
PA I.D. No. 316258

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(412) 594-3938
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MIRANDA GRACE EDWARDS,

Complainant,

v.

No: C-2018-3002741

DUQUESNE LIGHT COMPANY,

Respondent.

**ANSWER IN OPPOSITION TO COMPLAINANT’S MOTION TO RECUSE
ADMINISTRATIVE LAW JUDGE JEFFREY A. WATSON**

Respondent, Duquesne Light Company (“Duquesne Light”), submits this Answer in Opposition to Complainant’s Motion to Recuse Administrative Law Judge (“ALJ”) Jeffrey A. Watson (“Watson”):

1. Complainant Miranda Grace Edwards (“Complainant”) initiated this action on June 14, 2018, by filing a Formal Complaint in which Complainant objects to Duquesne Light’s attempt to install a “smart meter” at her property and requests “that the PUC order Duquesne Light Company to refrain from shutting off [her] electric service and to cease its attempts to install a Smart Meter on [her] property.” See Complaint, ¶¶ 4-5.

2. On July 5, 2018, Duquesne Light filed an Answer and New Matter to the Complaint, denying Complainant’s allegations. Duquesne Light also filed Preliminary Objections to the Complaint on July 5, 2018.

3. Approximately 18 months later, on February 27, 2020, a hearing was held before ALJ Watson.

4. Nearly four years after the hearing, Complainant filed a Motion to Recuse ALJ Watson on January 19, 2024.

5. Under 52 Pa. Code 5.482, "A party may file a motion for disqualification of a presiding officer which shall be accompanied by affidavits alleging personal bias or other disqualification."

6. Complainant's Motion fails to allege any personal bias or other inappropriate behavior on behalf of ALJ Watson which would constitute grounds for disqualification under 52 Pa. Code 5.482.

7. In Complainant's Motion to Recuse, she merely contends that she was rushed into filing a formal complaint; however, Complainant had more than enough time, specifically 1.5 years, to develop her case and present it at the hearing on February 27, 2020.

8. Complainant provides no factual or evidentiary basis to conclude that the alleged misinterpretation of her complaint has deprived her of the ability to adequately pursue her claims in this action.

9. Complainant also contends that "ALJ Watson contrived the litigation schedule to Complainant's disadvantage." See Motion to Recuse, § B. But Complainant initiated this proceeding and has an obligation to develop her case and comply with all

scheduling deadlines. Moreover, adverse scheduling rulings are not a basis to disqualify an ALJ, and Complainant has described no tangible way in which she was harmed by the initial litigation schedule, particularly when she had 1.5 years to develop her case.

10. Complainant further contends that “ALJ Watson abused Complainant throughout her ‘initial telephonic hearing’ and showed favoritism toward Respondent.” See Motion to Recuse, § D. Duquesne Light disagrees Complainant’s accusation and will allow the hearing transcript to speak for itself on this issue.

11. Furthermore, under 52 Pa. Code 5.482, a party filing for disqualification of an ALJ must provide “affidavits alleging personal bias or other disqualification.” Complainant failed to provide affidavits, as required by the rule, and the hearsay statement of Complainant’s friend does not qualify as an affidavit or evidence of anything.

12. In fact, Complainant contradicts her own accusation by admitting that the ALJ properly exercised his discretion over the conduct of the hearing and continuously encouraged her to take her time.

13. Complainant contends that the length of the hearing was somehow disadvantageous to her; however, Duquesne Light is a party to the case as well and had reserved the day for its witnesses to testify. As parties to the action, both the Complainant and Respondent have a right to present any and all evidence at a hearing.

14. Complainant initiated this proceeding and thus is required to participate in any scheduled hearings, regardless of its length. Complainant impliedly consented to any such hearing by initially filing her Complaint.

15. Lastly, Complainant contends that “ALJ Watson obstructed Complainant’s access to the hearing transcript.” See Motion to Recuse, § E. Complainant’s displeasure with the cost of the transcript and the barriers imposed by COVID-19 are not relevant to the disqualification of ALJ Watson. Furthermore, the PUC office has since re-opened; thus, Complainant had ample opportunity to go view the transcript prior to filing her supplemental brief.

16. Complainant has failed to allege any personal bias or other grounds upon which ALJ Watson should be recused, as required under 52 Pa. Code 5.482. Complainants’ personal dissatisfaction with ALJ Watson’s ruling does not constitute grounds for recusal.

WHEREFORE, Respondent, Duquesne Light Company respectfully requests that the Presiding Administrative Law Judge deny Complainant’s Motion to Recuse Administrative Law Judge Jeffrey A. Watson.

Respectfully submitted,

TUCKER ARENSBERG, P.C.



By: _____

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**Counsel for Respondent,
Duquesne Light Company**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MIRANDA EDWARDS,	:	
	:	
Complainant,	:	
vs.	:	No: C-2018-3002741
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Answer in Opposition to Complainant’s Motion to Recuse Administrative Law Judge Jeffrey A. Watson upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

Miranda Edwards
3835 Acorn Street
Pittsburgh, PA 15207

(via mail and e-mail at:
msea.mdew@gmail.com)

Administrative Law Judge Jeffrey Watson
Pennsylvania Public Utility Commission
Piatt Place - 301 Fifth Avenue
Suite 220
Pittsburgh, PA 15222

(via mail and e-mail at: layfoster@pa.gov)

Dated this 31st day of January 2024.



Jeremy V. Farrell, Esquire