

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Thom Danylo	:	
	:	
v.	:	C-2023-3042005
	:	
Duquesne Light Company	:	

**INITIAL DECISION**

Before  
Mary D. Long  
Administrative Law Judge

**INTRODUCTION**

A formal complaint which alleges unreasonable customer service is dismissed because the complainant failed to prove that the public utility violated the Public Utility Code, regulations or Commission orders.

**HISTORY OF THE PROCEEDINGS**

On July 26, 2023, Thom Danylo (Complainant) filed a Formal Complaint against Duquesne Light Company. He alleged that Duquesne Light has repeatedly requested his social security number when he calls to establish service at his rental properties. He stated that he has filed several complaints regarding the same issue. Duquesne Light filed an answer on August 22, 2023, denying the material allegations of the complaint.

Chief Administrative Law Judge Charles Rainey issued an interim order on August 28, 2023, referring the dispute to the Office of Administrative Law Judge Mediation Unit. The parties did not resolve the complaint in mediation.

The Office of Administrative Law Judge assigned the case to me on November 8, 2023, and scheduled a hearing by telephone on December 21, 2023. I issued a prehearing order on November 8, 2023, which provided the parties with guidance regarding the conduct of the hearing.

December 21, 2023, the hearing convened as a prehearing conference. Mr. Danylo appeared as well as counsel for Duquesne Light, Michael Gruin, Esquire. Following a discussion with the Parties regarding audio recordings that Duquesne Light proposed to introduce into evidence, an evidentiary hearing was scheduled for January 30, 2024. I issued an interim order on January 3, 2024, which memorialized the matters discussed at the prehearing conference. I also notified the Parties that I would take notice of the findings of fact and discussion in *Danylo v. Duquesne Light Company*, Docket C-2014- 2454723 (Initial Decision dated July 1, 2015).

On January 30, 2024, the hearing convened as scheduled. Mr. Danylo appeared and testified on his own behalf. Mr. Gruin appeared on behalf of Duquesne Light and presented the testimony of one witness, Roxanne Morris, Supervisor of Regulatory Consumer Relations. Duquesne Light offered seven exhibits<sup>1</sup> which were admitted into the record. Following the receipt of the transcript, the record closed by interim order on February 29, 2024.

#### FINDINGS OF FACT

1. The Complainant, Thomas Danylo resides at 1709 Wade Street Extension, Aliquippa, Pennsylvania. (Tr. 21).

2. Mr. Danylo owns a rental property at 1601 Church Street, Ambridge, Pennsylvania. (Tr. 21).

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<sup>1</sup> On January 31, 2024, I issued a Protective Order for Duquesne Light Exs. 2 and 2-A.

3. The Respondent, Duquesne Light Company is a jurisdictional public utility.
4. Mr. Danylo called Duquesne Light on June 26, 2023, to transfer electricity service at 1601 Church Street from the former tenant into his name so that he could begin construction on the unit. (Tr. 22; 28).
5. The customer service agent requested Mr. Danylo's social security number to verify his identity. (Tr. 22, 23, 40-43).
6. Mr. Danylo became angry. (Tr. 28; DLC Ex. 1).
7. The customer service representative tried to explain that Mr. Danylo did not have to provide his social security number if he had a personal identification number (PIN). (Tr. 31, 39, 45-46; DLC Ex. 1).
8. Mr. Danylo terminated the call and did not activate service for 1601 Church Street. (Tr. 31, 39; DLC Ex. 1).
9. Later the same day, Mr. Danylo requested to have a manager call him because he believed that it was improper for the customer service agent to request his social security number instead of asking for his PIN in the first instance. (Tr. 23; 32; DLC Ex. 2).
10. A manager contacted Mr. Danylo on June 30, 2023. (Tr. 34; DLC Ex. 3)
11. Mr. Danylo became angry and abusive and did not complete the activation of service for 1601 Church Street. (Tr. 37; DLC Ex. 3).
12. Mr. Danylo activated service using Duquesne Light's online application process on August 11, 2023. (Tr. 38; DLC Ex. 4).

13. Duquesne Light customer services representatives are trained to request a social security number to verify the identity of the caller who is requesting service. (Tr. 39; 45-46)

14. If a caller does not want to provide a social security number, the customer service representative asks if the caller has a PIN or a password to establish the identity of the caller. (Tr. 39;48-50).

### DISCUSSION

Section 701 of the Public Utility Code, provides that any person may complain, in writing, about any act or thing done or not done by a public utility which violates any laws which the Commission has the authority to administer, or any regulation or order of the Commission.<sup>2</sup> A person who wants the Commission to do something to resolve their complaint has the burden of proof.<sup>3</sup>

In this matter, Mr. Danylo is the party asking for relief from the Commission; therefore, he has the burden of proof. This means that Mr. Danylo must present facts which support his claim that Duquesne Light failed to render reasonable service by a preponderance of the evidence.<sup>4</sup> The term “preponderance of the evidence” means one party must present evidence which is more convincing, by even the smallest amount, than the evidence presented by the other party.<sup>5</sup>

Section 1501 of the Code,<sup>6</sup> requires that a public utility furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and must make such repairs, changes, alterations, substitutions, and improvements in or to such service and facilities as shall

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<sup>2</sup> 66 Pa.C.S. § 701.

<sup>3</sup> 66 Pa.C.S. § 332(a).

<sup>4</sup> *Popowsky v. Pa. Pub. Util. Comm'n*, 937 A.2d 1040 (Pa. 2007) (*Popowsky*); *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

<sup>5</sup> *Popowsky*.

<sup>6</sup> 66 Pa.C.S. § 1501 (Section 1501).

be necessary or proper for the accommodation, convenience and safety of its patrons and the public. Upon finding that the service or facilities of a public utility are unreasonable, unsafe or inadequate, the Commission may direct, by regulation or order, the reasonable, safe and adequate service or facilities that a public utility must furnish or employ.<sup>7</sup>

The Commonwealth Court has cautioned that the Commission may not sustain a complaint pursuant to Section 1501 unless it finds that a utility has violated a duty to render reasonable and reliable service.<sup>8</sup> Further, the Commission has stated that a utility is not mandated to furnish perfect service:

[Section 1501] does not mandate perfect service nor must a public utility provide the best possible service. Most certainly, a public utility is not a guarantor of either perfect service or the best possible service.<sup>[9]</sup>

Thus, the test to determine the adequacy of a utility's service and facilities is that of reasonableness.<sup>10</sup> This is also the test to determine the adequacy of a utility's response to customer service complaints, as well as repairs made to its facilities.<sup>11</sup>

Mr. Danylo contends that the Duquesne Light customer service representative should have asked him for his PIN to verify his identity, instead of asking for his social security number. He strongly objects to providing his social security number and argues that Duquesne Light should have been aware of his objection because he has complained about this issue to Duquesne Light and to the Commission in the past.

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<sup>7</sup> 66 Pa.C.S. § 1505.

<sup>8</sup> *West Penn Power Co. v. Pa. Pub. Util. Comm'n*, 478 A.2d 947 (Pa. Cmwlth. 1984).

<sup>9</sup> *Re Metro. Edison Co.*, 80 Pa.P.U.C. 663, 672 (1993).

<sup>10</sup> *Thurby v. West Penn Power Co.*, C-2011-2254048 (Order entered Apr. 4, 2013) (*Thurby*); *Bertsch v. PPL Elec. Utils. Corp.*, C-2011-2251784 (Final Order entered Apr. 2, 2012); *Scherich v. Verizon Pa. Inc.*, Docket No. C-2008-2061244 (Final Order entered Jan.28, 2010).

<sup>11</sup> *Thurby*.

Duquesne Light counters that the customer service representative followed the proper protocol which required her to verify a caller's identity before accessing the caller's account record. Personal identifying information is required in addition to the caller's name and property address. Duquesne Light adds that the call recording indicates that the customer service representative tried to ask for Mr. Danylo's PIN when he objected to providing his social security number, but Mr. Danylo became angry and terminated the call.

Duquesne Light's protocols for verifying the identity of a person who calls to activate service is not unreasonable. Roxanne Morris explained that providing just a name and an address is not sufficient to ensure that the person calling is who they say they are. Duquesne Light asks for the additional piece of information in the form of a social security number or an account PIN in order to verify the identity of the caller before the customer service representative can discuss a caller's account. Ms. Morris stated that the majority of callers seeking to activate service provide a social security number to verify the caller's identity. Therefore, this is the first question that the customer service representative is trained to ask. If a caller objects to providing a social security number, the customer service representative will ask for a customer's PIN.

Duquesne Light also has an online application which would permit a person to activate service without interacting with a customer service representative at all. Ms. Morris noted that Mr. Danylo eventually activated service at his rental property in this manner.

Although Mr. Danylo objects to the procedure which entailed the customer service representative's initial request for his social security number to verify his identity, he did not prove that the procedure is unreasonable. He did not reference any rule or regulation which Duquesne Light's procedure violates, and my research did not reveal one. Duquesne Light provides alternative procedures for customers who do not wish to share a social security number with a customer service representative. Mr. Danylo could have simply provided his PIN on June 28, 2023, instead of losing his temper with the customer service representative. Alternatively, he could have used Duquesne Light's online service and avoided speaking to a customer service representative at all. Section 1501 does not require Duquesne Light to craft a special procedure unique to Mr. Danylo.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and subject matter of this dispute. 66 Pa.C.S. § 701.
2. Public utilities are required to render reasonable and adequate customer service but are not required to render flawless or perfect service. 66 Pa.C.S. § 1501.
3. The Complainant bears the burden of proof. 66 Pa.C.S. § 332.
4. The Complainant failed to prove that Duquesne Light violated Section 1501 of the Public Utility Code. 66 Pa.C.S. §§ 332, 1501.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Thomas Danylo against Duquesne Light Company at Docket No. C-2023-3042005 is dismissed.
2. That the Secretary mark the docket closed.

Date: May 28, 2024

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/s/  
Mary D. Long  
Administrative Law Judge