

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Susan Hineman	:	
	:	C-2023-3044412
v.	:	
	:	
Duquesne Light Company	:	

**INTERIM ORDER DEEMING THE AVERMENTS SET FORTH IN RESPONDENT’S  
NEW MATTER AS ADMITTED**

Susan Hineman (Complainant or Ms. Hineman) filed a Formal Complaint (Complaint) dated November 17, 2023, regarding 2134 Brodhead Road, Aliquippa, Pennsylvania (Service Location). Complainant alleges the existence of reliability, safety or quality problems with her electric utility service and seeks to be reimbursed for damages that she alleges to have sustained.<sup>1</sup>

On December 18, 2023, Duquesne Light Company (Respondent, Duquesne Light or Company) filed its Answer and New Matter, contemporaneously with its Preliminary Objections. Respondent averred that Complainant is the owner and president of a restaurant and catering company called Harold’s Inn which operates at the Service Location. Respondent avers it provides commercial electric service to the Service Location. Respondent avers that on April 10, 2023, Duquesne Light replaced a 3-phase electrical transformer set and safely restored electric service to Harold’s Inn on April 11, 2023. Respondent denied that it caused or contributed to the incident described in the Complaint and denied that it acted negligently in any way.

Pursuant to 52. Pa. Code § 5.101, Respondent objected to the Complaint on the grounds that the Commission lacks jurisdiction to award monetary damages.

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<sup>1</sup> Complaint at ¶ 4-5.

On January 18, 2024, this case was assigned to the undersigned presiding officer. hearing.

In its preliminary objections, Respondent averred that the subject of the Formal Complaint is beyond the jurisdiction of the Pennsylvania Public Utility Commission (Commission) who is without authorization to grant the Complainant's request for damages. Accordingly, the Respondent requests that the Commission grant its Preliminary Objections and dismiss the portions of the Complaint that request money damages.

On February 5, 2024, Respondent filed a Motion For Judgment On The Pleadings (Motion), seeking to dismiss the Formal Complaint filed by Ms. Hineman, with prejudice. No response to the Motion has been filed by the Complainant.

On March 5, 2024, an Interim Order was entered granting the preliminary objections of Respondent, Duquesne Light Company and dismissing Complainant's request for money damages set forth in her Formal Complaint.

On March 5, 2024, an Interim Order was entered extending the deadline for Complainant to file a response to the Motion For Judgment On The Pleadings, filed by Respondent, seeking to dismiss the Formal Complaint, until March 29, 2024. No responsive pleading has been filed by Complainant to the New Matter or Motion For Judgment On The Pleadings.<sup>2</sup>

The Motion For Judgment On The Pleadings seeking to dismiss the Formal Complaint filed by Ms. Hineman, with prejudice, requests in part, that the Commission deem the allegations in the New Matter as admitted.<sup>3</sup> In addition, the Respondent requests that Complainant be required to have an attorney enter an appearance by a date certain.

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<sup>2</sup> Motion For Judgment On The Pleadings, ¶ 6.

<sup>3</sup> Motion For Judgment On The Pleadings, ¶ 22.

The Parties are reminded of the Commission practice to require non-individual litigants, such as Limited Liability Companies, to be represented by counsel and to dismiss a complaint for failure to comply with an order requiring counsel to represent such complainants.

According to Sections 1.21 through 1.23 of the Pennsylvania Public Utility Code, if a party is an individual, he or she may represent him or herself, or the individual may be represented by an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *Pro Hac Vice*. However, if a party is not an individual, such as a partnership, limited liability company, corporation, trust, association, or governmental agency or subdivision, the party must have an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *Pro Hac Vice* to represent the party at the hearing. If a party is not an individual, and the party is not represented by an attorney, the party is not permitted to participate in the hearing.

Under the Commission's rules, Complainant, if indeed a Limited Liability Company or LLC, must be represented by an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *Pro Hac Vice*. No notice of appearance has been entered on Complainant's behalf.

Complainant is also reminded that the failure to file a responsive pleading to Respondent's new matter, under the circumstances in this case, may result in all of the averments and allegations made in the New Matter filed by Respondent, being deemed admitted and a decision being entered, without a hearing, dismissing the Formal Complaint, without further notice and without a hearing.

On June 12, 2024, an Interim Order was entered extending the deadline for Complainant to file and serve a responsive pleading to the New Matter and a responsive pleading to the Motion For Judgment On The Pleadings to July 10, 2024. In addition, the Parties were reminded that the failure of Complainant to file a responsive pleading to the New Matter of Respondent, in a timely manner, consistent with the terms set forth in the Order, may result in all of the factual averments set forth in the New Matter of the Respondent being deemed admitted and a decision being entered against the Complainant, without a hearing or further

notice in this proceeding. The Parties were also reminded of the Commission practice to require non-individual litigants, such as Limited Liability Companies, to be represented by counsel and to dismiss a complaint for failure to comply with an order requiring counsel to represent such complainants. No responsive pleading was filed by Complainant.

Under the circumstances, the following Order will be entered.

THEREFORE,

IT IS ORDERED:

1. That the factual averments set forth in the New Matter filed by Respondent are hereby deemed admitted.
2. That on or before August 30, 2024, Complainant, shall either: (1) cause its legal counsel to enter his or her appearance with the Commission in accordance with the provisions of 52 Pa.Code § 1.24(b), or (2) show cause in writing, filed with the Commission Secretary, as to why it is not required to be represented by counsel under the Commission's rules.
3. That the notice of appearance or written response to show cause as to why Complainant, identified herein, is not required to be represented by counsel under the Commission's rules, shall be filed with the Commission Secretary and copies shall be served upon counsel for Respondent and the undersigned presiding officer, not later than August 30, 2024.
4. That the failure of Complainant to comply with the provisions of this Interim Order may result in the dismissal of the Formal Complaint filed in this proceeding, with prejudice, and without further notice or a hearing in this proceeding.



**C-2023-3044412 - SUSAN HINEMAN v. DUQUESNE LIGHT COMPANY**

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