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Megan E. Rulli

mrulli@postschell.com  
717-612-6012 Direct  
717-731-1985 Direct Fax  
File #: 206613

August 2, 2024

**VIA EMAIL (LGIBBONS@NRG.COM)**

Leah Gibbons, Senior Director  
Regulatory Affairs  
2929 Arch Street, Suite 1902  
Philadelphia, PA 19104

**Re: Chelsea Page v. Duquesne Light Company**  
**Docket No. C-2024-3049321**

Dear Ms. Gibbons:

As directed by the July 30, 2024 Interim Order Joining Indispensable Party Dismissing Preliminary Objection and Referring Complaint to Mediation (“Order”) issued in the above-referenced proceeding, enclosed are the responsive pleadings filed by Duquesne Light Company in response to the Formal Complaint of Chelsea Page. The Company’s Answer and New Matter to the Complaint are marked “Appendix A,” while the Company’s Preliminary Objection to the Complaint is marked “Appendix B.” Also enclosed as “Appendix C” is a copy of the Order.

Copies are being provided per the Certificate of Service, consistent with the directive of Ordering Paragraph No. 4.

Please let me know if you have any questions.

Sincerely,



Megan E. Rulli

MER/kl  
Attachments

Leah Gibbons, Senior Director  
August 2, 2024  
Page 2

cc: The Honorable Mary D. Long (*via email; w/attachment*)  
Certificate of Service

## CERTIFICATE OF SERVICE

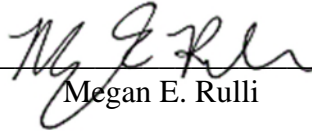
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

### VIA EMAIL AND FIRST-CLASS MAIL

Chelsea Page  
521 Saint Clair Avenue  
Clairton, PA 15025  
[Page.chelsea09@gmail.com](mailto:Page.chelsea09@gmail.com)

Leah Gibbons, Senior Director  
Regulatory Affairs  
2929 Arch Street, Suite 1902  
Philadelphia, PA 19104  
[lgibbons@nrg.com](mailto:lgibbons@nrg.com)

Date: August 2, 2024



---

Megan E. Rulli

# **APPENDIX A**

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Megan E. Rulli

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717-612-6012 Direct  
717-731-1985 Direct Fax  
File #: 206613

June 20, 2024

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Chelsea Page v. Duquesne Light Company  
Docket No. C-2024-3049321**

Dear Secretary Chiavetta:

Attached for filing please find the Answer and New Matter on behalf of Duquesne Light Company in response to the Complaint of Chelsea Page in the above-referenced proceeding. Copies are being provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/kl  
Attachment

cc: Certificate of Service

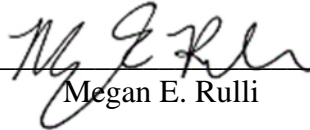
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**VIA EMAIL AND FIRST-CLASS MAIL**

Chelsea Page  
521 Saint Clair Avenue  
Clairton, PA 15025  
Page.chelsea09@gmail.com

Date: June 20, 2024

  
\_\_\_\_\_  
Megan E. Rulli

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**


Chelsea Page,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3049321
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

---

**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED NEW MATTER WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE NEW MATTER MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

  
\_\_\_\_\_  
Megan E. Rulli (ID # 331981)  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
mrulli@postschell.com

DATE: June 20, 2024

Attorney for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Chelsea Page,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3049321
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

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**ANSWER OF  
DUQUESNE LIGHT COMPANY TO THE  
COMPLAINT OF CHELSEA PAGE**

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TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Duquesne Light Company (“Duquesne Light” or the “Company”) files this Answer to the Complaint of Chelsea Page (“Complainant”) pursuant to Section 5.61 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.61, and responds to each of the separately-numbered paragraphs as follows:

**ANSWER**

1. Admitted.
2. Denied as stated. The Company’s full name is Duquesne Light Company.
3. Admitted in part and denied in part. It is admitted that the type of service that is the subject of the Complaint is “electric” service. However, it is denied that the allegations in the Complaint are related to electric distribution or default generation supply service provided by Duquesne Light.

4. Admitted in part and denied in part. Specifically, it is admitted that the Company has issued a termination notice to the Complainant. It is denied that the Company's issuance of a termination notice was in violation of the Public Utility Code, the Commission's regulations, or the Company's Commission-approved tariff. It is further denied that the Complainant's electric service bill(s) contain incorrect charges.

By way of further response, the Complainant established electric service in her name at 521 St. Clair Avenue, Clairton, PA 15025 ("Service Address") effective June 15, 2022. The Complainant has a total balance with the Company of \$4,453.74 as of the date of this Answer. Of that total balance, \$2,630.00 is in arrears. On April 30, 2024, the Company issued a termination notice to the Complainant indicating that service would be terminated at the Service Address on or after May 15, 2024, due to nonpayment. Service has not been terminated since that notice was provided to the Complainant.

In further response, it is denied that the Complainant's electric service bill(s) contain incorrect charges. The Complainant received a single bill for electric service while enrolled with electric generation supplier ("EGS") Reliant Energy Northeast LLC d/b/a NRG Retail Solutions ("NRG") that included supply charges from NRG and distribution charges from Duquesne Light. Under Duquesne Light's Purchase of Receivables ("POR") program, Duquesne Light purchases accounts receivable from electric generation suppliers and reimburses electric generation suppliers for their customer billings regardless of whether Duquesne Light receives payment from the shopping customer. The accounts receivable purchased by Duquesne Light under the Commission-approved POR program belong to and are owed to Duquesne Light upon purchase. Here, Duquesne Light purchased the Complainant's accounts receivables from NRG through its POR program. Thus, the electric supply charges included on the Complainant's bills

during her enrollment with NRG were based on the Complainant's actual metered electric usage, and Duquesne Light processed the requests to enroll with and drop the Complainant's enrollment with NRG in accordance with the Commission's regulations and the Company's Commission-approved tariff. It is therefore denied that the Complainant is not responsible for payment of her current balance with Duquesne Light in full.

By way of further response, Duquesne Light incorporates Paragraphs 5 and 7, *infra*, as though fully set forth herein.

5. Admitted in part and denied in part. The averments contained in Paragraph 5 of the Complaint are requests for relief to which no responsive pleading is required. To the extent a response is deemed necessary, Duquesne Light denies that the Complainant is entitled to the relief requested. By way of further response, it is admitted that, between February 2, 2023, and December 7, 2023, the Complainant received competitive electric generation supply service from NRG. It is denied that the slamming allegations in the Complaint are related to the electric distribution or default generation supply service provided by Duquesne Light and that Duquesne Light enrolled the Complainant with NRG without her consent.

In further response, on January 30, 2023, NRG submitted a supplier change request for service at the Service Address to Duquesne Light through the electronic data interchange. Duquesne Light subsequently sent a letter advising the Complainant of the EGS change and instructing the Complainant to contact Duquesne Light if any of the information contained in the letter was incorrect or with any questions. NRG became the Complainant's EGS effective February 2, 2023. On November 29, 2023, the Complainant contacted the Company regarding a pending termination notice. During that contact, the Company referred the Complainant to the Company's Customer Assistance Program ("CAP") and advised her of her supplier rates. On

December 7, 2023, the Complainant filed an informal complaint with the Commission's Bureau of Consumer Service ("BCS") at BCS Case No. 3958390, alleging that she had been enrolled with NRG without her consent. Also on December 7, 2023, the Company's Supplier Service Center processed a drop request for the Complainant. The Company also provided the Complainant with a letter advising her of the EGS drop. The Complainant has been receiving default supply from Duquesne Light since December 12, 2023. On March 25, 2024, the BCS issued a decision dismissing the Complainant's informal complaint at BCS Case No. 3958390, finding that the Complainant's enrollment with NRG was valid.

In further response, Duquesne Light is without sufficient knowledge or information regarding the content of the Complainant's communications with NRG, the terms and conditions of the Complainant's enrollment or contract with NRG, or NRG's explanation regarding the Complainant's enrollment with the EGS and, therefore, denies the same. Duquesne Light also is without sufficient knowledge or information as to the content or timing of the Complainant's contacts with the Commission regarding the instant Formal Complaint and, therefore, denies the same. It is admitted that the Company has had contact with the Complainant regarding the allegations raised in the Complaint and that the Company explained that the enrollment did not originate with the Company, and that she needed to contact NRG for information regarding the enrollment. The Complainant's characterizations of those contacts are denied. The Company has attempted to be responsive to all contacts from the Complainant and has treated the Complainant in the same fair and respectful manner as it does all its customers.

By way of further response, Duquesne Light incorporates Paragraph 4, *supra*, as though fully set forth herein.

6. Paragraph 6 of the Complaint relates to Protection from Abuse orders, to which no responsive pleading is required.

7. Admitted in part and denied in part. Specifically, it is denied that the Complaint is a timely appeal from a decision of the Commission's Bureau of Consumer Services ("BCS"). It is admitted that the Complainant has had contact with the Company regarding the issues raised in the Complaint.

By way of further response, Duquesne Light incorporates Paragraphs 4 and 5, *supra*, as though fully set forth herein.

8. Paragraph 8 of the Complaint sets forth the instructions for filing the Complaint, to which no responsive pleading is required.

9. Paragraph 9 of the Complaint relates to the Complainant's communication preferences, to which no responsive pleading is required.

10. Paragraph 10 of the Complaint pertains to the Complainant's legal representation, to which no responsive pleading is required.

11. Paragraph 11 sets forth the verification and signature, to which no responsive pleading is required.

#### **NEW MATTER**

1. During the time period in question, the Complainant was an electric distribution customer of Duquesne Light.

2. As alleged in the Complaint, the Complainant was a shopping customer that received competitive electric generation supply from Reliant Energy Northeast LLC d/b/a NRG Retail Solutions ("NRG") during the time period relevant to the Complaint.

3. Specifically, the Complainant received electric generation supply service from NRG from February 2, 2023, to December 7, 2023.

4. NRG is a licensed EGS that is authorized to offer, render, furnish or supply electricity or electric generation services in the Commonwealth of Pennsylvania, including within Duquesne Light's service territory. *See License Application of Reliant Energy Northeast, LLC d/b/a Reliant Energy for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Supplier of Retail Electric Power*, Docket No. A-2010-2192350 (Order entered October 18, 2010).<sup>1</sup>

5. Duquesne Light is not a party to the contract between the Complainant and NRG.

6. Duquesne Light has no authority over the terms and conditions of the contract between the Complainant and NRG, including the request for enrollment with NRG and the supplier rates charged by NRG.

7. Since December 7, 2023, the Complainant has received default electric generation supply service from Duquesne Light.

8. The allegations in the Complaint and the relief requested by the Complainant are unrelated to Duquesne Light as the Complaint contains allegations that she was enrolled with NRG without her consent and that her electric service bill(s) contain incorrect charges due to that enrollment.

9. The Complainant has failed to allege that Duquesne Light violated any provision of the Public Utility Code, the Commission's regulations, a Commission order, or Duquesne Light's tariff.

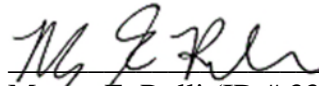
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<sup>1</sup> On July 10, 2013, Reliant Energy Northeast, LLC d/b/a Reliant Energy filed a letter with the Commission stating that the licensee would also do business under the additional trade names of NRG Residential Solutions and NRG Retail Solutions. The license name change was approved by Secretarial Letter issued August 12, 2013, at Docket No. A-2010-2192350.

10. The Complaint has failed to state a claim against Duquesne Light.

WHEREFORE, Duquesne Light Company respectfully requests that the Complaint of Chelsea Page be denied in its entirety and with prejudice as against Duquesne Light Company.

Respectfully submitted,



\_\_\_\_\_  
Megan E. Rulli (ID # 331981)  
Post & Schell, P.C.

17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601

Phone: 717-731-1970

Fax: 717-731-1985

mrulli@postschell.com

Date: June 20, 2024

Attorney for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Chelsea Page,	:	
	:	
Complainant,	:	
	:	
v.	:	No: C-2024-3049321
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**VERIFICATION**

I, Roxanne Morris, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



\_\_\_\_\_  
Roxanne Morris

06/20/24

\_\_\_\_\_  
Date



Commonwealth of Pennsylvania  
**Pennsylvania Public Utility Commission**  
 Harrisburg, PA 17105-3265  
**EFILING - FILING DETAIL**

<b>Date Created</b>	<b>Filing Number</b>
6/20/2024	2581256

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

**Docket Number:** C-2024-3049321

**Case Description:**

**Transmission Date:** 6/20/2024 12:50 PM

**Filed On:** 6/20/2024 12:50 PM

**eFiling Confirmation Number:** 2581256

File Name	Document Type	Upload Date
DLC - Page - Answer and New Matter to Complaint (FINAL).pdf	Answer to Formal Complaint	6/20/2024 12:50:41 PM

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg PA 17120 a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

**No paper submission is necessary for filings under 250 pages.**

You can view a record of this filing and previous filings you have submitted to the PUC by using the links in the Filings menu at the top of the page. Filings that have been submitted within the last 30 days can be viewed by using the Recent Filings link. Older filings can be viewed by using the search options available in the Filing History link.

# **APPENDIX B**

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Megan E. Rulli

mrulli@postschell.com  
717-612-6012 Direct  
717-731-1985 Direct Fax  
File #: 206613

June 20, 2024

***VIA ELECTRONIC FILING***

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Chelsea Page v. Duquesne Light Company**  
**Docket No. C-2024-3049321**

Dear Secretary Chiavetta:

Attached for filing please find the Preliminary Objection on behalf of Duquesne Light Company in response to the Complaint of Chelsea Page in the above-referenced proceeding. Copies are being provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/kl  
Attachment

cc: Certificate of Service

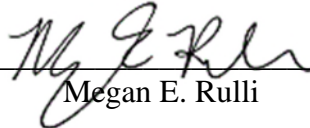
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**VIA EMAIL AND FIRST-CLASS MAIL**

Chelsea Page  
521 Saint Clair Avenue  
Clairton, PA 15025  
Page.chelsea09@gmail.com

Date: June 20, 2024

  
\_\_\_\_\_  
Megan E. Rulli

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Chelsea Page,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3049321
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTION WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTION MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

  
\_\_\_\_\_  
Megan E. Rulli (ID # 331981)  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
mrulli@postschell.com

Date: June 20, 2024

Attorney for Duquesne Light Company

**BEFORE THE  
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Chelsea Page,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3049321
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

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**PRELIMINARY OBJECTION OF  
DUQUESNE LIGHT UTILITIES CORPORATION TO THE  
COMPLAINT OF CHELSEA PAGE**

---

AND NOW, comes Duquesne Light Company (“Duquesne Light”) and hereby files this Preliminary Objection, pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the Complaint filed by Chelsea Page (“Complainant”) be dismissed in its entirety as against Duquesne Light. In support thereof, Duquesne Light states as follows:

**I. BACKGROUND**

1. Duquesne Light is a “public utility,” an “electric distribution company,” and a “default service provider” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 102, 2803.

2. By Secretarial Letter dated May 30, 2024, Duquesne Light was served with the above-captioned Complaint. In the Complaint, the Complainant raises allegations that her electric service bill(s) contain incorrect charges due to an enrollment with electric generation supplier

(“EGS”) Reliant Energy Northeast LLC d/b/a NRG Retail Solutions (“NRG”) without her consent. (Complaint ¶¶ 4, 5.)

3. Duquesne Light herein files this Preliminary Objection to the Complaint. For the reasons explained below, Duquesne Light respectfully requests that the Complaint be dismissed in its entirety and with prejudice as against Duquesne Light pursuant to Section 5.101(a)(5) of the Commission’s regulations, 52 Pa. Code § 5.101(a)(5), due to the nonjoinder of a necessary party, *i.e.*, the EGS at issue.

## **II. STANDARD OF REVIEW**

4. Pursuant to the Commission’s regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a) (emphasis added).

5. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwltth.*, 910 A.2d 775, 781 (Pa. Cmwltth. 2006) (citing *Dep’t of Gen. Serv. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwltth. 2005)); accord *Complaint of Nat’l Fuel Gas Distrib. Corp. and*

*Petition for an Order to Show Cause*, Docket No. P-00072343 (December 26, 2007). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2007). For preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery, and any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

6. In addition, the Presiding Officer must determine whether, based on the factual pleadings, if recovery is possible. *See Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwlth. 1987). Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. *See Stilp*, at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998).

### **III. PRELIMINARY OBJECTION**

#### **A. PRELIMINARY OBJECTION NO. 1 – THE COMPLAINANT HAS FAILED TO JOIN A NECESSARY PARTY**

7. Duquesne Light incorporates by reference Paragraphs 1 through 6 as if fully set forth herein.

8. The Complaint should be dismissed because the Complainant has failed to join a necessary party.

9. Under Pennsylvania law, “a necessary party is one whose presence, while not indispensable, is essential if the court is to resolve completely a controversy and to render complete relief.” *Pa. Human Relations Comm’n v. Phila. Sch. Dist.*, 651 A.2d 177 (Pa. Cmwlth. 1993) (citation omitted.)

10. According to the Complaint and following further investigation by Duquesne Light, the Complainant was a shopping customer who received competitive electric generation supply service from EGS NRG during the time period in question. (See Complaint ¶ 5.)

11. NRG is a licensed EGS that is authorized to offer, render, furnish or supply electricity or electric generation services in the Commonwealth of Pennsylvania, including within Duquesne Light's service territory. See *License Application of Reliant Energy Northeast, LLC d/b/a Reliant Energy for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Supplier of Retail Electric Power*, Docket No. A-2010-2192350 (Order entered October 18, 2010).<sup>1</sup>

12. The Complainant alleges that she was enrolled with EGS NRG without her consent and that her electric service bill(s) contain incorrect charges related to that enrollment. (Complaint ¶¶ 4, 5.)

13. The Complainant's allegations concerning slamming are unrelated to electric distribution or default generation supply service provided by Duquesne Light to the Complainant. (Complaint ¶ 5.)

14. In her request for relief, the Complainant references charges on her account due to her enrollment with NRG. (Complaint ¶ 5.)

15. Here, NRG is a necessary party to this proceeding, given that the Complainant's allegations and requested relief pertain directly to NRG.

---

<sup>1</sup> On July 10, 2013, Reliant Energy Northeast, LLC d/b/a Reliant Energy filed a letter with the Commission stating that the licensee would also do business under the additional trade names of NRG Residential Solutions and NRG Retail Solutions. The license name change was approved by Secretarial Letter issued August 12, 2013, at Docket No. A-2010-2192350.

16. The Commission's determination in this case could affect NRG because NRG provided electric generation supply service to the Complainant during the period relevant to the Complaint, and the allegations in the Complaint are against NRG

17. As such, without NRG, the Commission cannot resolve the dispute or award relief concerning the material allegations in the Complaint against NRG.

18. Based on the foregoing, the Complainant has failed to join a necessary party, *i.e.*, NRG, in this proceeding. Therefore, the Complaint should be dismissed in its entirety and with prejudice as against Duquesne Light, pursuant 52 Pa. Code § 5.101(a)(5).

**IV. CONCLUSION**

WHEREFORE, Duquesne Light Company respectfully requests that the Complaint be dismissed in its entirety and with prejudice as against Duquesne Light Company pursuant to 52 Pa. Code § 5.101(a)(5).

Respectfully submitted,



---

Megan E. Rulli (ID # 331981)  
Post & Schell, P.C.  
17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
Phone: 717-731-1970  
Fax: 717-731-1985  
mrulli@postschell.com

Date: June 20, 2024

Attorney for Duquesne Light Company

**BEFORE THE  
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Chelsea Page,	:	
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Complainant,	:	
	:	
v.	:	No: C-2024-3049321
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DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**VERIFICATION**

I, Roxanne Morris, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



\_\_\_\_\_  
Roxanne Morris

06/20/24

\_\_\_\_\_  
Date



Commonwealth of Pennsylvania  
**Pennsylvania Public Utility Commission**  
 Harrisburg, PA 17105-3265  
**EFILING - FILING DETAIL**

<b>Date Created</b>	<b>Filing Number</b>
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# **APPENDIX C**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Chelsea Page	:	
	:	
v.	:	C-2024-3049321
	:	
Duquesne Light Company	:	

**INTERIM ORDER JOINING INDISPENSIBLE PARTY  
DISMISSING PRELIMINARY OBJECTION AND  
REFERRING COMPLAINT TO MEDIATION**

On May 30, 2024, Chelsea Page (Complainant) filed a formal complaint against Duquesne Light Company, checking the boxes noting that the utility threatened to shut off Complainant’s service and there were incorrect charges on the bill. In narrative, Complainant notes that in response to the shut off notice the Complainant had conversations with Duquesne Light wherein the Complainant learned that there were charges from NRG on the Complainant’s account and that Complainant had never authorized NRG to provide service.

On June 20, 2024, Duquesne Light filed an answer and new matter to the complaint. Duquesne Light notes that between February 2, 2023 until December 7, 2023, Complainant received electric generation supply from Reliant Energy Northeast LLC d/b/a NRG Retail Solutions (NRG). Duquesne Light denied any violation of statute or regulation regarding its billing and termination procedures in regard to Complainant’s account.

Duquesne Light also filed preliminary objections which seek dismissal of the complaint because the Complainant failed to join NRG as an indispensable party. Complainant did not file a response to the preliminary objection.

By notice dated July 25, 2024, the Office of Administrative Law Judge assigned the preliminary objection to me for disposition.

In Pennsylvania, “an indispensable party is one whose rights are so directly connected with and affected by litigation that he must be a party of record to protect such rights, and his absence renders any order or decree of court null and void for want of jurisdiction.”<sup>1</sup> Failure to join an indispensable party goes to the court’s jurisdiction and, if not raised by the parties, should be raised *sua sponte*.<sup>2</sup> The Pennsylvania Supreme Court has established that “the basic inquiry in determining whether a party is indispensable concerns whether justice can be done in the absence of a third party. In order to make the analysis, however, one must refer to the nature of the claim and the relief sought.”<sup>3</sup>

Based on the current record, NRG is an indispensable party to this action. This complaint presents issues regarding switching suppliers, notice of termination of service, and customer service. That is, a decision based upon the complaint in this case involves a determination of whether the account was properly billed, whether termination notices were properly given, whether customer service was appropriately provided, and whether there was an error in switching or failing to switch suppliers. The relief sought by Complainant necessarily involves NRG, and may also involve Duquesne Light as well. NRG’s interests are essential to the merits of the case.

It is not appropriate to dismiss the complaint on the ground that Complainant, who is self represented, failed to specifically name NRG as a respondent to her complaint. However, I will *sua sponte* join NRG as an indispensable party to the complaint and shall direct that the Secretary’s Bureau serve the complaint upon NRG. NRG shall be given twenty days

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<sup>1</sup> Columbia Gas Transmission Corp. v. Diamond Fuel Co., 346 A.2d 788, 789 (Pa. 1975).

<sup>2</sup> Posel v. Redevelopment Authority of Philadelphia, 456 A.2d 243 (Pa. Cmwlth.1983).

<sup>3</sup> Cry, Inc. v. Mill Service, Inc., 640 A.2d 372, 375-76 (Pa. 1994).

from the date of service within which time to file an answer to said complaint. Meanwhile, this matter shall be referred to the Office of Administrative Law Judge's Mediation Unit for review and I encourage the parties to discuss settlement of the issues.

The basis for Duquesne Light's preliminary objection is the Complainant's failure to join NRG. As I am directing the joinder of NRG as a party to this complaint, Duquesne Light's preliminary objections are now moot.<sup>4</sup>

### ORDER

THEREFORE,

IT IS ORDERED:

1. That Reliant Energy Northeast LLC d/b/a NRG Retail Solutions is hereby joined to C-2024-3049321, as an additional Respondent to this proceeding and shall be included in service lists and the caption of this proceeding.
2. That the parties shall serve Reliant Energy Northeast LLC d/b/a NRG Retail Solutions with all future filings in this matter.
3. That the Secretary's Bureau is directed to serve a copy of the Complaint upon Reliant Energy Northeast LLC d/b/a NRG Retail Solutions.

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<sup>4</sup> In other complaint proceedings before the Commission, it is not uncommon for the distribution utility to simply file a motion to join a supplier as an indispensable party, rather than requiring a self-represented consumer to respond to a motion on a technical point of procedure. See also *Dennis v. Metropolitan Edison Co.*, Docket F-2022-3034485 (Opinion and Order entered June 28, 2023) (noting on remand that energy suppliers should have been joined as indispensable parties by the administrative law judge).

4. That Duquesne Light Company shall serve a copy of its pleadings filed to date upon Reliant Energy Northeast LLC d/b/a NRG Retail Solutions with a certificate of service.

5. That Reliant Energy Northeast LLC d/b/a NRG Retail Solutions shall have twenty days (20) from the date of service of the New Matter of Energy Service Providers, Inc. d/b/a Pennsylvania Gas & Electric Complaint within which time to answer the New Matter.

6. That the complaint filed by Complainant at Docket No. C-2024-3049321 be referred to the Commission's Mediation Unit for mediation review

Date: 7/30/2024

\_\_\_\_\_  
/s/  
Mary D Long  
Administrative Law Judge

**C-2024-3049321 - CHELSEA PAGE v. DUQUESNE LIGHT COMPANY**

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