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File #: 204346

October 15, 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: Todd Elliot Koger v. Duquesne Light Company
Docket No. C-2023-3038703

Dear Secretary Chiavetta:

Attached for filing, please find the Answer of Duquesne Light Company to the Motion to Strike of Todd Elliot Koger in the above-referenced proceeding. Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/skr
Attachment

cc: Honorable Conrad A. Johnson
Certificate of Service

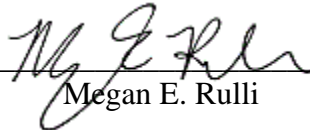
CERTIFICATE OF SERVICE

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

Todd Elliott Koger, Sr.
515 Kelly Avenue
Pittsburgh, PA 15221
kogerfriend@gmail.com

Date: October 15, 2024



Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Todd Elliot Koger,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2023-3038703
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

**ANSWER OF DUQUESNE LIGHT COMPANY TO THE
MOTION TO STRIKE OF TODD ELLIOT KOGER**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.61, Duquesne Light Company (“Duquesne Light” or the “Company”), hereby files this Answer to Todd Elliot Koger’s (“Complainant”) Motion to Strike Duquesne Light’s Response to Exceptions to Initial Decision August 15, 2024.

As explained herein, the Complainant’s Motion is without merit and should be denied. Contrary to the Complainant’s allegations, the Company’s statements in its Replies to the Complainant’s Exceptions do not contain misrepresentations of facts. The Complainant’s Motion is an inappropriate pleading submitted in an attempt to add support to his unfounded accusations that the Presiding Officer in this proceeding was required to recuse himself pursuant to Rule 2.11 of the Pennsylvania Code of Judicial Conduct. In fact, the Motion contains no factual or legal basis to support the contention that the Company’s Reply to his Exceptions contains misrepresentations of fact.

In support of its Answer, Duquesne Light states as follows:

I. ANSWER TO MOTION TO STRIKE

1. The Complainant’s Motion should be denied because it is wholly unsupported and the Company’s Reply is well-supported by record evidence and logical inferences therefrom.

2. Administrative Law Judge Conrad A. Johnson (“ALJ”) issued a well-reasoned Initial Decision dismissing the Complainant’s Formal Complaint alleging that the Company wrongfully terminated service, violated prior settlements, violated federal statutes, and conspired with municipal employees to withhold service termination notices resulting in the denial of grant applications. The ALJ correctly held that the Complainant failed to prove by a preponderance of evidence that the Company violated a Commission statute, regulation, or order.

3. In that Initial Decision, the ALJ thoroughly reviewed the Complainant’s evidence and arguments. (ID, pp. 7-14.) Ultimately, the ALJ weighed all of the evidence before him and correctly found that the Complainant failed to meet his burden of proof. (ID, p. 14.)

4. Subsequently, the Complainant filed an Exception challenging those findings by the ALJ, claiming that the ALJ was “obligated to recuse himself” under Rule 2.11 of the Pennsylvania Code of Judicial Conduct, contending that the ALJ “previously served as legal counsel for Todd Elliot Koger, Sr. in a matter concerning Defendants accused of participating in an ongoing RICO conspiracy (identified as case number 24-02040-GLT) in the Bankruptcy Court of Western District of Pennsylvania,” and alleging that the ALJ was “involve[d] in confidential matters during the C-2023-3038703 proceedings.” (Exception, pp. 2, 4.)

5. Duquesne Light filed a Reply to the Complainant’s Exception, arguing that there was no evidence in the record of any alleged bias on the part of the ALJ and that the Complainant’s vague claims of bias related to legal representation in other proceedings were baseless. (Reply to Exception, pp. 1-4.)

6. Now, the Complainant claims that the Company has “misrepresent[ed] facts” in its Reply to the Complainant’s Exception and requests the Company’s entire Reply be stricken from the record in this proceeding.

7. However, the Complainant fails to provide any factual or legal basis in support of this conclusory allegation. The Complainant’s sole references to the Company’s Reply are: (1) a heading entitled “REPLY – DUQUESNE LIGHT MISREPRESENTS FACTS”; and (2) an averment that “Duquesne Light’s ‘RESPONSE’ knowingly misrepresents the ‘FACTS’ as they related to ALJ Conrad Johnson . . .” (*See Motion*, pp. 1, 3.)

8. The remainder of the Motion appears to consist of excerpts from the Complainant’s Exception, with selective edits quoted in bold, capital letters. (*See Motion*, p. 1.)

9. The Complainant fails to clearly articulate or specify which portions of the Company’s Reply to his Exception “misrepresents facts” in justification of his Motion to Strike. Neither does the Complainant present any arguments in support of his claims.

10. The Complainant’s failure to set forth any support for his contention that the Reply contains misrepresentations of fact makes his request to strike the Reply in its entirety particularly misplaced.

11. Further, the Company’s Reply does not contain misrepresentations of facts, as the Complainant baldly asserts. The arguments contained in the Company’s Reply to the Complainant’s Exception are supported by the record in this proceeding and, in the case of the Complainant’s allegations related to an ongoing bankruptcy petition, the docket sheets from those proceedings. (*See Reply to Exception*, pp. 1-5.)

12. The Complainant has provided no reasonable basis for striking the Company’s Reply to the Complainant’s Exception.

13. For these reasons, the Complainant's Motion to Strike is without merit and should be denied.

II. CONCLUSION

WHEREFORE, Duquesne Light Company respectfully requests that the Complainant's Motion to Strike to Duquesne Light's Response to Exceptions to Initial Decision August 15, 2024 be denied.

Respectfully submitted,



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Date: October 15, 2024

Attorney for Duquesne Light Company