

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rason Harris	:	
	:	
v.	:	F-2024-3051146
	:	
Duquesne Light Company	:	

**INTERIM ORDER  
Granting in part Respondent's  
Preliminary Objections  
and  
Joining an Indispensable Party**

Before  
Katrina L. Dunderdale  
Administrative Law Judge

On August 28, 2024, Rason Harris (Complainant) filed a Formal Complaint against Duquesne Light Company (Respondent or DLC) with the Pennsylvania Public Utility Commission (Commission). Complainant alleges there are incorrect charges on the bill and further alleges the electric account with DLC was transferred from DLC as a supplier to Inspire Energy as a supplier without permission from the account holder. Complainant alleges the only person who gave permission for the supplier switch was fifteen (15) years old at the time. Complainant requested Respondent be ordered to pay Complainant any charges on the billing statements that exceeded DLC's default service rate.

On October 3, 2024, Respondent filed and served its Answer in which it generally denied Complainant's allegations. Respondent admits Complainant received

competitive electric generation supply service from Inspire Energy Holding, LLC (“Inspire”) from April 21, 2022, to May 16, 2024 but denied that DLC engaged in “slamming” or enrolled Complainant with Inspire without her permission. DLC further alleges Complainant established electric service in her name at the service address on September 12, 1988. Respondent admits electric service was terminated on May 13, 2024, but contends it complied with the Public Utility Code and the Commission’s orders and regulations prior to terminating service. DLC notes it restored service on May 15, 2024, after Complainant paid off the amount in arrears.

Concerning Complainant’s allegations of “slamming” by Inspire, DLC alleges it sent a letter to Complainant on April 18, 2022, after DLC received notice from Inspire through a supplier change request on the same date. DLC also alleges it advised Complainant on March 6, 2023, that Inspire was the supplier when Complainant contacted DLC by telephone about a then-pending termination notice. Lastly, Duquesne Light contends Complainant’s issues relate to her former electric supplier, Inspire. Respondent requests the Complaint be denied in its entirety. Duquesne Light did not copy Inspire on its request to join it as an indispensable party.

Also, on October 3, 2024, DLC filed Preliminary Objections (P.O.s) and served the P.O.s on Complainant with a Notice to Plead. DLC requests the Complaint be dismissed with prejudice due to the nonjoinder of a necessary party. DLC asserts the slamming allegations in the Complaint concern the enrollment of Complainant’s account with the former electric generation supplier, Inspire, without the consent of Complainant, and the slamming allegations are unrelated to the electric distribution service provided by DLC at the service address. Respondent asserts Inspire is a necessary party, the Commission’s determination herein could affect Inspire and, without Inspire, the Commission cannot resolve the dispute or award the relief as requested by Complainant. Accordingly, DLC argues the Complaint should be dismissed in its entirety and with prejudice because Complainant failed to join a necessary party.

On October 29, 2024, the Office of Administrative Law Judge mailed a Motion Judge Assignment Notice informing the parties that Administrative Law Judge (ALJ) Katrina Dunderdale was assigned as the Motion Judge.

### DISCUSSION

An indispensable party is one whose rights are so connected with the claims of the litigants that no relief can be granted without impairing or infringing upon those rights. The failure to join an indispensable party deprives a court of subject matter jurisdiction and renders null any subsequent judgment. The issue of the absence of an indispensable party may be raised at any time. *Church of Lord Jesus Christ of the Apostolic Faith, Inc. v. Shelton*, 740 A.2d 751 (Pa. Cmwlth. 1999).

Complainant raises the issue that she was incorrectly billed when Inspire enrolled her electric account in April 2022 with Inspire as an electric generation supplier without her permission and based solely upon the consent of her minor child. Complainant contends she did not receive notice from the supplier or the distribution company, DLC. Complainant further asserts she was charged too much while Inspire was her supplier and she demands she should be paid the difference between what Inspire charged and what DLC would have charged from April 2022 until May 2024, when Complainant called to switch her supplier back to DLC.

For the proper application of Section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501, Inspire must be joined as an indispensable party in this case because it was the supplier who initiated the switch in suppliers based upon consent from a minor. Accordingly, it is appropriate to join Inspire as an indispensable party to this action.

Inspire will have an opportunity to object to its addition as an indispensable party if it files a responsive pleading **on or before November 21, 2024**. Complainant

and Respondent will have until **December 3, 2024**, in which to respond to Inspire's objection, if an objection is filed. Thereafter, the presiding officer will rule on any objection and/or response prior to the scheduling of a telephonic initial hearing. Otherwise, if no objection is received, Inspire will be joined as an indispensable party and this matter will be scheduled for a telephonic initial hearing.

THEREFORE,

IT IS ORDERED:

1. That the Commission's Secretary's Bureau shall serve a copy of this Order and the Formal Complaint upon Inspire Energy Holdings, LLC.

2. That Respondent, Duquesne Light Company, shall serve a copy of its Answer and Preliminary Objections upon Inspire Energy Holdings, LLC **on or before November 7, 2024**, via First Class Mail, and shall file a Certificate of Service with the Commission's Secretary's Bureau.

3. That Inspire Energy Holdings, LLC may file a responsive pleading to the Formal Complaint filed by Rason Harris, docketed at F-2024-3051146, with the Pennsylvania Public Utility Commission, Secretary's Bureau, and serve such responsive pleading on Rason Harris, Duquesne Light Company, and the undersigned **on or before November 21, 2024**.

4. That Rason Harris and/or Duquesne Light Company may file a response IF Inspire Energy Holdings, LLC elects to object to its joinder as an indispensable party provided the responses are received on or before December 3, 2024. Those responses must be filed by either eFile with the Commission or by First Class Mail, addressed to:

Secretary, Public Utility Commission  
Commonwealth Keystone Building, 2<sup>nd</sup> Floor  
400 North Street, Harrisburg, PA 17120.

Date: October 30, 2024

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Katrina L. Dunderdale  
Administrative Law Judge

**F-2024-3051146 - RASON HARRIS v. DUQUESNE LIGHT COMPANY**

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