
Megan E. Rulli

mrulli@postschell.com
717-612-6012 Direct
717-731-1985 Direct Fax
File #: 208244

November 5, 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: Rason Harris v. Duquesne Light Company
Docket No. F-2024-3051146

Dear Secretary Chiavetta:

As directed by the October 30, 2024, Interim Order Granting in Part Respondent's Preliminary Objections and Joining an Indispensable Party ("Order"), enclosed are copies of the Answer and Preliminary Objection of Duquesne Light Company ("Duquesne Light" or "Company") to the Complaint of Rason Harris ("Complainant"). The Company's Answer and Preliminary Objection are marked as Appendix A and B, respectively.

Copies are being provided per the Certificate of Service, consistent with the directive of Ordering Paragraph No. 2 of the Order.

Respectfully submitted,



Megan E. Rulli

MER/dmc
Attachments

cc: The Honorable Katrina L. Dunderdale (via email; w/attachments)
Bryce Beard, Esquire (via email, w/ attachments)
Certificate of Service

CERTIFICATE OF SERVICE

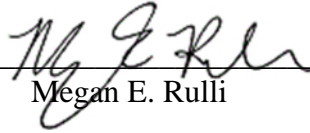
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FIRST-CLASS MAIL

Aaron Jacobs Smith, Esquire
Inspire Energy Holdings, LLC
3402 Pico Blvd, Suite 90405
Santa Monica, CA 90405

Rason Harris
7227 Travella Boulevard
Pittsburgh, PA 15235

Date: November 5, 2024



Megan E. Rulli

APPENDIX A

Megan E. Rulli

mrulli@postschell.com
717-612-6012 Direct
717-731-1985 Direct Fax
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October 3, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
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P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Rason Harris v. Duquesne Light Company
Docket No. F-2024-3051146

Dear Secretary Chiavetta:

Attached for filing, please find the Answer of Duquesne Light Company to the Complaint of Rason Harris 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: Certificate of Service

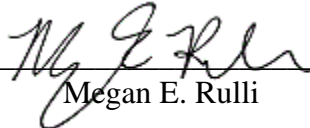
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I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FIRST-CLASS MAIL

Rason Harris
7227 Travella Boulevard
Pittsburgh, PA 15235

Date: October 3, 2024



Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rason Harris,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2024-3051146
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

**ANSWER OF
DUQUESNE LIGHT COMPANY TO THE
COMPLAINT OF RASON HARRIS**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Duquesne Light Company (“Duquesne Light” or the “Company”) files this Answer to the Complaint of Rason Harris (“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. Admitted.
3. Admitted.
4. Denied. Specifically, it is denied that the Complainant’s electric service bill(s)

contain incorrect charges.

In further response, Duquesne Light incorporates Paragraph 5, *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 April 21, 2022, and May 16, 2024, the Complainant received competitive electric generation supply service from Inspire Energy Holdings, LLC (“Inspire”). 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 Inspire without her consent.

By way of further response, the Complainant established electric service in her name at 7227 Travella Boulevard, Pittsburgh, PA 15235 (“Service Address”) effective September 12, 1988. The Complainant has a total balance with the Company of \$223.79 as of the date of this Answer. Of that total balance, \$223.79 is in arrears. On April 10, 2024, the Company issued a termination notice to the Complainant indicating that service would be terminated at the service address on or after April 25, 2024, due to nonpayment. On April 23 and 24, 2024, the Company completed two 72-hour calls further notifying the Complainant of the pending termination. Service was terminated pursuant to that notice on May 13, 2024. On May 13, 2024, the Complainant contacted the Company regarding restoring service to the account and claiming that she was unaware of the electric generation supplier (“EGS”) on the account. On May 15, 2024, the Complainant’s service was restored after a \$952.44 payment was received for the account. As such, it is denied that the Complainant was required to pay a security deposit and the total amount due in full in order to restore service, as her total account balance was \$2,382.37 at this time.

In further response, on April 18, 2022, Inspire submitted a supplier change request for service at the Service Address to Duquesne Light through the electronic data interchange. Accordingly, on April 18, 2022, Duquesne Light 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. As such, it is denied that the Complainant “did not receive a letter from Duquesne Light as to the change” in supplier. Inspire became the Complainant’s EGS effective April 21, 2022. In addition, on March 6, 2023, the Complainant contacted the Company regarding a pending termination notice and was further advised of the supplier on the account. On May 16, 2024, 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 May 16, 2024.

By way of further response, during her enrollment with Inspire, Complainant received a single bill for electric service that included supply charges from Inspire 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 Inspire through its POR program. Thus, the electric supply charges included on the Complainant’s bills during her enrollment with Inspire 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 Inspire 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.

In further response, Duquesne Light is without sufficient knowledge or information as to whether the Complainant "became aware of the fact [that she was enrolled with Inspire] when [her] mother pointed out to [her] that [her] bill was to [sic] high" and, therefore, denies the same. As noted above, the Complainant received notice of the supplier enrollment at the time the enrollment was completed. It is admitted that on May 13, 2024, the Complainant contacted the Company seeking supplier information and alleged that Inspire advised her that her grandson had enrolled with the EGS. Duquesne Light is without sufficient knowledge or information as to the nature or content of the Complainant's communications with Inspire, whether the Complainant's grandson authorized the enrollment with Inspire, or the Complainant's grandson's age at the time of the Inspire enrollment and, therefore, denies the same.

It is further denied that the Complainant's name is not included on electric service bills sent to the Service Address. It is admitted that the Complainant's mother, Sandra Harris, has been listed as a co-responsible party of the Complainant's account since April 28, 2003. Both the Complainant's and the mother's name appear on the electric service bills and notices, including termination notices, issued on the account. However, it is denied that the Complainant requested that her mother's name be removed from the account. It is admitted that during a contact with the company on October 24, 2022, the Complainant's mother contacted the Company and informed the Company that she does not live at the Service Address and that

during that contact she was advised to have the customer living at the Service to contact the Company regarding billing.

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 admitted that the Complaint is an appeal from a decision of the Commission's Bureau of Consumer Services ("BCS") and that the Complainant has had contact with the Company regarding the issues raised in the Complaint.

By way of further response, Duquesne Light incorporates Paragraph 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.

WHEREFORE, Duquesne Light Company respectfully requests that the Complaint of Rason Harris 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: October 3, 2024

Attorney for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rason Harris ,	:		
		:	
Complainant,		:	
		:	
v.		:	No: F-2024-3051146
		:	
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

10/03/24

Date



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

Date Created	Filing Number
10/3/2024	2692877

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: F-2024-3051146

Case Description:

Transmission Date: 10/3/2024 3:27 PM

Filed On: 10/3/2024 3:27 PM

eFiling Confirmation Number: 2692877

File Name	Document Type	Upload Date
DLC - Harris - Answer to Complaint.pdf	Answer to Formal Complaint	10/3/2024 3:27:26 PM

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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

Megan E. Rulli

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File #: 208244

October 3, 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: Rason Harris v. Duquesne Light Company
Docket No. F-2024-3051146

Dear Secretary Chiavetta:

Attached for filing, please find the Preliminary Objection of Duquesne Light Company to the Complaint of Rason Harris 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: Certificate of Service

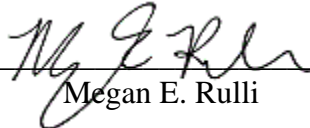
CERTIFICATE OF SERVICE

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 FIRST-CLASS MAIL

Rason Harris
7227 Travella Boulevard
Pittsburgh, PA 15235

Date: October 3, 2024



Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rason Harris,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2024-3051146
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

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: October 3, 2024

Attorney for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rason Harris,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2024-3051146
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

**PRELIMINARY OBJECTION OF
DUQUESNE LIGHT UTILITIES CORPORATION TO THE
COMPLAINT OF RASON HARRIS**

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 Rason Harris (“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 September 13, 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”) Inspire Energy Holdings, LLC (“Inspire”) 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 Inspire during the time period in question. (*See* Complaint ¶ 5.)

11. Inspire 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 DWP Energy Holdings, LLC for Approval to Offer, Render, Furnish or Supply Electricity or Electric Generation Services as a Supplier of Electricity to the Public in the Commonwealth of Pennsylvania*, Docket No. A-2013-2376802 (Order entered September 26, 2013), *request to change name to Inspire Energy Holdings, LLC approved*, Docket No. A-2013-2376802 (effective September 26, 2013).

12. The Complainant alleges that she was enrolled with EGS Inspire 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 Inspire. (Complaint ¶ 5.)

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

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

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

18. Based on the foregoing, the Complainant has failed to join a necessary party, *i.e.*, Inspire, 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).

19. To the extent that the Complaint is not dismissed in its entirety, Duquesne Light respectfully requests that an Order be issued joining Inspire to the instant proceeding as an indispensable party.

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: October 3, 2024

Attorney for Duquesne Light Company



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Harrisburg, PA 17105-3265
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Docket Number: F-2024-3051146

Case Description:

Transmission Date: 10/3/2024 3:29 PM

Filed On: 10/3/2024 3:29 PM

eFiling Confirmation Number: 2692880

File Name	Document Type	Upload Date
DLC - Harris - Preliminary Objection.pdf	Preliminary Objection	10/3/2024 3:29:04 PM

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