

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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| Todd Elliott Koger, Sr. and Elliot-Todd Koger | : | |
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| | : | |
| v. | : | Docket No. C-2024-3049627 |
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| | : | |
| Duquesne Light Company | : | |

INTERIM ORDER REQUIRING STATUS REPORT

On June 19, 2024, Todd Elliott Koger, Sr. and Elliot-Todd Koger (Complainants) filed a Complainant against Duquesne Light Company (Respondent). Complainants averred, *inter alia*, that the Company issued a termination notice to the Complainants; that Complainants are seeking a payment arrangement from the Company; that the Complainants’ electric service bill(s) contain incorrect charges; that Respondent caused damage to Complainants’ service address; and that Complainants are experiencing ongoing issues with their electric service; that Respondent forced the Complainants to file for bankruptcy.

On July 23, 2024, counsel on behalf of Duquesne Light Company filed a Motion Of Duquesne Light Company For Leave To File Responsive Pleadings To Complainants’ Formal Complaint Nunc Pro Tunc to the Motion are an Answer, New Matter, and Preliminary Objection and a Notice to Plead, which were attached to the Motion and which advised the Complainant that any reply must be filed within 20 days. Respondent asserted in its Motion that it is requesting leave to file an Answer nunc pro tunc pursuant 52 Pa. Code §§ 1.2 and 5.103. Respondent requested that the Commission accept the Answer, New Matter, and Preliminary Objection to Formal Complaint nunc pro tunc due to an administrative error. Respondent averred the Company’s Answer, New Matter, and Preliminary Objection to the Complaint were

served on the Complainants on July 10, 2024, but were not filed with the Commission by the July 10, 2024, regulatory deadline. Complainant did not file a response or objection to the Motion.

In its Answer and New Matter, Respondent admitted that the Company issued a termination notice to the Complainants and that the Complainants are seeking a payment arrangement from the Company. Respondent denied the material averments set forth in the Complaint. Respondent admitted that the Company repaired a loose neutral at the Complainants' service address on October 11, 2023, but denied that the Company provided damaging voltage to the service address related to the loose neutral and that the Company did not provide the Complainants with reasonable service in responding to the Complainants' service concerns. Respondent further averred that it issued a termination notice to the Complainants indicating that service would be terminated at the service address on or after May 16, 2024, due to nonpayment. Respondent further denied that the actions or omissions of Duquesne Light have forced the Complainants to file for bankruptcy in relation to their balance with the Company.

Respondent also filed a New Matter and Preliminary Objections and averred the Complainant Elliot-Todd Koger filed for Chapter 7 Bankruptcy on May 3, 2024. Respondent averred the Commission lacks subject matter jurisdiction over the portion of the Complaint requesting a payment agreement for the arrears that have accumulated on the Complainants' account prior to the Bankruptcy Petition's filing.

Respondent further avers that a petition filed pursuant to the U.S. Bankruptcy Code will operate as a stay and bars either the commencement or continuation of a judicial or administrative proceeding against the debtor where the proceeding was commenced prior to the start of the bankruptcy proceeding or to recover a claim against the debtor that arose before the commencement of the bankruptcy proceeding. *Steele v. Metro. Edison Co.*, 2020 Pa. PUC LEXIS 444, at *11 (Order entered Aug. 27, 2020) (citing 11 U.S.C. § 362(a)(1)). Respondent also argues that that, pursuant to the Section 362(a)(1) of the U.S. Bankruptcy Code, 11 U.S.C. § 362, the Commission lacks jurisdiction over arrearages for utility services that accrued prior to the filing of a bankruptcy petition. See, e.g., *Cooper v. PECO Energy Co.*, Docket No. F-

09152102, (Order entered January 12, 2006); Stempo v. Metropolitan Edison Co., Docket No. C-2010-2200864, (Order entered July 19, 2012). Accordingly, Respondent argues the Commission should summarily dismiss the portions of the Complaint requesting a payment agreement for lack of subject matter jurisdiction.

On August 8, 2024, the Motion was transferred to Administrative Law Judge Darlene Heep.

On August 13, 2024, Administrative Law Judge Heep granted the Motion of Duquesne Light Company for Leave to file Responsive Pleadings to Complainant's Formal Complaint Nunc Pro Tunc.

On August 14, 2024, the Commission Secretary received a Notice of Bankruptcy Case Filing from the United States Bankruptcy Court, Western District of Pennsylvania with regard to a bankruptcy proceeding filed at Case Number 24-21081, which advised, in part, that a bankruptcy case concerning a debtor, Elliott-Todd Parker Koger, was filed on May 3, 2024.

On September 27, 2024, a Motions Judge Change Assignment Notice was entered reassigning the undersigned presiding officer to this proceeding.

Under the circumstances, a deadline is being set for Complainants, Todd Elliott Koger, Sr. and Elliot-Todd Koger to file responsive pleadings to the Answer and New Matter and to the Preliminary Objections filed by Respondent, Duquesne Light Company.

THEREFORE,

IT IS ORDERED:

1. That the deadline for Complainants, Todd Elliott Koger, Sr. and Elliot-Todd Koger to file responsive pleadings to the Answer and New Matter and to the Preliminary Objections filed by Respondent, Duquesne Light Company is hereby extended until

December 30, 2024. Any response to the Answer and New Matter and to the Preliminary Objections filed by Respondent, Duquesne Light Company shall be filed by Complainants no later than December 30, 2024.

2. Any response filed by Complainant shall be served upon legal counsel for Respondent and upon the undersigned Presiding Officer on or before December 30, 2024.

3. A copy of any response filed by Complainant shall be sent to my legal assistant by email directed to Mary Swarner, **Legal Assistant at** mswarner@pa.gov.

Date: November 27, 2024

_____/s/
Jeffrey A. Watson
Administrative Law Judge

C-2024-3049627 - TODD ELLIOTT KOGER SR AND ELLIOTT-TODD KOGER v. DUQUESNE LIGHT COMPANY

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