

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Valen Tasser	:	
	:	
v.	:	F-2024-3050302
	:	
Duquesne Light Company	:	

**INTERIM ORDER
RE-SERVING INTERIM ORDER
DENYING APPLICATION FOR A SUBPOENA**

On July 12, 2024, Valen Tasser (Complainant) filed a formal complaint against Duquesne Light Company. Ms. Tasser alleged that her bills are too high, and among other things, Duquesne Light is not calculating her budget bill correctly and her payments are not being correctly applied to her balance. Her formal complaint is an appeal of a determination by the Bureau of Consumer Services (BCS) at 3982003. Duquesne Light filed an answer on August 14, 2024, which denied the material allegations of the complaint. A hearing is scheduled on the complaint on January 15, 2025.

On November 12, 2024, Ms. Tasser emailed a request for a subpoena for Holly Pyle, an investigator with the BCS. On November 18, 2024, BCS objected to the subpoena request.¹ By Interim Order entered on November 22, 2024, I denied the request for the subpoena. Ms. Tasser filed a Petition for Reconsideration on November 27, 2024.

In reviewing the docket for this matter, I discovered that BCS was not served with my order denying the request for the subpoena of Holly Pyle. Therefore, in the ordering paragraph below, the November 22, 2024 Interim Order will be attached to this order and served upon BCS.

¹ BCS is represented by the Commission’s Law Bureau.

THEREFORE,

IT IS ORDERED:

1. That the Interim Order entered on November 22, 2024, denying the application of Valen Tasser to issue a subpoena for testimony Holly Pyle be re-served to the Parties in the above-captioned proceeding and served upon BCS by email.

2. That the November 22, 2024, Interim Order is attached hereto.

Date: 12/9/2024

_____/s/
Mary D Long
Administrative Law Judge

F-2024-3050302 - VALEN TASSER v. DUQUESNE LIGHT COMPANY

Revised 12/9/2024

VALEN TASSER
124 MADONNA STREET
PITTSBURGH PA 15221
310.756.5221

vtasser15@gmail.com

Served via email-12/9/24

MEGAN E RULLI ESQUIRE
POST & SCHELL
17 NORTH SECOND STREET
12TH FLOOR
HARRISBURG PA 17101
717.612.6012
717.472.0466

mrulli@postschell.com

Accepts eService-Served 12/9/24

(Counsel for Duquesne Light Company)

MICHAEL BRECHLIN ASSISTANT GENERAL COUNSEL
DUQUESNE LIGHT COMPANY
411 7TH AVE
PITTSBURGH PA 15219
412.393.6431

mbrechlin@duqlight.com

Accepts eService- Served 12/9/2024

ELIZABETH H. BARNES
DEPUTY CHIEF COUNSEL LAW BUREAU
PA PUC
400 NORTH STREET 3RD FLOOR
HARRISBURGH PA 17120
717.772.5408

ebarnes@pa.gov

Served via email- Served 12/9/2024

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Valen Tasser	:	
	:	
v.	:	F-2024-3050302
	:	
Duquesne Light Company	:	

**INTERIM ORDER
DENYING APPLICATION FOR A SUBPOENA**

On July 12, 2024, Valen Tasser (Complainant) filed a formal complaint against Duquesne Light Company. Ms. Tasser alleged that her bills are too high, and among other things, Duquesne Light is not calculating her budget bill correctly and her payments are not being correctly applied to her balance. Her formal complaint is an appeal of a determination by the Bureau of Consumer Services (BCS) at 3982003. Duquesne Light filed an answer on August 14, 2024, which denied the material allegations of the complaint. A hearing is scheduled on the complaint on January 15, 2025.

On November 12, 2024, Ms. Tasser emailed a request for a subpoena for Holly Pyle, an investigator with the BCS. On November 18, 2024, BCS objected to the subpoena request.

Ms. Tasser requested a subpoena for BCS Investigator Holly Pyle to offer testimony regarding a telephone conversation between Ms. Tasser and Ms. Pyle that took place on June 10, 2024. According to Ms. Tasser, Ms. Pyle’s testimony is essential to her claim that Duquesne Light incorrectly calculated her budget bill. According to Ms. Tasser, Ms. Pyle “advised me during this call that she was going to cite Duquesne Light for having [her] on an incorrect budget plan.”

BCS objects to the subpoena and contends that Ms. Tasser’s request should be stricken because she did not file an “application” as required by Section 5.421 of the Commission’s regulations.¹

There is no reason to strike Ms. Tasser’s request. While not styled as an “application,” Ms. Tasser’s request includes the information required by the regulation. The Commission’s rules state that an application for a subpoena:

- (1) Must specify as nearly as possible the general relevance, materiality and scope of the testimony or documentary evidence sought, including, as to documentary evidence, specification as nearly as possible of the documents desired.
- (2) Must list the facts to be proved by the documents in sufficient detail to indicate the necessity of the documents.
- (3) Must contain a notice that a response or objection to the application shall be filed with the Commission and presiding officer within 10 days of service of the application.
- (4) Must include a certificate of service.
- (5) May attach the proposed subpoena to the application.

Ms. Tasser’s request includes an explanation of why she believes Ms. Pyle’s testimony is relevant under “Addition #2 on Subpoena.” She explained that she believes that Ms. Pyle’s testimony that Duquesne Light had her “on an incorrect budget plan. If the budget was incorrect, like she stated, then I would not have an outstanding balance” Ms. Tasser identifies the date and time of the conversation that she had with Ms. Pyle. On the subpoena form itself.² Ms. Tasser included a notice that “any response or objection to this application shall be filed with the Commission and presiding officer within ten (10) days of service of the application.”³

¹ 52 Pa. Code § 5.421.
² 52 Pa. Code § 5.421(b)(1) and (b)(2).
³ 52 Pa. Code § 5.421(b)(3).

Ms. Tasser also included a certificate of service stated that she served her subpoena request on me, counsel for the utility, Ms. Pyle and the Chief Counsel for the Commission.⁴

BCS has failed to point to any essential information that is required by the regulation that is missing from Ms. Tasser's subpoena request, other than the fact that it does not contain the title "application." BCS not only fails to explain what information is missing, but also does not explain how it is prejudiced by the defect. BCS was clearly able to respond to Ms. Tasser's request and lodge an objection to the issuance of the subpoena. While it is true that self-represented litigants are not excused from ignoring rules and of the Commission, it is also true that this Commission has a tradition of construing the filings of self-represented litigants liberally. Indeed, this tradition is codified in the Commission's regulations:

(a) This subpart shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable. The Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties.

(b) The singular includes the plural, and the plural, the singular. Words used in the masculine gender include the feminine and neuter. Words used in the past or present tense include the future.

(c) The Commission or presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party.

(d) These liberal construction provisions apply with particularity in proceedings involving pro se litigants.^[5]

⁴ 52 Pa. Code § 5.421(b)(4) and (c). It is not clear that Ms. Tasser filed her application with the Secretary's Bureau. As a courtesy, I have requested the Secretary's Bureau to add it to the docket for this case.

⁵ 52 Pa. Code § 1.2. Indeed, in *Seese v. PPL Electric Utilities Corp.*, the presiding officer did not deny the request for a subpoena because it did not include an application. Instead, the presiding officer deemed the request by the complainant as an application but denied it because it had not been served on the non-party witness. See *Seese v. PPL Electric Utilities Corp.* Docket C-2015-25000818, Tr. 4-5.

F-2024-3050302 - VALEN TASSER v. DUQUESNE LIGHT COMPANY

VALEN TASSER
124 MADONNA STREET
PITTSBURGH PA 15221
310.756.5221
vtasser15@gmail.com
Served via email- 11/22/2024

MEGAN E RULLI ESQUIRE
POST & SCHELL
17 NORTH SECOND STREET
12TH FLOOR
HARRISBURG PA 17101
717.612.6012
717.472.0466
mrulli@postschell.com
Served eService – 11/22/2024
(Counsel for Duquesne Light Company)

MICHAEL BRECHLIN ASSISTANT GENERAL COUNSEL
DUQUESNE LIGHT COMPANY
411 7TH AVE
PITTSBURGH PA 15219
412.393.6431
mbrechlin@duqlight.com
Served eService – 11/22/2024