



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET  
HARRISBURG, PENNSYLVANIA 17120

December 23, 2024

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

Re: *Valen Tasser v Duquesne Light*  
Docket No F-2024-3050302

RCVD PUC SEC BUR  
DEC 23 2024 AM 10:29

Dear Secretary Chiavetta:

Enclosed for filing is the Pennsylvania Public Utility Commission's Bureau of Consumer Services (BCS) Brief in Opposition to Complainant's Petition for Reconsideration of Interim Order Denying Application for Subpoena in the *Valen Tasser v. Duquesne Light* case at Docket No. F-2024-3050302.

Copies of this Brief are being served upon the parties of record in this proceeding and the presiding officer as referenced in the certificate of service. Should you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Elizabeth H. Barnes'.

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Enclosure.

cc: The Honorable Mary D. Long (via electronic and regular mail)  
David Screven, Chief Counsel (via electronic mail)  
Lori Mohr, Director of Bureau of Consumer Services (via electronic mail)  
Holly Pyle, Bureau of Consumer Services (via electronic mail)  
As per Certificate of Service

**VALEN TASSER,**  
**Complainant**

v.

**DUQUESNE LIGHT COMPANY,**  
**Respondent**

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**Docket No. F-2024-3050302**

**THE BUREAU OF CONSUMER SERVICES'**  
**BRIEF IN OPPOSITION TO COMPLAINANT'S PETITION FOR**  
**RECONSIDERATION OF INTERIM ORDER DENYING**  
**APPLICATION FOR SUBPOENA**

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*Attorney for the Bureau of Consumer Services  
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Date: December 23, 2024

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DEC 23 2024

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

I. INTRODUCTION

The Bureau of Consumer Services (BCS) of the Pennsylvania Public Utility Commission (Commission) hereby files this Brief in Opposition to the Petition for Reconsideration of Interim Order Denying Application for Subpoena of Valen Tasser (Complainant) filed on December 11, 2024. In her Petition, Complainant requests the reversal of Administrative Law Judge Mary Long's (ALJ) November 22, 2024 Interim Order Denying Application For a Subpoena. Because Complainant is challenging an interim order issued by a presiding officer, BCS submits this Brief in Opposition to the Petition by the deadline given of December 23, 2024. *See* 52 Pa. Code §§ 5.301–5.302.

Complainant's Petition should be denied because: (1) the Petition fails to meet a standard for certification of interlocutory review due to Complainant's failure to raise important questions of law or policy and to explain why interlocutory review will prevent substantial prejudice or expedite the conduct of the proceedings; and (2) Complainant's argument lacks merit.

II. BACKGROUND

On November 12, 2024, Complainant, Valen Tasser emailed an unsigned subpoena form without an application attached requesting a subpoena for Holly Pyle, an investigator with the BCS. On November 18, 2024, BCS objected to the subpoena request. By Interim Order entered on November 22, 2024, the ALJ treated the subpoena form as an Application for Issuance of Subpoena and it was then attached to the record in the instant proceeding as if it had been properly filed. The ALJ then denied the request for the subpoena. Complainant then filed a Petition for Reconsideration on November 27, 2024. On December 9, 2024, Duquesne Light Company filed a Brief in Opposition to Petition for Interlocutory Review. On December 10, 2024, the Office of Administrative Law Judge served its Interim Order dated November 22, 2024, upon counsel for BCS. On December 9, 2024, the ALJ issued an Interim Order on Complainant's Request for

Reconsideration directing Complainant to re-file and serve a copy of her November 27, 2024 Petition for Reconsideration upon counsel for BCS at the email address listed on the Parties List attached to the order. The ALJ gave parties wishing to respond to the Petition for Reconsideration until December 23, 2024. Counsel for BCS received an emailed copy of the Petition from Complainant on December 11, 2024. For the reasons explained below, if this Petition is treated as a petition for interlocutory review and answer to material question pursuant to Sections 5.301–5.302 of the Commission’s regulations, Complainant fails to meet the high standard for the granting of interlocutory review. *See* 52 Pa. Code §§ 5.301–5.302. Therefore, the Complainant’s Petition for Interlocutory Review and Answer to Material Question should be denied.

### III. ARGUMENT

Complainant’s Petition fails to meet the standard for certification as there are no compelling reasons why interlocutory review will prevent substantial prejudice or expedite the conduct of the proceeding. Complainant fails to show how any substantial prejudice allegedly created by the ALJ’s Interim Order of November 22, 2024, cannot be satisfactorily cured during the normal Commission review process. BCS decisions on informal complaint proceedings are reviewed *de novo*<sup>1</sup> and no part of the record in an informal complaint proceeding can be relied upon in the formal complaint proceeding. The proceeding is from the beginning. Additionally, the Petition should be denied on the merits. The ALJ correctly found this instant formal complaint proceeding to be *de novo* in nature. *See* Interim Order, p. 4.

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<sup>1</sup> See 52 Pa. Code § 56.173(a) (“Review of informal complaint decisions will be heard *de novo* by a law judge or special agent.”). See also, *Leung v. Philadelphia Gas Works*, 2021 Pa. PUC LEXIS 519, Docket F-2020-3020041 (Opinion and Order entered October 28, 2021), at \*7 (citing *Kelvin Thomas v. Philadelphia Gas Works*, Docket Nos. F-2017-2611788 and C-2017-2621275 (Order entered August 31, 2018)) (“De novo means that the review is based on the evidentiary record created at the hearing and no part of the record in the informal complaint proceeding can be relied upon in the formal complaint proceeding.”).

For these reasons, the Complainant's Petition is without merit and should be denied.

IV. CONCLUSION

WHEREFORE, the Bureau of Consumer Services respectfully requests that the Petition for Reconsideration of Interim Order Denying Application for a Subpoena filed by Complainant Valen Tasser be denied.

Respectfully submitted,

  
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Date: December 23, 2024

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 Section 1.54 (relating to service by a participant).

VIA FIRST-CLASS MAIL AND EMAIL

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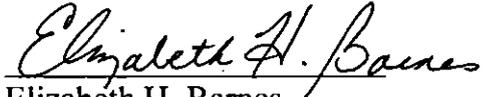
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Dated: December 23, 2024

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