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Megan E. Rulli

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File #: 210045

January 6, 2025

***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: Yvette Farrow v. Duquesne Light Company,  
Docket No. F-2024-3052519**

Dear Secretary Chiavetta:

Attached for filing please find the Preliminary Objection of Duquesne Light Company in response to the Complaint of Yvette Farrow in the above-referenced proceeding. Copies are being provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/cdy  
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 EMAIL AND FIRST-CLASS MAIL**

Yvette Farrow  
1320 Halsey Place  
Pittsburgh, PA 15212  
Mslady225@yahoo.com

Date: January 6, 2025



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Megan E. Rulli

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Yvette Farrow,	:	
	:	
Complainant,	:	
	:	Docket No. F-2024-3052519
v.	:	
	:	
Duquesne Light Company,	:	
	:	

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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTIONS WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTIONS 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.



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Megan E. Rulli (ID # 331981)  
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17 North Second Street, 12th Floor  
Harrisburg, PA 17101-1601  
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mnulli@postschell.com

Date: January 6, 2025

Attorney for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Yvette Farrow,	:	
	:	
Complainant,	:	
	:	Docket No. F-2024-3052519
v.	:	
	:	
Duquesne Light Company,	:	
	:	

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**PRELIMINARY OBJECTION OF  
DUQUESNE LIGHT COMPANY TO THE  
COMPLAINT OF YVETTE FARROW**

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**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

AND NOW, comes Duquesne Light Company (“Duquesne Light” or the “Company”) 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 Commission dismiss the portions of the above-captioned Formal Complaint filed by Yvette Farrow (“Complainant”) related to the reliability, safety, or quality of electric service received as legally insufficient. The Complainant does not allege any wrongdoing on the part of Duquesne Light related to her electric service. Rather, the Complaint concerns the Complainant’s request to be re-enrolled into the Company’s Customer Assistance Program (“CAP”) without having to pay her balance in arrears in full and to be awarded a new payment agreement to pay off that balance over time. The Commission should summarily dismiss the service allegations in the Complaint with prejudice because the Complainant does not allege any

wrongdoing on the part of Duquesne Light related to those claims and, therefore, those service allegations are legally insufficient.

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. On December 16, 2024, Duquesne Light was served with the above-captioned Complaint. The issues raised in the Complaint relate to the Complainant’s application to re-enroll in CAP. (Complaint ¶ 4.) As relief, the Complainant requests that she be granted a payment agreement to pay off her balance over time. (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 portions of the Complaint related to the reliability, safety, or quality of electric service received be dismissed pursuant to Section 5.101(a)(4) of the Commission’s regulations because they are legally insufficient. 52 Pa. Code § 5.101(a)(4). The Complaint contains no factual allegations related to those claims.

**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. Cmwllth.*, 910 A.2d 775, 781 (Pa. Cmwllth. 2006) (citing *Dep't of Gen. Servs. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwllth. 2005)). 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. Cmwllth. 2007). Notwithstanding, 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. Cmwllth. 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 NO. 1 – THE PORTIONS OF THE COMPLAINT RELATED TO RELIABILITY OF SERVICE ARE LEGALLY INSUFFICIENT AND SHOULD BE DISMISSED WITH PREJUDICE BECAUSE THE COMPLAINANT DOES NOT ALLEGE ANY WRONGDOING BY DUQUESNE LIGHT**

7. Duquesne Light incorporates Paragraphs 1 through 6 as if fully set forth herein.
8. Duquesne Light respectfully requests that the portions of the Complaint related to the reliability, safety, or quality of electric service received be dismissed pursuant to Section

5.101(a)(4) of the Commission's regulations because they are legally insufficient. 52 Pa. Code § 5.101(a)(4). The Complaint contains no factual allegations related to those claims.

9. A complaint is legally insufficient where the complaint does not allege a violation of the Public Utility Code, the Commission's regulations, a Commission Order, or the utility's Commission-approved tariff. *See* 66 Pa.C.S. § 701; *see also Nixon v. West Penn Power Co.*, 2012 Pa. PUC LEXIS 923, Docket No. C-2011-2270951 (Initial Decision issued May 29, 2012), *became final without further Commission action* (Final Order entered July 17, 2012).

10. While the Complainant checked the box indicating that she is experiencing a reliability, safety, or quality problem with her utility service, the Complaint contains no factual allegations related to those claims. (*See* Complaint ¶¶ 4-5, 7.)

11. Instead, the allegations in the Complaint solely pertain to the Complainant's application to re-enroll in CAP and her request to be awarded a payment agreement to pay off her outstanding balance over time. (*See* Complaint ¶¶ 4-5, 7.)

12. The Complaint does not set forth an "act or thing done or about to be done or omitted to be done by the respondent in violation, or claimed violation, of a statute which the Commission has jurisdiction to administer, or regulation or order of the commission" related to the reliability, safety, or quality of her electric service. *See* 66 Pa. C.S. § 701.

13. Therefore, the portions of the Complaint related to the reliability, safety, or quality of her electric service are legally insufficient as against Duquesne Light because they state no claim upon which relief may be granted as against Duquesne Light.

**IV. CONCLUSION**

WHEREFORE, Duquesne Light Company respectfully requests that the portions of the above-captioned Formal Complaint filed by Yvette Farrow related to the reliability, safety, or quality of electric service be dismissed pursuant 52 Pa. Code § 5.101(a)(4).

Respectfully submitted,



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Megan E. Rulli (ID # 331981)  
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Date: January 6, 2025

Attorney for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Yvette Farrow,	:	
	:	
Complainant,	:	
	:	
v.	:	No: F-2024-3052519
	:	
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

01/06/25

\_\_\_\_\_  
Date