

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pete Bandhu	:	C-2024-3052041
	:	
v.	:	
	:	
Duquesne Light Company	:	
	:	
	:	
Shane Tracy	:	C-2024-3052319
	:	
v.	:	
	:	
Duquesne Light Company	:	

INTERIM ORDER

Bandhu v. DLC, C-2024-3052041

On November 11, 2024, Pete Bandhu (Mr. Bandhu or Landlord) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Duquesne Light Company (DLC, Company, or Respondent), regarding service at his rental property located at 633 Smithfield Street, Pittsburgh, PA (service location). Mr. Bandhu checked the box on the Complaint form indicating the utility was threatening to shut off his service or had already done so, as well as the “other” box, writing, “My tenant vacated the premises at 633 Smithfield Street, Pittsburgh PA 15222 and the electric got shut off. I am the landlord and am trying to get the service back on. The electric company is not turning on the power service. They are not serving minority customers like us.” As relief, Mr. Bandhu requests that DLC turn on the power to the service location. Regarding service by the Commission, Mr. Bandhu selected email, checking the box and initialing next to this option.

On December 2, 2024, DLC filed an Answer. DLC admitted service to the service location is currently shut off and that Mr. Bandhu applied to restart service for a commercial account on November 8, 2024. The Company avers that in order to restore service,

Mr. Bandhu must pay \$13,889.66 which consists of: (1) \$10,839.66 for the outstanding balances accrued within the past four years on commercial accounts established by Mr. Bandhu; (2) a \$2,800.00 security deposit; and (3) a \$250.00 reconnect fee. DLC further admits that service to the service location has been shut off since November 7, 2024, when an individual contacted the Company stating that service had been fraudulently established under the name Paris Navy LLC. DLC denies that the Company is refusing to restore service to the service location because he is a minority or that the Company's requirements for payment are acts of discrimination against him. The Company avers it has attempted to be responsive to all contacts from the Complainant and has treated the Complainant in the same fair and respectful manner as it does all its customers.

On December 4, 2024, the Commission issued a Hearing Notice, scheduling an evidentiary hearing for February 10, 2025.

On December 5, 2024, I issued a Prehearing Order.

On January 17, 2025, DLC filed a certificate of service evidencing its service of interrogatories and requests for production of documents upon Mr. Bandhu.

Tracy v. DLC, C-2024-3052319

On November 27, 2024, Shane Tracy (Mr. Tracy or Tenant) filed a Formal Complaint (Complaint) with the Commission against DLC. Mr. Tracy checked the "other" box, writing,

I am a new Duquesne Light customer. I never had service with Duquesne Light. I recently started a new business at 633 Smithfield Street, Pittsburgh, PA 15222. I am trying to get electric service there. Unfortunately, Duquesne Light is not giving me service. They are asking me to pay the previous tenant or other tenant bills which have nothing to do with me. I really need to get service on.

As relief, Mr. Tracy requested that DLC provided him service as a new customer and not discriminate against him as a minority new business owner. Regarding service by the Commission, Mr. Tracy requested he be served by email, checking the box next to this option.

On December 17, 2024, DLC filed an Answer and New Matter. In its Answer, DLC denies the Complaint involves an application for service under the name of Shane Tracy, and avers it pertains to an application for service to open a commercial account at the service location under the business name of Panther Pitt Oakland, LLC (Panther Pitt Oakland).

DLC admits that service to the service location is currently shut off and that Mr. Tracy applied to restart service for a commercial account at the service location under the name Panther Pitt Oakland on November 11, 2024. The Company explains it informed Mr. Tracy that in order to restore service to the service location, Mr. Tracy must pay a security deposit as well as certain outstanding balances for other commercial accounts associated with Mr. Tracy. The Company avers it is currently investigating numerous closed accounts related to Mr. Tracy, the service location, and other commercial enterprises that have opened and closed without payment for service, leaving thousands of dollars in unpaid balances. As such, DLC denies that it is asking him to pay bills belonging to previous tenants and that Mr. Tracy has never had service with DLC before.

In its New Matter, DLC argues that Mr. Tracy's Complaint involves an application for service for a commercial account in the name of Panther Pitt Oakland, LLC, and, as such, Mr. Tracy is required to have an attorney represent Panther Pitt Oakland in this proceeding.

The New Matter included a notice to plead, directing Mr. Tracy to file a response within twenty days.

Mr. Tracy did not file a response to the New Matter.

On January 22, 2024, the Commission issued a Hearing Notice, scheduling an evidentiary hearing for March 11, 2025. The Hearing Notice reads, in pertinent part,

REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. Only an attorney may represent someone else.

See Hearing Notice, pg. 2.

Also on January 22, I issued a Prehearing Order, which reads, in pertinent part,

REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. And, unless you are an attorney, you may not represent someone else.

See Prehearing Order, pg. 4 (citations omitted).

Rule to Show Cause on Mr. Tracy

As an initial matter, I note the Commission’s regulations provide that “[i]n adversarial proceedings, partnerships, corporations, trusts, associations, agencies, political subdivisions and government entities shall be represented only by . . . an attorney.” 52 Pa. Code § 1.21. An adversarial proceeding begins with the filing of an answer. 52 Pa. Code § 1.8; *New Fizon Catering, Inc. v. PECO Energy Company*, Docket Nos. C-2008-2065498 and C-2008-2079076 (Order entered June 24, 2009).

The Commission’s obligation to require attorneys in adversarial proceedings for parties other than individual *pro se* proceedings is well-settled:

In Pennsylvania, the Supreme Court is responsible for regulating the practice of law, and this Commission is bound by the Supreme Court's rules. The only persons authorized to practice law in Pennsylvania are as follows: (1) persons fully admitted to the Pennsylvania Bar; (2) persons admitted pro hac vice under Rule 301; and (3) persons qualified as certified legal interns under Rule 321. The Pennsylvania Supreme Court in *Shorz v. Farrell*, 327 Pa. 81, 193 A.20 (1937), held that if the nature of an administrative hearing is to determine questions of fact or interpretation of administrative law, then the hearing is of a judicial character. Any participation in such a hearing constitutes the practice of law. Accordingly, it would be unlawful to allow non attorney representation in adversarial proceedings before the Commission.

James and Judith Simon v. Franklin Water Company, Docket No. C-00956589 (Order entered January 29, 1996).

Since DLC has filed an Answer in the proceeding involving Mr. Tracy's Complaint, it is considered adversarial. Mr. Tracy filed his Complaint under his own name, and not the name of his business. While Mr. Tracy would undoubtedly be able to pursue a Complaint and seek relief from DLC *for himself as an individual*, it is unclear whether Mr. Tracy is seeking relief for himself as an individual or *on behalf of his Company*. If Mr. Tracy is in fact seeking relief on behalf of his Company, he may not have standing to do so unless he amends his Complaint to include his business as a complainant. Additionally, it is unclear from the Complaint whether the business is one of the entities required by the Commission to be represented by counsel.

Therefore, regarding the proceeding at Docket No. C-2024-3052319, Mr. Tracy is directed to: (1) file an amended Complaint, if necessary, and, (2) cause counsel enter an appearance or show cause why he is not required to be represented by counsel.

Rule to Show Cause on DLC, Mr. Bandu, and Mr. Tracy/Panther Pitt Oakland

Commission rules provide, "The Commission or presiding officer, with or without motion, may order proceedings involving a common question of law or fact to be consolidated.

The Commission or presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay.” 52 Pa. Code § 5.81(a).

In this case, both cases at Docket No. C-2024-3052041 and Docket No. C-2024-3052319 involve service to the same service location. One Complaint is filed by the Landlord and the other is filed by the Tenant. Both Mr. Bandhu and Mr. Tracy claim DLC is requesting they make payments on prior outstanding account balances related to the service location in order to restore service.

In its Answer to Mr. Bandhu’s Complaint, the Company avers that in order to restore service, Mr. Bandhu must pay \$13,889.66 which consists of: (1) \$10,839.66 for the outstanding balances accrued within the past four years on commercial accounts established by Mr. Bandhu; (2) a \$2,800.00 security deposit; and (3) a \$250.00 reconnect fee. In its Answer to Mr. Tracy’s Complaint, DLC avers that in order to restore service to the service location, Mr. Tracy must pay a security deposit as well as certain outstanding balances for other commercial accounts associated with Mr. Tracy. The Company also avers it is currently investigating numerous closed accounts related to Mr. Tracy, the service location, and other commercial enterprises that have opened and closed without payment for service, leaving thousands of dollars in unpaid balances.

After my initial review of these two cases, it appears there may be substantial overlap between these two proceedings which may warrant consolidation for the sake of judicial economy, as well as to avoid inconsistent findings of fact and incompatible resolutions if the two Complaints were heard and decided separately.

Therefore, DLC, Mr. Bandhu, and Mr. Tracy/Panther Pitt Oakland are directed to show cause why the proceeding at Docket No. C-2024-3052041 should not be consolidated with Docket No. C-2024-3052319.

Upcoming Evidentiary Hearings

The evidentiary hearing on Mr. Bandhu's Complaint at Docket No. C-2024-3052041 is scheduled for February 10, 2025. DLC served discovery upon him on January 17, 2025. The evidentiary hearing on Mr. Tracy's Complaint at Docket No. C-2024-3052319 is scheduled for March 11, 2025.

Considering the possible consolidation of this matter, as well as the fact there may be outstanding discovery from Mr. Bandhu, I am converting the proceeding at Docket No. C-2024-3052041 on February 10, 2025, to a prehearing conference. Furthermore, I am scheduling a prehearing conference in the matter at Docket No. C-2024-3052319 to occur concurrently on February 10, 2025. During the conference on February 10, 2025, I expect the parties to be prepared to discuss the appropriateness of consolidating these matters, the necessity of Mr. Tracy being represented by counsel and/or amending his Complaint, as well as any other outstanding issues. The evidentiary hearing at Docket No. C-2024-3052319 shall remain scheduled for March 11, 2025.

THEREFORE,

IT IS ORDERED:

1. That, by **12:00 p.m. noon on February 7, 2025**, Mr. Tracy shall: (1) file an amended Complaint, if necessary, and (2) either (a) cause counsel enter his or her appearance on behalf of Panther Pitt Oakland, LLC, in accordance with the provisions of 52 Pa.Code § 1.24(b) or, (b) show cause why he is not required to be represented by counsel under the Commission's rules in the matter at Docket No. C-2024-3052319.

2. That the evidentiary hearing scheduled on **February 10, 2025**, at Docket No. C-2024-3052041, is converted to a prehearing conference.

3. That a prehearing conference shall be held on **February 10, 2025, at 10 a.m.** in the matter at Docket No. C-2024-3052319.

4. That by **12:00 p.m. noon on February 7, 2024**, Duquesne Light Company, Pete Bandhu, and Shane Tracy/Panther Pitt Oakland, LLC, shall show cause as to why these matters should not be consolidated.

Date: January 27, 2025

/s/
Emily I. DeVoe
Administrative Law Judge

C-2024-3052041 - PETE BANDHU V. DUQUESNE LIGHT COMPANY

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Served via email and eService January 27, 2025

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