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Megan E. Rulli

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File #: 209898

March 4, 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: Shane Tracy v. Duquesne Light Company**  
**Docket No. C-2024-3052319**

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Dear Secretary Chiavetta:

Attached for filing, please find a Motion for Continuance on behalf of Duquesne Light Company in the above-referenced proceeding. Copies are being provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/dmc  
Attachment

cc: The Honorable Emily I. DeVoe (*via email; w/attachment*)  
William Bercik, Esquire (*via email; w/attachment*)  
Certificate of Service

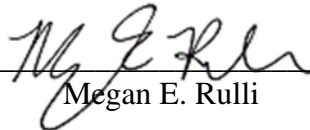
**CERTIFICATE OF SERVICE**

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**

Shane Tracy  
1135 Evergreen Ave  
Millvale, PA 15209  
[djshanetracy@gmail.com](mailto:djshanetracy@gmail.com)

Date: March 4, 2025

  
\_\_\_\_\_  
Megan E. Rulli

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Shane Tracy,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3052319
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

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**NOTICE TO PLEAD**

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YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.342(g)(1), YOU MAY FILE A REPLY TO THE ENCLOSED MOTION WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. **IN THE INSTANT MOTION, THE COMPANY REQUESTS AN EXPEDITED RESPONSE PERIOD OF TWO (2) CALENDAR DAYS TO FACILITATE A RULING ON THE MOTION IN SUFFICIENT TIME BEFORE THE HEARING.** YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Respectfully submitted,

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

Date: March 4, 2024

Attorney for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Shane Tracy,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3052319
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

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**MOTION FOR CONTINUANCE OF  
DUQUESNE LIGHT COMPANY**

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TO ADMINISTRATIVE LAW JUDGE EMILY I. DEVOE:

Duquesne Light Company (“Duquesne Light” or “Company”) hereby files this Motion for Continuance pursuant to Section 5.103 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.103, and requests that the evidentiary hearing scheduled for March 11, 2025, in the above-captioned Complaint proceeding be continued.

Good cause exists to grant a continuance in this matter because: (1) the Company’s discovery requests served on the Complainant and due to be answered by February 26, 2025, remain outstanding; and (2) it is unclear whether the Complainant is represented by counsel and, therefore, whether this case should be consolidated with the Complaint of Pete Bandhu at Docket No. C-2024-3052041 or dismissed for failure to Comply with Your Honor’s instructions requiring the Complainant to obtain counsel. Thus, good cause exists to grant the Company’s Motion for Continuance.

In support of the Motion for Continuance, Duquesne Light avers as follows:

## **I. BACKGROUND**

1. Duquesne Light is a “public utility” and an “electric distribution company” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa.C.S. §§ 102, 2803.

2. On November 11, 2024, the Company was served with a Complaint filed by Pete Bandhu via Secretarial Letter from the Commission at Docket No. C-2024-3052041 (“Bandhu Complaint”). In the Bandhu Complaint, Mr. Bandhu alleges that he was improperly denied service by Duquesne Light and requested that service be restored at 633 Smithfield Street, Pittsburgh, PA 15222 (“Service Address”).

3. On December 2, 2024, Duquesne Light timely filed an Answer to the Bandhu Complaint, admitting in part and denying in part the factual basis of Mr. Bandhu’s allegations.

4. On November 27, 2024, the Company was served with the above-captioned Complaint filed by Shane Tracy via Secretarial Letter from the Commission (“Tracy Complaint”).

5. In the Tracy Complaint, Mr. Tracy alleges that he was improperly denied service by Duquesne Light for the same Service Address and requests that service be restored.

6. On December 17, 2024, Duquesne Light timely filed an Answer and New Matter to the Tracy Complaint, admitting in part and denying in part the factual basis of Mr. Tracy’s allegations. In its New Matter, Duquesne Light averred that Mr. Tracy applied for service for a commercial account in the name of Panther Pitt Oakland, LLC (“Panther Pitt”), and, therefore, is required to have an attorney represent Panther Pitt in this proceeding. *See* 52 Pa. Code §§ 1.21 and 1.22.

7. On January 22, 2025, the Commission issued an Initial Call-In Telephonic Hearing Notice, scheduling an evidentiary hearing for the Tracy Complaint for 1:00 PM on March 11, 2025, before Administrative Law Judge Emily I. Devoe (the “ALJ”).

8. Also on January 22, 2025, the ALJ issued a Prehearing Order confirming the date and time of the evidentiary hearing for the Tracy Complaint.

9. On January 27, 2025, the ALJ issued an Interim Order scheduling a Prehearing Conference at the dockets for both the Bandhu and Tracy Complaints to determine whether the two cases should be consolidated, considering the overlapping facts and issues raised in both Complaints. The Interim Order also required Mr. Tracy, by 12:00 PM on February 7, 2025, to either: (1) file an amended Complaint; or (2) cause counsel to enter an appearance on his behalf or show cause as to why he is not required to be represented by counsel under the Commission's regulations.

10. On February 6, 2025, Duquesne Light served discovery requests on Mr. Tracy related to the allegations raised in the Tracy Complaint. Pursuant to the Commission's discovery rules, written objections were due within 10 days of service by February 17, 2025, and answers were due on or before February 26, 2025. Mr. Tracy did not object to the discovery requests by the February 17, 2025, deadline and failed to answer any of the discovery requests by February 26, 2025.

11. On February 10, 2025, the Prehearing Conference was held as scheduled. Attorney William Bercik appeared on behalf of Pete Bandhu. Mr. Tracy did not attend the Prehearing Conference and no attorney appeared on his or Panther Pitt's behalf.<sup>1</sup>

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<sup>1</sup> During the Prehearing Conference, Attorney Bercik indicated that he was familiar with Mr. Tracy but had not been engaged to represent him before the Commission. Mr. Bercik also indicated that he would be entering his appearance at the Bandhu Complaint docket. To date, Attorney Bercik has not entered his appearance at the Bandhu Complaint docket.

12. On Thursday, February 27, 2025, counsel for Duquesne Light contacted Mr. Tracy regarding the outstanding discovery responses. During that conversation, Mr. Tracy indicated that his interests were being represented by attorney William Bercik in this proceeding.<sup>2</sup>

13. Accordingly, on Friday, February 28, 2025, counsel for Duquesne Light contacted Mr. Bercik to confirm whether he was representing Mr. Tracy and to inquire about the status of the outstanding discovery requests. Mr. Bercik indicated that he had not yet been engaged to represent Mr. Tracy before the Commission but that he would consult with Mr. Tracy regarding representation and the Company's outstanding discovery requests.

14. The responses to all of Duquesne Light's discovery requests propounded upon Mr. Tracy remain outstanding as of March 4, 2025.

15. To date, no attorney has entered their appearance on behalf of Mr. Tracy and/or Panther Pitt at the above captioned docket. Neither has Mr. Tracy filed an Amended Complaint or shown cause as to why he is not required to be represented by counsel.

16. The evidentiary hearing for this matter is scheduled for 1:00 PM on March 11, 2025.

## **II. REQUEST FOR CONTINUANCE**

1. Duquesne Light respectfully requests a continuance of the evidentiary hearing because: (1) the Company's discovery requests served on Mr. Tracy and due to be answered by February 26, 2025, remain outstanding; and (2) it is unclear whether the Complainant is represented by counsel and, therefore, whether this case should be consolidated with the Complaint

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<sup>2</sup> Mr. Bercik also purports to represent Mr. Bandhu in the Bandhu Complaint proceeding, but to date has not entered his appearance at that docket, though he represented to the ALJ that he would be entering his appearance during the February 10, 2025, Prehearing Conference.

of Pete Bandhu at Docket No. C-2024-3052041 or dismissed for failure to Comply with Your Honor's instructions requiring the Complainant to obtain counsel.

2. Section 1.15(b) of the Commission's regulations states:

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least 5 days prior to the hearing date.

52 Pa. Code § 1.15(b).

3. In addition, Paragraph 3 of the Prehearing Order issued on January 22, 2025, provides the following:

You may request a continuance of the hearing if you have a good reason. Continuances will be granted only for good cause. To request a continuance, you must submit a written request (a "motion") at least five (5) days before the hearing. Your motion should be served pursuant to paragraph 5B below. Your motion should include: (1) The case name, case number, and hearing date; (2) The reason you are requesting a continuance; and (3) State whether the other party(s) agrees to the request (or if you do not know). If you do not know whether the other party(ies) agrees to the request, state that you do not know.

Prehearing Order, p. 3 (Jan. 22, 2025).

4. Good cause exists to grant a continuance in this matter because the Company's discovery requests remain outstanding.

5. The issues raised in the Complaint concern the request of Panther Pitt to start service at the Service Address and allegations that the Company improperly denied service.

6. To respond to the allegations in the Complaint, Duquesne Light served discovery requests on Mr. Tracy related to prior electric service accounts and various business entities associated with Mr. Tracy and/or his associate Mr. Bandhu.

7. To date, Mr. Tracy has failed to provide any responses to the Company's discovery requests and never served objections to the requests.

8. Considering the hearing for this matter is scheduled for March 11, 2025, there is insufficient time to have a Motion to Compel ruled upon, be served outstanding responses if a Motion to Compel is granted, and adequately review and respond to the responses prior to the hearing.

9. As such, the Company's ability to present a defense to Mr. Tracy's claims would be significantly hindered if the hearing were held on the scheduled date, due to Mr. Tracy's failure to respond to the Company's discovery requests.

10. Thus, good cause exists to continue the hearing considering Mr. Tracy's failure to respond to the Company's discovery requests to date.

11. Good cause also exists to continue the hearing because it is unclear whether Mr. Tracy is represented by counsel and, therefore, whether this case should be consolidated with the Complaint of Pete Bandhu at Docket No. C-2024-3052041 or dismissed for failure to Comply with Your Honor's instructions requiring Mr. Tracy to obtain counsel.

12. Mr. Tracy has represented to Counsel for Duquesne Light that his interests in this proceeding are being represented by attorney William Bercik, and Mr. Bercik has acknowledged that he may be representing Mr. Tracy and/or Panther Pitt in this proceeding.

13. To date, however, no attorney has entered their appearance on behalf of Panther Pitt and/or Mr. Tracy at the above captioned docket. Neither has Mr. Tracy filed an Amended

Complaint or shown cause as to why he is not required to be represented by counsel in this proceeding.

14. Additional time is needed to provide clarity as to whether Mr. Tracy and/or Panther Pitt are represented by counsel in this proceeding.

15. This threshold procedural matter must be clarified prior to any evidentiary hearing, especially considering the ALJ's requirement for Mr. Tracy to obtain counsel and the Commission's regulations prohibiting individuals from representing entities in adversarial proceedings. *See* Interim Order, Ordering Paragraph 1 (Jan. 27, 2025); 52 Pa. Code § 1.21.

16. Further, because Mr. Bandhu was represented by counsel at the Prehearing Conference but Mr. Tracy was not, the ALJ declined to consolidate the two cases at that time and instead maintained the current litigation schedule for the Tracy Complaint.

17. However, considering that Attorney Bercik may be representing both Mr. Tracy and Mr. Bandhu, and the overlapping issues present in both Complaints, consolidation of the two Complaints may still be warranted.

18. Continuing the hearing would allow Mr. Tracy time to clarify whether he is represented by counsel in this proceeding and allow the ALJ to determine whether consolidation of the two proceedings is warranted.<sup>3</sup>

19. Considering the outstanding discovery requests and the uncertainty of the Complainant's representation, the current hearing date does not allow the Company adequate time to prepare for the hearing and to engage in additional discovery, if necessary.

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<sup>3</sup> By letter dated February 7, 2025, Duquesne Light indicated that it does not oppose consolidation of the two Complaints.

20. For these reasons, Duquesne Light respectfully requests that the hearing for this matter be continued and that the ALJ issue an Order providing a date certain by which Mr. Tracy and/or Panther Pitt are required to have an attorney enter their appearance.

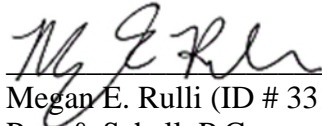
21. If Mr. Tracy fails to comply with the requested Order, the Company respectfully requests that the above-captioned Complaint be dismissed with prejudice.

22. Counsel for Duquesne Light has reached out to both Mr. Tracy and Attorney Bercik regarding the Company's request for a continuance but was unable to reach either Mr. Tracy or Attorney Bercik. As such, Duquesne Light does not know whether the Complainant opposes this request.

**CONCLUSION**

WHEREFORE, Duquesne Light Company respectfully requests that a continuance of the hearing be granted in the above-captioned proceeding. Further, the Company respectfully requests that the due date for any Answer to the instant Motion be due within two (2) calendar days of its filing, *i.e.*, by March 6, 2025, and that the ruling on the instant Motion be issued by March 10, 2025, considering the hearing is scheduled for March 11, 2025.

Respectfully submitted,



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Date: March 4, 2025

Attorney for Duquesne Light Company