
Megan E. Rulli

mrulli@postschell.com
717-612-6012 Direct
717-731-1985 Direct Fax
File #: 206553

March 7, 2025

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Jeremy Branson v. Duquesne Light Company
Docket No. C-2024-3049291

Dear Secretary Chiavetta:

Attached for filing is the Motion for Judgment on the Pleadings of Duquesne Light Company for the above-referenced proceeding.

Copies will be provided as indicated on the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/dmc
Attachment

cc: The Honorable Mary D. Long (*via email; w/attachment*)
Certificate of Service

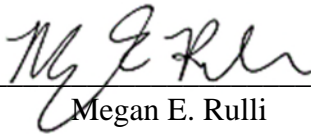
CERTIFICATE OF SERVICE

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

Jeremy Branson
1513 Buena Vista Street
Pittsburgh, PA 15212
jeremybranson@gmail.com

Date: March 7, 2025



Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jeremy Branson,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3049291
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.102, YOU MAY FILE AN ANSWER TO THE ENCLOSED MOTION FOR JUDGMENT ON THE PLEADINGS WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. 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)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
mruilli@postschell.com

Date: March 7, 2025

Attorney for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jeremy Branson,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3049291
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

**MOTION FOR JUDGMENT ON THE PLEADINGS OF
DUQUESNE LIGHT COMPANY**

TO THE ADMINISTRATIVE LAW MARY D. LONG:

AND NOW, comes Duquesne Light Company (“Duquesne Light” or “Company”), by and through its attorneys, Post & Schell, P.C., and files this Motion for Judgment on the Pleadings pursuant to Section 5.102 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.102.

As set forth in this Motion, Duquesne Light respectfully requests that the above-captioned Complaint of Jeremy Branson (“Complainant”) be summarily dismissed in its entirety. The Complainant’s allegations and requested relief solely pertain to the Company’s relocation and covering of the 23 kV and 4 kV lines adjacent to the Complainant’s service address to facilitate repairs to his home. The Complainant’s requested relief was satisfied by the Company when it completed the requested relocation and covering of the lines adjacent to his service address on June 14, 2024. Therefore, the Complaint is moot and should be dismissed in its entirety.

In support of this Motion for Judgment on the Pleadings, Duquesne Light states as follows:

I. INTRODUCTION AND 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 Public Utility Code, 66 Pa. C.S. §§ 102, 2803.

2. On May 29, 2024, Duquesne Light was served with the above-captioned Complaint, which relates to the Company’s repairs to and relocation of a stepdown transformer, component reclosers, and a 23 kV line adjacent to the Complainant’s service address.

3. On June 18, 2024, Duquesne Light timely filed an Answer and New Matter to the Complaint, admitting in part and denying in part the factual basis of the Complainant’s allegations. A Notice to Plead accompanied the Company’s responsive pleadings, informing the Complainant that any reply to the Company’s New Matter was due within 20 days of service. The Complainant never replied to the Company’s New Matter.

4. On July 23, 2024, the Commission issued an Interim Order Setting Resolution Conference (“Interim Order”), which required the parties to hold a conference about resolving the case on or before August 20, and to file a report with Mediator Teri-Lee Rhoades within 10 days following the conference, by August 30, 2024.

5. The Complainant never responded to any of the Company’s numerous attempts, via both telephone and email, to reach him to discuss the status of the Complaint and the possibility of resolving the Complaint without the need for an evidentiary hearing.

6. On August 30, 2024, Duquesne Light submitted a status report to Mediator Rhoades requesting the matter be set for a formal mediation session.

7. The Complainant never responded to Mediator Rhoades’s multiple attempts to schedule a formal mediation session. Ultimately, Mediator Rhoades notified the parties that the case would be transferred back to the Office of Administrative Law Judge to be set for hearing.

8. On January 10, 2025, the Commission issued an Initial Call-In Telephone Hearing Notice, scheduling an evidentiary hearing for April 8, 2025 at 10:00 AM before Administrative Law Judge Mary D. Long (the “ALJ”).

9. On January 13, 2025, the ALJ issued a Prehearing Order, confirming the date and time of the evidentiary hearing.

II. STANDARD FOR JUDGMENT ON THE PLEADINGS

10. Section 5.102 of the Commission’s regulations provides the Commission’s standard of review for a request for judgment on the pleadings:

(1) Standard for grant or denial on all counts. The presiding officer will grant or deny a motion for judgment on the pleadings or a motion for summary judgment, as appropriate. The judgment sought will be rendered if the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law.

(2) Standard for grant or denial in part. The presiding officer may grant a partial summary judgment if the pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law on one or more but not all outstanding issues.

52 Pa. Code § 5.102(d)(1)-(2).

11. The Commission is granted discretion to dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest. 66 Pa. C.S. § 703(b); 52 Pa. Code § 5.21(d). A hearing is necessary only to resolve disputed questions of fact, and when the question presented is one of law, the Commission need not hold a hearing. *Lehigh Valley Power Comm. v. Pa. PUC*, 563 A.2d 548 (Pa. Cmwlth. 1989); *Edan Transportation Corp. v. Pa. PUC*, 623 A.2d 6 (Pa. Cmwlth. 1993); *Pa. PUC, et al. v. Holzwarth t/a K & H Bus Serv.*, 2023 PA. PUC

LEXIS 94, Docket No. C-2022-3035753 (Order entered Apr. 20, 2023); *Moyer v. PPL Elec. Util. Corp.*, 2022 PA. PUC LEXIS 396, Docket No. C-2022-3031294 (Order entered Dec. 8, 2022).

12. The moving party bears the burden of showing that no genuine issue of material fact exists and that it is entitled to judgment as a matter of law. 52 Pa. Code § 5.102(d)(1). When deciding whether a motion for judgment on the pleadings should be granted, the court must examine the record in the light most favorable to the non-moving party, and all doubts as to the existence of a genuine issue of material fact must be resolved in favor of the non-moving party. *First Mortgage Co. of Pennsylvania v. McCall*, 459 A.2d 406 (Pa. Super. 1983).

13. Pursuant to Section 5.63 of the Commission’s regulations, replies to answers containing new matter must be filed and served within 20 days after date of service of the answer. *See* 52 Pa. Code § 5.63(a).

14. “Failure to file a timely reply to new matter may be deemed in default, and relevant facts stated in the new matter may be deemed to be admitted.” 52 Pa. Code § 5.63(b).

15. As explained below, this case does not involve genuine disputes of material fact. The sole relief requested in the Complaint has been satisfied by the Company, and a hearing in this matter would be unnecessary.

16. For these reasons and as more fully explained below, Duquesne Light is entitled to judgment on the pleadings, and the above-captioned Complaint should be dismissed in its entirety.

III. ARGUMENT

A. THE COMPLAINT SHOULD BE DISMISSED AS MOOT BECAUSE THE COMPLAINANT’S REQUESTED RELIEF HAS BEEN SATISFIED

17. Duquesne Light incorporates by reference Paragraphs 1 through 17, *supra*, as if fully set forth herein.

18. The Complaint should be dismissed as moot because the Complainant's requested relief was satisfied by the Company when it completed the requested relocation and covering of the lines adjacent to his service address on June 14, 2024. (Duquesne Light New Matter ¶ 6.)

19. "Where 'intervening changes in the factual matrix of a pending case' occur which eliminate an actual controversy and make it impossible for the court to grant the requested relief, the case will be dismissed as moot." *Pagnotta v. Pa. Interscholastic Ath. Ass'n*, 681 A.2d 235, 237 (Pa. Cmwlth. 1996) (emphasis added) (quoting *Zemprelli v. Thornburgh*, 466 A.2d 1123, 1124 (Pa. Cmwlth. 1983)).

20. Moreover, "[a]n issue before the court is moot if, in ruling upon the issue, the court cannot enter an order that has any legal force or effect." *Burns v. Dep't of Human Servs.*, 190 A.3d 758, 762 (Pa. Cmwlth. 2018) (citation omitted).

21. The only "limited exceptions" to the mootness doctrine are when: (1) "the conduct complained of is capable of repetition yet evading review"; (2) the case "involves questions important to the public interest"; or (3) "one party" will "suffer some detriment without the Court's decision." *Driscoll v. Zoning Bd. of Adjustment*, 201 A.3d 265, 269 (Pa. Cmwlth. 2018) (quoting *Clinkscale v. Dep't of Pub. Welfare*, 101 A.3d 137, 139 (Pa. Cmwlth. 2014)).

22. Here, the Complaint is moot due to intervening changes in undisputed facts, namely that the sole relief requested by the Complainant has already been satisfied.

23. In the Complaint, the Complainant alleges that the relocation of a stepdown transformer, component reclosers, and a 23 kV line adjacent to the Complainant's service address is necessary to perform repairs to his residence and that the Company refuses to complete this work. (Complaint ¶ 4.)

24. As relief, the Complainant requests that the Commission order the Company to cover, or alternatively relocate, the 23 kV line so that he can complete the repairs to his residence. (Complaint ¶ 5.)

25. As of June 14, 2024, the following work was completed at the service address: the stepdown transformer and reclosers were moved to a different location about a quarter mile away, the 23 kV line was placed on a side arm to move it away from Complainant's home, and the 4 kV line and service drop was covered up. (Duquesne Light New Matter ¶ 4.)

26. The Complainant's allegations and requested relief solely pertain to the Company's relocation and covering of the 23 kV and 4 kV lines adjacent to the Complainant's service address to facilitate repairs to his home. (Complaint ¶ 5.)

27. The Complainant's requested relief was satisfied by the Company when it completed the requested relocation and covering of the lines adjacent to his service address on June 14, 2024.

28. Further, the facts alleged by the Company in its New Matter may be deemed admitted because the Complainant never filed a Reply to the Company's New Matter stating that the requested relief had been satisfied. *See* 52 Pa. Code § 5.63; *see also Orpheus and Kimberly Hanley v. Penn. Power Co.*, Docket No. C-2023-3041147, 224 Pa. PUC LEXIS 143, *9 (Order entered May 9, 2024).

29. As such, the facts pleaded in the Company's Answer and New Matter may be deemed admitted, leaving no relevant facts in dispute in this proceeding.

30. For these reasons, the Complaint should be dismissed as moot because the Complainant's requested relief has already been fulfilled by the Company and, therefore, the Commission cannot grant the requested relief.

31. Finally, none of the exceptions to the mootness doctrine apply here.

32. First, the conduct complained of is not capable of repetition yet evading review, as the Company's satisfaction of the requested relief offers a lasting solution to the Complainant's specific request for the relocation of distribution lines to facilitate his home repairs. Dismissing the instant Complaint as moot will not bar the Complainant from seeking relief from the Commission in the future if he encounters other issues with the service provided by Duquesne Light.

33. Second, the case does not involve questions important to the public interest. Here, the issues deal with one residence and a specific request for the relocation of distribution lines. These issues are focused on the individual complainant and not the broader public interest.

34. Third, no party will suffer any detriment without the Commission's decision as the Company has already fulfilled the Complainant's requested relief. Moreover, the Complainant's insurer has separately filed a subrogation claim for civil damages with the Company's Claims Department (the "Subrogation Claim") related to a fire at the service address involving the Company's facilities. (*See* Duquesne Light Answer ¶ 4.) The Company, through its in-house and outside counsel, is working with the Complainant's homeowner's insurance and attorney on the Subrogation Claim and dismissing the instant Complaint will not affect that process. Therefore, the Complainant will not be harmed if the Complaint is dismissed as moot.

35. For these reasons, Duquesne Light respectfully requests that the Complaint be dismissed in its entirety as moot.

IV. CONCLUSION

WHEREFORE, Duquesne Light Utilities Corporation respectfully requests that the above-captioned Complaint of Jeremy Branson be dismissed in its entirety.

Respectfully submitted,



Megan E. Rulli (ID # 331981)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
mrulli@postschell.com

Date: March 7, 2025

Attorney for Duquesne Light Company