
Megan E. Rulli

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File #: 209898

March 13, 2025

VIA ELECTRONIC FILING

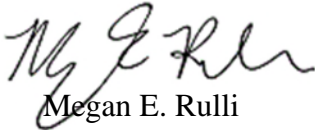
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Shane Tracy v. Duquesne Light Company
Docket No. C-2024-3052319

Dear Secretary Chiavetta:

Attached for filing please find the Motion to Dismiss the Complaint of Shane Tracy 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 (*via email; w/attachment*)
Certificate of Service

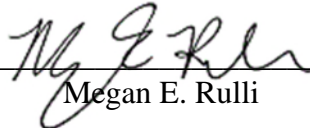
CERTIFICATE OF SERVICE

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

Date: March 13, 2025



Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

NOTICE TO PLEAD

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. 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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mrulli@postschell.com

Date: March 13, 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.	:	

**MOTION OF DUQUESNE LIGHT COMPANY
TO DISMISS THE COMPLAINT OF SHANE TRACY**

TO ADMINISTRATIVE LAW JUDGE EMILY I. DEVOE:

Duquesne Light Company (“Duquesne Light” or “Company”) hereby files, pursuant to Section 5.103 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.103, this Motion to Dismiss the Complaint of Shane Tracy for failure to comply with the Commission’s regulations at 52 Pa. Code §§ 1.21 and 1.22, and the Order issued on January 27, 2025, in this proceeding (“January 27, 2025 Order”). In support thereof, Duquesne Light states 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 Oakland”), and, therefore, is required to have an attorney represent Panther Pitt Oakland in this proceeding. *See* 52 Pa. Code §§ 1.21 and 1.22.

7. The Complainant never filed a reply to the Company’s New Matter.

8. 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”).

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

10. 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.

11. 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.

12. 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 Oakland's behalf.¹

13. 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.

14. 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 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.

¹ 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.

15. On March 4, 2025, Duquesne Light filed a Motion for Continuance of the hearing scheduled for March 11, 2025, in the above-captioned proceeding, considering the outstanding discovery requests and the lack of clarity surrounding the Complainant's representation.

16. On March 10, 2025, the ALJ issued an Interim Order granting the Company's Motion for Continuance.

17. Also on March 10, 2025, the Commission issued a Hearing Cancellation Notice, canceling the hearing scheduled for March 11, 2025.

18. To date, no attorney has entered their appearance on behalf of Mr. Tracy and/or Panther Pitt Oakland 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.

II. ARGUMENT

1. On November 11, 2024, the Company received an application to restart service for a commercial account at the Service Address under the name Panther Pitt Oakland, LLC. *See* Duquesne Light Answer ¶ 4.

2. The instant Complaint was brought by Shane Tracy on behalf of Panther Pitt Oakland, objecting to the Company's requirement that certain payments be made in order to open the new commercial account at the Service Address. *See* Complaint ¶¶ 1, 4, 5.

3. According to the Complaint, Panther Pitt Oakland is not represented by counsel, but by a non-attorney representative of the company. *See* Complaint ¶¶ 1, 10, 11.

4. Under 52 Pa. Code §§ 1.21 and 1.22, a company must have an attorney licensed to practice law in the Commonwealth of Pennsylvania represent them in this proceeding.

5. It is well established that non-individuals must be represented by counsel at all stages of Commission proceedings once those proceedings become adversarial. *See, e.g., Cars R*

Us c/o Holman Copeland v. Phila. Gas Works, Docket No. C-2008-2033437, (Order entered Feb. 4, 2010); *Torino Inc. v. PECO Energy Co.*, Docket No. C-2008-2034595, (Order entered Feb. 2, 2010).

6. After Duquesne Light filed its Answer and New Matter to the Complaint, this became an adversarial proceeding.

7. No attorney is listed on the Complaint, nor has one entered an appearance to represent the Complainant.

8. In the January 27, 2025 Order issued in this proceeding, the ALJ directed that the Complainant must have an attorney licensed to practice in Pennsylvania enter a notice of appearance in this proceeding by February 7, 2025, or take other action demonstrating that he is not required to be represented by counsel in this proceeding. Specifically, the January 27, 2025 Order required:

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.

See January 27, 2025 Order, Ordering Paragraph 1 (emphasis in the original).

9. Mr. Tracy did not attend the Prehearing Conference and no attorney appeared on his or Panther Pitt Oakland's behalf.

10. Although the Complainant has had ample time to retain an attorney, to date, no attorney has entered their appearance on behalf of Panther Pitt Oakland 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.

11. By not retaining an attorney licensed to practice in Pennsylvania, the Complainant has violated the Commission's regulations and the January 27, 2025 Order.

12. It is impermissible for the Complainant to proceed without the representation of an attorney in this matter.

13. Therefore, Duquesne Light respectfully requests that the Complaint be dismissed for failure to comply with the Commission's regulations at 52 Pa. Code §§ 1.21 and 1.22 and the January 27, 2025 Order, by failing to have an attorney licensed to practice in Pennsylvania enter an appearance in this proceeding.

CONCLUSION

WHEREFORE, Duquesne Light Company respectfully requests that Administrative Law Judge Emily I. DeVoe dismiss the Complaint.

Respectfully submitted,



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Date: March 13, 2025

Attorney for Duquesne Light Company