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File #: 209506

March 27, 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: Donna L. Shawfield Bennett v. Duquesne Light Company
Docket No. F-2024-3052032**

Dear Secretary Chiavetta:

Attached please find the Answer of Duquesne Light Company to the Motion for Summary Judgment of Donna L. Shawfield Bennett in the above-referenced proceeding. Copies are being provided per the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/dmc
Attachment

cc: The Honorable Alphonso Arnold III (*via email; w/attachment*)
Certificate of Service

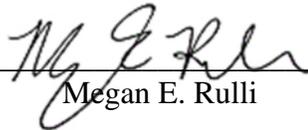
CERTIFICATE OF SERVICE

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

Donna L. Shawfield Bennett
Trustee for Darryl S. Shawfield
2700 Omar Street
Chesapeake, VA 23324-2952
Bennett6pack@aol.com

Date: March 27, 2025


Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Darryl Shawfield c/o Donna L. Shawfield	:	
Bennett,	:	
	:	
Complainant,	:	
	:	Docket No. F-2024-3052032
v.	:	
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

**ANSWER OF DUQUESNE LIGHT COMPANY
TO THE COMPLAINANT’S
MOTION FOR SUMMARY JUDGMENT**

TO ADMINISTRATIVE LAW JUDGE ALPHONSO ARNOLD III:

Pursuant to 52 Pa. Code §§ 5.61 and 5.102(b), Duquesne Light Company (“Duquesne Light” or the “Company”) hereby files this Answer to the “Motion to the Court Complaint” served by Donna L. Shawfield Bennett in her capacity as Trustee for Darryl S. Shawfield (“Complainant”), on March 7, 2025 (“Motion”).¹ In the Motion, Ms. Bennett alleges that the Company’s Answer affirmed the accuracy of the allegations raised in the Complaint by pleading that it has no knowledge or information regarding certain of the allegations in the Complaint and by pleading that certain of the Complainant’s documents attached to the Complaint speak for themselves and require no responsive pleading. *See* Motion ¶ 1. The Motion also requests that as relief, the Commission perform an audit of the Complainant’s account with Duquesne Light and

¹ Duquesne Light notes that attached to the Motion was another document entitled an “Addendum Complaint,” which responds to the Company’s Answer to the Complaint. Concurrent with the instant Answer, Duquesne Light is also filing a Motion to Strike the “Addendum Complaint,” as it is an improper pleading and not authorized by the Commission’s regulations.

that the findings of the audit be “filed with the District Attorney’s office who has the authority to adjudicate Titles 13 and 18 of the Pennsylvania Code.” *See* Motion ¶¶ 2-4. Since the pleadings are now closed, Duquesne Light submits that the Complainant’s Motion should properly be treated as a Motion for Summary Judgment filed pursuant to 52 Pa. Code § 5.102.

As a threshold matter, Ms. Bennett’s Motion violates the Interim Order # 1 issued by Administrative Law Judge Alphonso Arnold III (the “ALJ”) on February 26, 2025, at the above-captioned docket (“Interim Order”). The Interim Order requires an attorney to enter their appearance on behalf of the Complainant at this docket by April 3, 2025, because the Commission’s regulations require that persons in adversarial proceedings be represented by an attorney and Ms. Bennett cannot represent the Complainant in her role as his Trustee. *See* Interim Order, pp. 4-5; 52 Pa. Code § 1.21(b). To date, no attorney has entered their appearance at the above-captioned docket and Ms. Bennett filed the Motion on behalf of the Complainant. As such, the Motion violates the Interim Order and, therefore, should be denied.

To the extent the Motion is considered, as explained below, the Motion fails to meet the standard for summary judgment and should be denied.

I. ANSWER

1. Admitted in part and denied in part. It is admitted that the Complaint included allegations that the Complainant’s bills contain incorrect charges and that Ms. Bennett attached online account payment screenshots, letters sent by Duquesne Light dated January 1 and 21, 2024, letters sent to Duquesne Light dated March 2, July 12, and August 8, 2024, certified mail receipt, and electric service bills to the Complaint. However, the Company explicitly denied the billing allegations made in the Complaint, including specific denials addressing claims that: (1) the Complainant’s electric service bills contain incorrect or “mystery charges”; (2) the Complainant’s account was not accurately credited for payments made; and (3) that the letters sent by the

Complainant requesting payment and punitive damages were “bills” for goods or services received and that the Company owes the Complainant the amounts requested. (*See Answer ¶ 4*). The Company also denied any characterizations of the documents attached to the Complaint, stating that they are documents that speak for themselves. (*See Answer ¶ 4*.) Finally, it is admitted that the Company stated that it was without sufficient knowledge or information as to certain of the allegations in the Complaint.² (*See Answer ¶ 4*.) However, for each instance that Duquesne Light pled that it lacked sufficient knowledge to respond to these allegations, it also noted its denial of the same. (*See Answer ¶ 4*.) Thus, it is strictly denied that the Company admitted any of the material allegations made in the Complaint, including claims that the Complainant received bills with incorrect charges and that the Complainant’s account was not properly credited for payments made, or that the Complainant is otherwise entitled to judgment as a matter of law.

2. Denied. The averments contained in Paragraph 2 of the Motion are requests for relief to which no responsive pleading is required. To the extent a response is deemed necessary, Duquesne Light denies that the Complainant is entitled to the relief requested.

3. Denied. The averments contained in Paragraph 3 of the Motion are requests for relief to which no responsive pleading is required. To the extent a response is deemed necessary, Duquesne Light denies that the Complainant is entitled to the relief requested.

4. Denied. The averments contained in Paragraph 4 of the Motion are legal conclusions related to Section 308.1, 313, and 318 of the Public Utility Code to which no responsive pleading is required. *See* 66 Pa.C.S. §§ 308.1, 313, and 318. To the extent a response

² These include claims regarding whether the returned payments were due to Charles Schwab taking over T.D. Ameritrade; whether “information for Schwab [was placed] in the wallet section of Duquesne Light’s” website in November 2023; the nature or content of communications with Schwab, whether “T.D. Ameritrade [was deleted] from the Manage My Bank Accounts section every time [she has] paid through DLC’s website since April”; whether Ms. Bennett was unable to make a payment greater than \$68.00 on April 2, 2024, on the Company’s online payment system; whether Ms. Bennett “took a screenshot of the payment information before using the submit payment button”; or whether Ms. Bennett attempted to make a payment of \$166.00 on June 17, 2024. (*See Answer ¶ 4*.)

is deemed necessary, Duquesne Light denies Ms. Bennett's characterizations of these provisions of the Public Utility Code.

The Company maintains that the filing of this Motion violates the Interim Order and should be rejected. To the extent the ALJ considers this Motion, it has failed to meet the standard for summary judgment and, therefore, the Motion for Summary Judgment should be denied.

Section 5.102 of the Commission's regulations provides the Commission's standard of review for a request for summary judgment:

- (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.

52 Pa. Code § 5.102(d)(1) (emphasis added).³

Here, the Motion fails to meet the standard for summary judgment because there are genuine issues of material fact at issue in this proceeding. Duquesne Light was served with the above-captioned Complaint on November 8, 2024, in which Ms. Bennett alleges that the Complainant's electric service bills contain incorrect charges, that Duquesne Light is in violation of certain provisions of Titles 13 and 18 of the Pennsylvania Code, and that the Complainant is entitled to damages totaling \$5,446.00. (*See* Complaint ¶¶ 4-5.) Duquesne Light subsequently filed an Answer on November 27, 2024, specifically and thoroughly denying the material billing allegations in the Complaint. (*See* Answer ¶ 4.)

³ A hearing is necessary to resolve disputed questions of fact. *See Lehigh Valley Power Comm. v. Pa. Pub. Util. Comm'n*, 563 A.2d 548 (Pa. Cmwlth. 1989); *Edan Transp. Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa. Cmwlth. 1993).

Also on November 27, 2024, Duquesne Light filed Preliminary Objections to the Complaint, requesting that: (1) the portions of the Complaint alleging violations of Titles 13 and 18 of the Pennsylvania Code be dismissed because the Pennsylvania Public Utility Commission (“Commission”) lacks subject matter jurisdiction over those claims; and (2) the portions of the Complaint requesting damages be dismissed because the Commission has no authority to award damages. On February 3, 2025, the ALJ issued an Order Granting Preliminary Objections, which dismissed the portions of the Formal Complaint raising claims under Title 13 and Title 18 of the Pennsylvania Code and seeking monetary damages.

Duquesne Light has never conceded or otherwise changed its position regarding the claims made in the Complaint. Therefore, the parties continue to dispute whether the Complainant’s electric service bills contain incorrect charges and whether the Complainant’s account has not been fully credited for payments made.

In addition, nothing entitles the Complainant to judgment as a matter of law. The Complainant has the burden of proof to establish that the Company violated a provision of the Public Utility Code, a Commission regulation, or a Commission order. *See* 66 Pa. C.S. §§ 332(a), 701. Duquesne Light filed an Answer to the Complaint, in which the Company disputed that it committed any violation and that the Complainant is entitled to the relief requested. Indeed, the Company has neither conceded that it agrees with the allegations in the Complaint nor stipulated to any facts that would support a finding of any violation. Therefore, the Complainant cannot meet his burden of proof at this point in the proceeding. Accordingly, such issues will have to be resolved at the evidentiary hearing scheduled in this matter.

Based on the foregoing, there are material issues of fact, and the Complainant is not entitled to judgment as a matter of law. Duquesne Light respectfully requests that the Complainant's Motion for Summary Judgment, termed as a "Motion to the Court Complaint," be denied.

II. CONCLUSION

For the reasons set forth above, Duquesne Light Company respectfully requests that Administrative Law Judge Alphonso Arnold III deny Donna L. Shawfield Bennett's Motion for Summary Judgment, entitled "Motion to the Court Complaint."

Respectfully submitted,



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Date: March 27, 2025

Attorney for Duquesne Light Company