
Megan E. Rulli

mrulli@postschell.com
717-612-6012 Direct
717-731-1985 Direct Fax
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 Motion of Duquesne Light Company to Strike the Reply to Duquesne Light Company's Answer 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

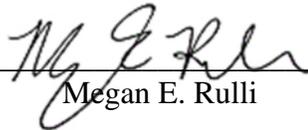
CERTIFICATE OF SERVICE

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.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.103(c), ANSWERS TO MOTIONS ARE DUE WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. YOUR ANSWERS SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.



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 27, 2025

Attorney for Duquesne Light Company

**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.	:	

**MOTION OF DUQUESNE LIGHT COMPANY TO
STRIKE THE REPLY TO
DUQUESNE LIGHT COMPANY’S ANSWER**

TO ADMINISTRATIVE LAW JUDGE ALPHONSO ARNOLD III:

AND NOW, comes Duquesne Light Company (“Duquesne Light” or the “Company”) by and through its attorneys, Post & Schell, P.C., and files, pursuant to the Pennsylvania Public Utility Commission’s (“Commission”) regulations at 52 Pa. Code § 5.103, this Motion to Strike the “Addendum Complaint” served by Donna L. Shawfield Bennett in her capacity as Trustee for Darryl S. Shawfield (“Complainant”), on March 7, 2025 (“Reply”). While entitled “Addendum Complaint,” the Reply in fact consists solely of specific responses to Duquesne Light’s Answer to the above-captioned Complaint, which was filed on November 27, 2024. As such, the “Addendum Complaint” is actually an attempt to reply to the Company’s Answer to the Complaint. However, replies to Answer are not permitted under the Commission’s regulations. The Reply is an improper pleading and not authorized by the Commission’s regulations and, therefore, should be struck from the record in this proceeding.

As a threshold matter, the filing of the Reply 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 in this proceeding. *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 Reply on behalf of the Complainant. As such, the Reply violates the Interim Order and, therefore, should be rejected.

In support thereof, Duquesne Light states as follows:

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

2. On November 8, 2024, Duquesne Light was served with the above-captioned Complaint, which was filed by Donna L. Shawfield Bennett as Trustee of Darryl Shawfield (“Complainant”). The issues raised in the Complaint relate to claims that the Complainant’s electric service bills contain incorrect charges and that Duquesne Light is in violation of provisions of Titles 13 and 18 of the Pennsylvania Code. (Complaint ¶¶ 4-5.)

3. On or about November 15, 2024, the Ms. Bennett filed an “Addendum” to the Complaint with the Commission.¹

¹ Duquesne Light was never served with a copy of this “Addendum” and was, therefore, deprived of the opportunity to respond to this pleading.

4. On November 27, 2024, Duquesne Light timely filed an Answer to the Complaint, denying the material billing allegations in the Complaint. (*See* Answer ¶ 4.)

5. 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.

6. On December 31, 2024, Ms. Bennett filed a letter at the above-captioned docket requesting additional time to respond to the Company’s Preliminary Objections.²

7. The Complainant never responded to the Company’s Preliminary Objections.

8. 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.

9. On February 26, 2025, the ALJ issued the Interim Order requiring 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).

10. To date, no attorney has entered their appearance at the above-captioned docket.

² As with the Complainant’s “Addendum,” Duquesne Light was never served with a copy of this letter.

11. On March 7, 2025, Ms. Bennett served a “Motion to the Court Complaint” requesting a “Summary Finding in Favor of the Complainant.”³ Attached to the “Motion to the Court Complaint” was the “Addendum to Complaint” that is the subject of the instant Motion to Strike.

II. MOTION TO STRIKE

A. THE ALJ SHOULD STRIKE THE REPLY BECAUSE SUCH A FILING CONTRAVENES THE COMMISSION’S REGULATIONS AND COMMISSION PRECEDENT

50. Initially, the Company maintains that the Reply violates the Interim Order and should be rejected outright.

51. To the extent the Reply is not rejected outright, the ALJ should strike the Reply to Duquesne Light’s Answer to the Complaint because it is an improper pleading and not authorized by the Commission’s regulations.

52. Although called an “Addendum Complaint,” the filing at issue does not amend the original Complaint filed but instead specifically responds to the Company’s Answer to the Complaint.

53. Nothing in the Commission’s regulations authorized the filing of a Reply to Duquesne Light’s Answer.

54. Parties are only authorized to file a “Reply” to an Answer when the Answer pleads New Matter. *See* 52 Pa. Code § 5.1 (setting forth the permitted pleadings in Commission actions as including “[f]ormal complaint, answer, new matter and reply to new matter” and “[p]etition and answer”).

55. Here, Duquesne Light did not plead New Matter in responding to the Complaint.

³ Concurrent with this Motion to Strike, the Company is also filing an Answer to the “Motion to the Court Complaint.”

56. Under the Commission's regulations, parties are only required to plead New Matter when they are raising affirmative defenses. *See* 52 Pa. Code § 5.62(b) ("An affirmative defense shall be pleaded in an answer or other responsive pleading under the heading of 'New Matter.'") (emphasis added).

57. To the extent the Complainant attempts to argue that the Company raised New Matter with its Answer, the Company notes that parties are not required to plead material facts as New Matter in their Answer. *See id.* ("A party may set forth as new matter another material fact which is not merely a denial of the averments of the preceding pleading.") (emphasis added).

58. As such, Duquesne Light was not required to plead any of the facts set forth in its Answer as New Matter.

59. Since the Company did not plead New Matter, the Complainant cannot be deemed to admit any allegations set forth in Duquesne Light's Answer by failing to respond. *See id.* § 5.63.

60. The Complainant will not be prejudiced if the Company's Motion to Strike is granted.

61. For these reasons, Duquesne Light respectfully requests that the ALJ strike the Reply to the Company's Answer and disregard that Reply when adjudicating this Complaint. Alternatively, if the Reply is not stricken from the record and is instead treated as an Amended Complaint, Duquesne Light respectfully requests that it be afforded the opportunity to respond to the allegations contained therein prior to the hearing scheduled for this proceeding.

III. CONCLUSION

WHEREFORE, Duquesne Light Company respectfully requests that Administrative Law Judge Alphonso Arnold III strike the “Addendum Complaint” filed by the Complainant and disregard the filing when adjudicating the Complaint.

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 27, 2025

Attorney for Duquesne Light Company