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Megan E. Rulli

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File #: 211911

March 31, 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: James Bocsy v. Duquesne Light Company**  
**Docket No. C-2025-3053828**

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Dear Secretary Chiavetta:

Attached for filing please find the Preliminary Objection on behalf of Duquesne Light Company to the Complaint of James Bocsy 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: Certificate of Service

**CERTIFICATE OF SERVICE**

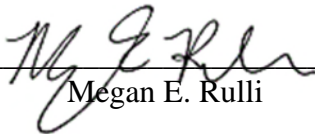
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**VIA FIRST-CLASS MAIL**

James Bocsy  
118 W. Virginia Ave  
Munhall, PA 15120

James Bocsy  
3719 Botsford Street  
Apt. 1  
Munhall, PA 15120

Date: March 31, 2025

  
Megan E. Rulli

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

James Bocsy,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2025-3053828
	:	
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 § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTION WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTION MUST 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.

  
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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 31, 2025

Attorney for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

James Bocsy,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2025-3053828
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

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**PRELIMINARY OBJECTION OF  
DUQUESNE LIGHT COMPANY TO  
THE COMPLAINT OF JAMES BOCSY**

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TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes Duquesne Light Company (“Duquesne Light” or the “Company”) and hereby files this Preliminary Objection, pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the portions of the Formal Complaint of James Bocsy (“Complainant”) related to his brother’s electric service account be dismissed because the Complainant does not have standing to file a Complaint or request relief on behalf of his brother, David Bocsy.

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 March 10, 2025 Duquesne Light was served with the above-captioned Complaint. The issues raised in the Complaint relate to claims that the electric service bills of David Bocsy contain incorrect charges and that the Company improperly terminated service upon discovery of the unsafe condition of the meter base. (Complaint ¶¶ 4-5.)

3. Duquesne Light herein files this Preliminary Objection to the Complaint. For the reasons explained below, Duquesne Light respectfully requests dismissal of the portions of the Complaint pertaining to the Complainant's brother's electric service account, pursuant to Section 5.101(a)(7) of the Commission's regulations.

## **II. STANDARD OF REVIEW**

4. Pursuant to the Commission's regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of a capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a) (emphasis added).

5. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonable deducible therefrom. *Stilp v. Commonwealth*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) ("*Stilp*") (citing *Dep't of Gen.*

*Servs. v. Bd. Of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005)), *affirmed*, 974 A.2d 491 (Pa. 2009). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2008), *affirmed*, 963 A.2d 670 (Pa. 2009). Notwithstanding, any doubt must be resolved in favor of the non-moving party. *Stilp* at 781.

6. In addition, the Presiding Officer must determine whether, based on the factual pleadings, if recovery is possible. *See Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwlth. 1987) (citation omitted). Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. *See Stilp* at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998) (quoting *Santiago v. Pa. Nat. Mut. Cas. Ins. Co.*, 613 A.2d 1235, 1238 (Pa. Super 1992)).

**III. PRELIMINARY OBJECTION NO. 1 – THE COMPLAINANT DOES NOT HAVE STANDING TO FILE A COMPLAINT OR REQUEST RELIEF ON BEHALF OF HIS BROTHER**

7. Duquesne Light incorporates by reference Paragraphs 1 through 6 as if fully set forth herein.

8. The Complainant does not have standing to file a Complaint or request relief on behalf of his brother and, therefore, the portions of the Complaint related to his brother's electric service account should be dismissed.

9. The allegations in the Complaint relate to the Complainant's brother David Bocsy's electric service account with the Company at 118 W. Virginia Ave, Munhall PA 15120 ("Service Address"). Specifically, the Complaint alleges that his brother's bills contain incorrect charges and that the Company improperly terminated his brother's service upon the discovery of an unsafe

condition at the meter base. (Complaint ¶¶ 4-5.)

10. The Complainant lacks standing to bring claims related to his brother's electric service account because he cannot demonstrate an interest in the proceeding that is substantial, direct, and immediate.

11. Under Pennsylvania law, “[i]n seeking judicial resolution of a controversy, a party must establish as a threshold matter that he has standing to maintain the action.” *Stilp v. Commonwealth*, 940 A.2d 1227, 1233 (Pa. 2007). “[T]he core concept of standing is that a person who is not adversely affected in any way by the matter he seeks to challenge is not aggrieved thereby and has no standing to obtain a judicial resolution of his challenge.” *Fumo v. City of Phila.*, 972 A.2d 487, 496 (Pa. 2009) (citing *Wm. Penn Parking Garage, Inc. v. City of Pittsburgh*, 346 A.2d 269, 280-81 (Pa. 1975)).

12. To have standing, a party must establish that its interest is substantial, direct, and immediate. *See Del-Aware Unlimited. v. Commonwealth*, 551 A.2d 1117, 1121 (Pa. Cmwlth. 1988) (citation omitted); *1000 Grandview Ass'n v. Mt. Washington Assocs.*, 434 A.2d 796, 797 (Pa. Super. 1981) (citation omitted).

13. Further, “[a] Complainant's interest in the subject matter of the proceeding is direct if the Complainant's interest is adversely affected, is immediate if there is a close causal nexus between the action complained of and the injury to the party, and is substantial if there is a discernible interest other than the general interest of all citizens in seeking compliance with the law.” *Hatchigian v. PECO Energy Co.*, 2016 Pa. PUC LEXIS 14, Docket No. C-2015-2477331 (January 13, 2016) (Initial Decision) (citing *Ken R. ex rel. C.R. v. Arthur Z.*, 682 A.2d 1267, 1270 (Pa. 1996); *In re El Rancho Grande, Inc.*, 437 A.2d 1150 (Pa. 1981); *William Penn Parking Garage Inc. v. City of Pittsburgh*, 346 A.2d 269 (Pa. 1975)).

14. Here, the Complainant has no standing to pursue billing and termination claims related to his brother's account with the Company because the Complainant is not a customer of record nor an applicant for service at the Service Address and was not listed as a co-responsible party on his brother's account while it was active. Such claims would have to be brought by his brother, David Bocsy.<sup>1</sup>

15. Based on the foregoing, Duquesne Light respectfully requests that the portions of the Complaint raising claims related to the Complainant's brother's electric service account be dismissed for lack of standing pursuant to 52 Pa. Code § 5.101(a)(7).

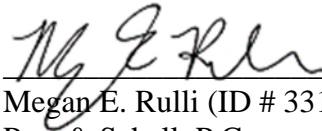
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<sup>1</sup> Indeed, a nearly identical Complaint was filed by the Complainant's brother David Bocsy at Docket No. F-2024-3048366, which raised nearly identical claims that David Bocsy's bills contained incorrect charges and that the Company did not have justification to shut off service to the Service Address. This prior Complaint was dismissed by the Commission after David Bocsy failed to appear for the scheduled hearing and prosecute his Complaint.

**IV. CONCLUSION**

WHEREFORE, Duquesne Light Company respectfully requests that the Pennsylvania Public Utility Commission grant this Preliminary Objection.

Respectfully submitted,



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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 31, 2025

Attorney for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

name

	:	
	:	
Complainant,	:	
	:	
v.	:	No: C-2025-3053828
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

**VERIFICATION**

I, Roxanne Morris, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



March 31, 2025

\_\_\_\_\_  
Roxanne Morris

\_\_\_\_\_  
Date