

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pete Bandhu	:	
	:	
v.	:	C-2024-3052041
	:	
Duquesne Light Company	:	

**INTERIM ORDER
GRANTING DLC’s MOTION TO COMPEL**

Bandhu v. DLC, C-2024-3052041

On November 11, 2024, Pete Bandhu (Mr. Bandhu) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Duquesne Light Company (DLC, Company, or Respondent), regarding service at his rental property located at 633 Smithfield Street, Pittsburgh, PA (service location). Mr. Bandhu checked the box on the Complaint form indicating the utility was threatening to shut off his service or had already done so, as well as the “other” box, writing, “My tenant vacated the premises at 633 Smithfield Street, Pittsburgh PA 15222 and the electric got shut off. I am the landlord and am trying to get the service back on. The electric company is not turning on the power. They are not serving minority customers like us.” As relief, Mr. Bandhu requests that DLC turn on the power to the service location. Regarding service by the Commission, Mr. Bandhu selected email, checking the box and initialing next to this option.

On December 2, 2024, DLC filed an Answer. DLC admitted service to the service location is currently shut off and that Mr. Bandhu applied to restart service for a commercial account on November 8, 2024. The Company avers that in order to restore service, Mr. Bandhu must pay \$13,889.66 which consists of: (1) \$10,839.66 for the outstanding balances accrued within the past four years on commercial accounts established by Mr. Bandhu; (2) a \$2,800.00 security deposit; and (3) a \$250.00 reconnect fee. DLC further admits that service to

the service location has been shut off since November 7, 2024, when an individual contacted the Company stating that service had been fraudulently established under the name Paris Navy LLC. DLC denies that the Company is refusing to restore service to the service location because he is a minority or that the Company's requirements for payment are acts of discrimination against him. The Company avers it has attempted to be responsive to all contacts from the Complainant and has treated the Complainant in the same fair and respectful manner as it does all its customers.

On December 4, 2024, the Commission issued a Hearing Notice, scheduling an evidentiary hearing for February 10, 2025.

On December 5, 2024, I issued a Prehearing Order.

On January 17, 2025, DLC filed a certificate of service evidencing its service of (1) interrogatories and requests for production of documents and (2) requests for admission upon Mr. Bandhu. The certificate of service indicates that DLC served Mr. Bandhu by email as well as by First-Class Mail. The copy served by First-Class Mail was sent to the address Mr. Bandhu listed on his Complaint (633 Smithfield Street), as well as a second address (834 Washington Road, Pittsburgh, PA 15228) which does not appear on the Complaint, but does appear in the Commission's records for this case. The copy sent by email was sent to an address different than that listed on the Complaint. **The address listed on Mr. Bandhu's Complaint is pmbpitt@gmail.com.**

Tracy v. DLC, C-2024-3052319

On November 27, 2024, Shane Tracy (Mr. Tracy or Tenant) filed a Formal Complaint (Complaint) with the Commission against DLC. Mr. Tracy checked the "other" box, writing,

I am a new Duquesne Light customer. I never had service with Duquesne Light. I recently started a new business at 633 Smithfield Street, Pittsburgh, PA 15222. I am trying to get electric service there. Unfortunately, Duquesne Light is not giving me service. They are asking me to pat the previous tenant

or other tenant bills which have nothing to do with me. I really need to get service on.

As relief, Mr. Tracy requested that DLC provided him service as a new customer and not discriminate against him as a minority new business owner. Regarding service by the Commission, Mr. Tracy requested he be served by email, checking the box next to this option.

On December 17, 2024, DLC filed an Answer and New Matter. In its Answer, DLC denies the Complaint involves an application for service under the name of Shane Tracy, and avers it pertains to an application for service to open a commercial account at the service location under the business name of Panther Pitt Oakland, LLC (Panther Pitt Oakland).

DLC admits that service to the service location is currently shut off and that Mr. Tracy applied to restart service for a commercial account at the service location under the name Panther Pitt Oakland on November 11, 2024. The Company explains it informed Mr. Tracy that in order to restore service to the service location, Mr. Tracy must pay a security deposit as well as certain outstanding balances for other commercial accounts associated with Mr. Tracy. The Company avers it is currently investigating numerous closed accounts related to Mr. Tracy, the service location, and other commercial enterprises that have opened and closed without payment for service, leaving thousands of dollars in unpaid balances. As such, DLC denies that it is asking him to pay bills belonging to previous tenants and that Mr. Tracy has never had service with DLC before.

In its New Matter, DLC argues that Mr. Tracy's Complaint involves an application for service for a commercial account in the name of Panther Pitt Oakland, LLC, and, as such, Mr. Tracy is required to have an attorney represent Panther Pitt Oakland in this proceeding.

The New Matter included a notice to plead, directing Mr. Tracy to file a response within twenty days.

Mr. Tracy did not file a response to the New Matter.

January 27, 2025 Interim Order

On January 27, 2025, I issued an Interim Order directing Mr. Tracy to: (1) file an amended Complaint, if necessary, and, (2) cause counsel enter an appearance or show cause why he is not required to be represented by counsel.

I further noted that both cases (at Docket No. C-2024-3052041 and Docket No. C-2024-3052319) involve service to the same service location. One Complaint is filed by the purported landlord and the other is filed by the purported tenant. Both Mr. Bandhu and Mr. Tracy claim DLC is requesting they make payments on prior outstanding account balances related to the service location in order to restore service. I explained that it appears there may be substantial overlap between these two proceedings which may warrant consolidation for the sake of judicial economy, as well as to avoid inconsistent findings of fact and incompatible resolutions if the two Complaints were heard and decided separately.

Therefore, I directed DLC, Mr. Bandhu, and Mr. Tracy/Panther Pitt Oakland to show cause why the proceeding at Docket No. C-2024-3052041 should not be consolidated with Docket No. C-2024-3052319.

Finally, I explained that, considering the possible consolidation of this matter, as well as the fact there may be outstanding discovery from Mr. Bandhu, I converted the proceeding at Docket No. C-2024-3052041 on February 10, 2025, to a prehearing conference. Furthermore, I scheduled a prehearing conference in the matter at Docket No. C-2024-3052319 to occur concurrently on February 10, 2025. During the conference on February 10, 2025, I directed the parties to be prepared to discuss the appropriateness of consolidating these matters, the necessity of Mr. Tracy being represented by counsel and/or amending his Complaint, as well as any other outstanding issues. I noted that the evidentiary hearing at Docket No. C-2024-3052319 would remain scheduled for March 11, 2025.

Mr. Tracy did not comply with the January 27, 2025, Interim Order.

February 10, 2025, Prehearing Conference and DLC's Motion to Continue March 11, 2025 Hearing

The prehearing conference convened as scheduled. Megan Rulli, Esq., appeared on behalf of the Company. Neither Mr. Bandhu nor Mr. Tracy were present. Mr. William Bercik, Esq., was present and represented on the record that he represented Mr. Bandhu. **Mr. Bercik represented to me on the record that he would enter his appearance at the Bandhu docket. To date, he has not done so.**

Further, Mr. Bercik and Ms. Rulli discussed deadlines for Mr. Bandhu to respond to the outstanding discovery requests. I directed the Company to provide a copy of the discovery requests to Mr. Bercik and extended the deadline for Mr. Bandhu to respond to March 3, 2025.

Finally, Mr. Bercik represented to me that Mr. Bandhu, as of the date of the prehearing conference, was serving a three-year sentence in federal prison. Tr. 15. Mr. Bercik explained that Mr. Bandhu was physically located at FCI Lewisburg in Pennsylvania and that Mr. Bercik would accept service on his behalf. Tr. 15.

DLC's Motion to Compel

On March 11, 2025, DLC filed a Motion to Compel Responses to Discovery Propounded on Pete Bandhu (Motion to Compel). The certificate of service indicates DLC served Mr. Bandhu by email and First-Class Mail. The copy served by First-Class Mail was sent to the address Mr. Bandhu listed on his Complaint (633 Smithfield Street), as well as a second address (834 Washington Road, Pittsburgh, PA 15228) which does not appear on the Complaint, but does appear in the Commission's records for this matter. The copy sent by email was sent to an address different than that listed on the Complaint. **The address listed on Mr. Bandhu's Complaint is pmbpitt@gmail.com.** Further, the certificate of service does not show that a copy was served on Mr. Bercik. Such service is not required, and may arguably be inappropriate, since Mr. Bercik has not yet filed a Notice of Appearance in this matter.

In its Motion to Compel, DLC argues that under the Commission’s regulations, Mr. Bandhu’s objections to the discovery requests were due on or before January 27, 2025, and responses were due on or before February 6, 2025. DLC also explained that regarding its Requests for Admission, it never received objections or responses, either under the original or the extended deadline for responding. It notes that per 52 Pa. Code § 5.350(c), “[t]he matter is admitted unless, within 20 days after service of the request, the party to whom the request is directed answers or makes an objection to the matter, signed by the party or by his attorney.” DLC maintains that Mr. Bandhu has waived his right to object to the Requests for Admission and the Company is not seeking responses to the Requests for Admission, as DLC considers the matters therein have been admitted due to the Complainant’s failure to objection and/or respond.

The Company avers it has not received objections or responses to the discovery requests from Mr. Bandhu as of the date of its Motion to Compel. DLC explains that on March 4, 2025, its counsel emailed Attorney Bercik to inquire about the status of the discovery responses in an attempt to resolve this discovery dispute. DLC avers that Attorney Bercik never responded to that email and it was not returned as undeliverable.

The Motion to Compel included a Notice to Plead, directing Mr. Bandhu to file a response within five days.

Mr. Bandhu has not filed a response to the Motion to Compel.

Discussion

The Commission’s regulations permit the discovery of “any matter, not privileged, which is relevant to the subject matter involved in the pending action.” 52 Pa.Code § 5.321(c).

Discovery may be obtained regarding any matter relevant to the subject matter. Relevant evidence is evidence that tends to make an act at issue more or less probable. Moreover, evidence is relevant if it advances the inquiry in some degree and, thus, has probative

value. Although the law does not furnish an absolute test of relevancy, the Pennsylvania Supreme Court follows a two-part analysis for determining relevance. In *Commonwealth v. Stewart*, 461 Pa. 274, 336 A.2d 282 (1975), the Court held that “[i]t must be determined first if the inference sought to be raised by the evidence bears upon a matter at issue in this case and, second, whether the evidence renders the desired inference more probable than it would be without the evidence. *Id.* at 284.

The information sought by Respondent is directly relevant and material to the issues raised by the Complainant in his Formal Complaint. DLC’s Question 1 simply asks the Complainant to provide a description of the Service Address. Similarly, Question 2 requests information regarding the use and occupancy of the Service Address for the last 4 years. To the extent Mr. Bandhu is making claims that he is the owner of the Service Address and a small business owner who requires electric service to be restored, a description of the Service Address and its past and current uses are important information for the Company to review and understand.

Further, the Company explains that it terminated service to the Service Address on November 7, 2024, after an individual contacted the Company stating that service was fraudulently established under the name Paris Navy LLC. Mr. Bandhu called the Company to request service be restored in his name the next day, on November 8, 2024. As such, DLC argues it is seeking a description of the past and current uses of the Service Address to understand whether the Complainant or some other individual/entity was fraudulently receiving service under the name Paris Navy LLC prior to November 7, 2024.

DLC argues, and I find, that these basic questions about the Service Address are relevant to Mr. Bandhu’s claim that the Company improperly conditioned the restoration of service with the requirement to pay a security deposit, certain past due balances for accounts associated with the Complainant, and a reconnect fee. *See* Complaint ¶¶ 4-5; Duquesne Light Answer ¶ 4.

DLC's Question 3 asks the Complainant to identify his business interests within the state of Pennsylvania, while Questions 4 and 5 ask the Complainant to identify his relationship to specific entities that have received service from DLC at the Service Address or other business entities associated with the Complainant or Shane Tracy. DLC argues, and I find that, inquiries into Mr. Bandhu's business ventures and past accounts with DLC are relevant and reasonably calculated to lead to the discovery of admissible evidence because Mr. Bandhu has placed into issue whether he should be held responsible for the payment of certain past due balances for accounts associated with him and/or his business ventures. *See* Complaint ¶¶ 4- 5; Duquesne Light Answer ¶ 4. DLC is entitled to payment for the service it provides and seeks information to rebut the Complainant's claims that he is not responsible for certain outstanding balances.

In Question 6, DLC has asked Mr. Bandhu to describe his relationship to Shane Tracy, an individual who filed a nearly identical Complaint to Mr. Bandhu's at Docket No. C-2024-3052319, related to the alleged denial of service at the same Service Address. Given the similarities of their claims, Duquesne Light explains it is seeking to understand the relationship between Mr. Bandhu and Mr. Tracy to determine whether they are business partners or otherwise in privity with each other. To the extent that Mr. Bandhu and Mr. Tracy are business partners or are otherwise in privity with each other, DLC posits that they are not entitled to two bites out of the same apple simply by filing two separate Complaints, which are nearly identical and were filed mere days apart from each other.

I find that Question 6, like the other discovery requests propounded upon Mr. Bandhu, is relevant to this proceeding. If Mr. Tracy and Mr. Bandhu are business partners or otherwise in privity with each other, then, as I suggested in my Interim Order dated January 27, 2025, the cases should be consolidated "for the sake of judicial economy, as well as to avoid inconsistent findings of fact and incompatible resolutions if the two Complaints were heard and decided separately."

The discovery requests are relevant to this proceeding and DLC is entitled to the requested information to enable it to fully investigate the claims made in Mr. Bandhu's Formal Complaint.

Additionally, if Mr. Bercik is representing Mr. Bandhu in this matter, as he previously represented to me on the record at the Prehearing Conference, Mr. Bercik is must file a Notice of Appearance by 4 p.m. on April 4, 2025. Mr. Bercik shall be served with a curtesy copy of this Interim Order. However, if Mr. Bercik fails to enter an appearance by 4 p.m. on April 4, 2025, I will not serve him copies of future Orders issued in this matter unless and until he files a Notice of Appearance.

THEREFORE,

IT IS ORDERED:

1. That the Motion to Compel Responses to Discovery Propounded Upon Pete Bandhu filed by Respondent is granted.
2. That Mr. Bandhu shall serve upon counsel for Respondent, full and complete responses to all of the Interrogatories and Requests For Production of Documents on the Complaint – Set I, Questions 1 through 6 no later than **April 15, 2025**.
3. That Mr. Bandhu shall file and serve upon me and counsel for Respondent a certificate of service evidencing service of Mr. Bandhu's discovery responses upon Respondent no later than **April 15, 2025**.
4. That, if necessary, Mr. Bandhu provide the Commission with updated contact information where he can be served.
5. That Mr. Bercik file a Notice of Appearance by 4 p.m. on **April 4, 2025**.

6. That Mr. Bercik be served a curtesy copy of this Order.

7. That Mr. Bandu be served copies of this Order by email at pmbpitt@gmail.com and prasadbandhu@gmail.com and by First Class Mail at 633 Smithfield Street, Pittsburgh, PA 15222 and 834 Washington Road, Pittsburgh, PA 15228.

8. That Mr. Bandhu's failure to comply with Ordering Paragraph 2 of this Order may result in dismissal of the Complaint.

Date: April 1, 2025

Emily I. DeVoe
Administrative Law Judge

C-2024-3052041 - PETE BANDHU v. DUQUESNE LIGHT COMPANY

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