

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Shane Tracy	:	
	:	
v.	:	C-2024-3052319
	:	
Duquesne Light Company	:	

**INTERIM ORDER  
HOLDING DLC’S MOTION TO DISMISS IN ABEYANCE  
AND DIRECTING THAT STATUS CONFERENCE BE SCHEDULED**

Bandhu v. DLC, C-2024-3052041

On November 11, 2024, Pete Bandhu (Mr. Bandhu or Landlord) 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 service. 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 interrogatories and requests for production of documents upon Mr. Bandhu.

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 pay 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.

On January 22, 2024, the Commission issued a Hearing Notice, scheduling an evidentiary hearing for March 11, 2025. The Hearing Notice reads, in pertinent part,

REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. Only an attorney may represent someone else.

*See* Hearing Notice, pg. 2.

Also on January 22, I issued a Prehearing Order, which reads, in pertinent part,

REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. And, unless you are an attorney, you may not represent someone else.

*See* Prehearing Order, pg. 4 (citations omitted).

On February 6, 2025, DLC filed a certificate of service evidencing its service of Interrogatories and Requests for Production of Documents (discovery requests) and Requests for Admission on Mr. Tracy. The certificate of service indicates that DLC served Mr. Tracy by both email and First-Class Mail at the same addresses that appear on his Complaint.

#### 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 Landlord and the other is filed by the 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. Bersik represented to me on the record that he would enter his appearance at the Bandhu docket. To date, he has not done so.

On March 4, 2025, DLC filed a Motion to Continue the hearing scheduled for Mr. Tracy's Complaint for March 11, 2025. DLC explains Mr. Tracy has not caused counsel to enter an appearance or shown that he is not required to be, and Mr. Tracy had not responded to DLC's discovery requests served on him on February 6, 2025. Further, DLC explains that it contacted Mr. Tracy on February 27, 2025, regarding the outstanding discovery responses. During that conversation, DLC represents that Mr. Tracy indicated that his interests were being represented by Mr. Bercik in this proceeding. DLC notes that on February 28, 2025, it contacted Mr. Bercik to confirm whether he was representing Mr. Tracy and to inquire about the status of the outstanding discovery requests. DLC explains that Mr. Bercik indicated that he had not yet 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.

On March 10, 2025, I issued an Interim Order granting DLC's Motion to Continue and the Commission issued a Hearing Cancellation Notice.

On March 13, 2025, the Company filed a Motion to Dismiss the Complaint filed by Mr. Tracy. The Company argues Mr. Tracy failed to comply with my January 27, 2025, Interim Order by failing to: (1) file an amended complaint, or (2) cause counsel to enter an appearance, or show cause why he is not required to be represented by counsel. The Company further maintains Mr. Tracy failed to serve objections or responses to the discovery requests, which were due by February 17, 2025, and February 26, 2025, respectively. Finally, DLC points out that Mr. Tracy failed to attend the prehearing conference on February 10, 2025.

In consideration of all the procedural history in this matter, and to give Mr. Tracy every opportunity to respond to my January 27, 2025, Interim Order and the Motion to Dismiss orally on the record, it is appropriate to set this matter for a status conference. I understand that

there is outstanding discovery in this matter. The Motion to Dismiss is held in abeyance pending the status conference.

*If Mr. Tracy appears at the status conference*, I will hear arguments from the parties regarding: (1) the necessity of Mr. Tracy filing an amended complaint and/or being represented by counsel in this matter, (2) the outstanding discovery, and (3) the appropriateness of consolidating this matter with the matter at Docket No. C-2024-3052041, Bandhu v. DLC.

*If Mr. Tracy fails to appear at the status conference*, I will pull the Motion to Dismiss out of abeyance and issue an Initial Decision or Interim Order disposing of DLC's Motion to Dismiss.

THEREFORE,

IT IS ORDERED:

1. That the Motion to Dismiss the Complaint of Shane Tracy filed by Duquesne Light Company at C-2024-3052319 is held in abeyance pending the convening of a status conference.
2. That a status conference be scheduled in this matter.
3. That Shane Tracy appear at the status conference and be prepared to discuss the following matters: (1) the necessity of Mr. Tracy filing an amended complaint and/or being represented by counsel in this matter, (2) the outstanding discovery, and (3) the appropriateness of consolidating this matter with the matter at Docket No. C-2024-3052041, Bandhu v. DLC.

4. That Shane Tracy, if represented by counsel in this matter, shall cause counsel to enter his or her appearance at least five business days prior to the status conference.
5. That this matter may be dismissed if Shane Tracy fails to appear at the status conference.
6. That Mr. Tracy be served a copy of this Interim Order by both email at [djshanetracy@gmail.com](mailto:djshanetracy@gmail.com) and by First-Class Mail at 1135 Evergreen Avenue, Millvale, PA 15209.

Date: April 2, 2025

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/s/  
Emily I. DeVoe  
Administrative Law Judge

**C-2024-3052319 - SHANE TRACY v. DUQUESNE LIGHT COMPANY**  
**Revised 4/1/2025**

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Served via eService, email and first-class mail April 2, 2025

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