

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Higinio Mendoza Jr. & Karen Feitt	:	
	:	
v.	:	C-2024-3051871
	:	
Duquesne Light Company	:	

**INTERIM ORDER  
DENYING MOTION FOR JUDGMENT ON THE PLEADINGS OF DUQUESNE LIGHT  
COMPANY, WITHOUT PREJUDICE**

On or about October 29, 2024, Higinio Mendoza and Karen Feitt (Complainants) filed a formal complaint against Duquesne Light Company (DLC). Complainants checked the boxes indicating that the utility is threatening to terminate their service and “Other”<sup>1</sup>. Complainants further averred they have a right to correct their bill and that the bill sent in the bill by Respondent constituted fraud and a violation of “15 USC 1692 (e7).”<sup>2</sup> Complainant also attached a two-page letter to the complaint entitled “: [A]MICUS-CURIAE-LETTER BY THE GLOBAL-POSTAL-UNION-TREATY: STOPPING AND CORRECTING-WRONGS” (Letter). Issues raised in the Complaint relate to claims that Duquesne Light is in violation of certain portions of the United States Code, specifically 39 U.S.C. § 101(A)(b) (related to the United States Postal Service’s service to rural areas) and 15 U.S.C. § 1692(e) (related to debt collection practices). (Complaint ¶ 5.)

As relief, the Complainants request, among other things, for their electric service bills to be corrected and for the Commission to stop the threats until this matter is corrected.<sup>3</sup>

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<sup>1</sup> Complaint, ¶ 4.  
<sup>2</sup> Complaint, ¶ 5.  
<sup>3</sup> Complaint ¶ 5.

DLC filed an answer and new matter on November 18, 2024. DLC admits to issuing a termination notice to the Complainants but denies that there are any incorrect charges on the Complainants' bill. Respondent further denied that the Company's billing practices constitute fraud or have violated the Public Utility Code, Commission Regulations, a Commission Order, or the Company's Commission-approved tariff. Respondent further avers the complaint is barred by the doctrines of *res judicata* and collateral estoppel.

DLC also filed preliminary objections on November 18, 2024. DLC alleges that the Complaints allegations that DLC violated provisions of the United States Code are outside of the Commission's express jurisdiction of Pennsylvania Code, Commission regulations, or Commission orders, and should be dismissed. Issues raised in the Complaint relate to claims that Duquesne Light is in violation of certain portions of the United States Code, specifically 39 U.S.C. § 101(A)(b) (related to the United States Postal Service's service to rural areas) and 15 U.S.C. § 1692(e) (related to debt collection practices).<sup>4</sup> DLC argues that the portions of the Complaint alleging violations of the United States Code be dismissed pursuant to Section 5.101(a)(1) of the Commission's regulations because the Commission lacks subject matter jurisdiction over those federal claims.<sup>5</sup>

Complainants did not file a response to DLC's preliminary objections.

This matter was assigned to me on December 31, 2024.

On January 27, 2025, an Interim Order was entered sustaining the preliminary objections of Duquesne Light Company. The Order stated, in part that DLC does not seek dismissal of the complaint in its entirety. Therefore, the Complainants' may proceed with their claim to the extent that Complainants allege fraud in the billing practices of Respondent or that Respondent is threatening to terminate their service in violation of the Pennsylvania Public Utility Code, Commission regulations, or Commission orders. The Order further reminded

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<sup>4</sup> Complaint ¶ 5.  
<sup>5</sup> See 52 Pa. Code § 5.101(a)(1).

Complainants that they have the burden of proving that the utility is responsible or accountable for the problem described in the complaint in order to prevail.

On April 3, 2025, DLC filed a Motion for Judgment on the Pleadings of Duquesne Light Company requesting that the Complaint be dismissed Respondent averred that the Complaint should be dismissed because the billing allegations are barred by Section 316 of the Public Utility Code; that the Complaint should be dismissed because the billing allegations are barred by the doctrines of res judicata and collateral estoppel; and because the filing of the Complaint constitutes an abuse of the Administrative process.

Based upon a review of the filings and the Motion for Judgment on the Pleadings, the Motion will be denied, without prejudice, consistent with the ordering paragraphs below.

THEREFORE,

IT IS ORDERED:

1. That the Motion for Judgment on the Pleadings of Duquesne Light Company requesting that the Complaint be dismissed, is denied without prejudice.
2. That nothing in this Order shall be construed to restrict or prohibit Respondent from raising any defenses or claims, including but not limited to the request for a finding that Complainants have abused the administrative process of the Commission, at the evidentiary hearing, and Complainants shall be prepared to address the claims and defenses set forth in the new matter and Motion for Judgment on the Pleadings of Duquesne Light Company, filed by Respondent.



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HIGINIO MENDOZA JR AND KAREN A FEITT  
1036 JACKMAN AVENUE  
PITTSBURGH PA 15202  
**412.584.2082**  
[technologyfm@gmail.com](mailto:technologyfm@gmail.com)  
Served via eService April 24, 2025

MEGAN E RULLI ESQUIRE  
POST AND SCHELL  
17 NORTH SECOND STREET  
12TH FLOOR  
HARRISBURG PA 17101  
**717.612.6012**  
**717.472.0466**  
[mrulli@postschell.com](mailto:mrulli@postschell.com)  
Served via eService April 24, 2025  
*(Counsel for Duquesne Light Company)*

MICHAEL BRECHLIN ASSISTANT GENERAL COUNSEL  
DUQUESNE LIGHT COMPANY  
411 7TH AVE  
PITTSBURGH PA 15219  
**412.393.6431**  
[mbrechlin@duqlight.com](mailto:mbrechlin@duqlight.com)  
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