
Megan E. Rulli

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File #: 209479

April 24, 2025

VIA ELECTRONIC FILING

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Pete Bandhu v. Duquesne Light Company
Docket No. C-2024-3052041

Dear Secretary Homsher:

Attached for filing is the Motion of Duquesne Light Company to Dismiss the Formal Complaint of Pete Bandhu in the above-referenced proceeding.

Respectfully submitted,



Megan E. Rulli

MER/dmc
Attachment

cc: The Honorable Emily DeVoe (*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).

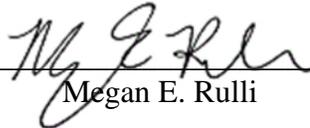
VIA EMAIL AND FIRST-CLASS MAIL

Pete Bandhu
633 Smithfield Street
Pittsburgh, PA 15222
pmbpitt@gmail.com

Pete Bandhu
834 Washington Road
Pittsburgh, PA 15228
pmbpitt@gmail.com

Paul William W. Bercik
Law Offices of P. William Bercik
210 Grant Street Suite 200
Pittsburgh Pa 15219
pwilliambercik@cs.com

Date: April 24, 2025


Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pete Bandhu,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3052041
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO THE INTERIM ORDER ISSUED ON APRIL 16, 2025, AT THE ABOVE-CAPTIONED DOCKET YOU MAY FILE A REPLY TO THE ENCLOSED MOTION TO DISMISS BY MAY 1, 2025. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.



Megan E. Rulli (ID # 331981)
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Date: April 24, 2025

Attorney for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pete Bandhu,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3052041
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

**MOTION OF DUQUESNE LIGHT COMPANY TO
DISMISS THE FORMAL COMPLAINT OF PETE BANDHU**

TO ADMINISTRATIVE LAW JUDGE EMILY I. DEVOE:

Pursuant to 52 Pa. Code §§ 5.371-5.372 and the Interim Order Setting Procedural Schedule issued by Administrative Law Judge Emily I. DeVoe (the “ALJ”) on April 16, 2025, at the above-captioned docket, Duquesne Light Company (“Duquesne Light” or the “Company”) hereby files this Motion to Dismiss the Formal Complaint filed by Pete Bandhu (“Complainant”) in the above-captioned proceeding, due to his failure to comply with the Interim Order Granting DLC’s Motion to Compel issued by the ALJ on April 1, 2025. In support of its Motion, Duquesne Light states as follows:

I. INTRODUCTION

1. On November 11, 2024, the Company was served with the above-captioned Complaint filed by Pete Bandhu via Secretarial Letter from the Commission (“Bandhu Complaint”). In the Bandhu Complaint, Mr. Bandhu alleges that he was improperly denied service by Duquesne Light and requested that service be restored at 633 Smithfield Street, Pittsburgh, PA 15222 (“Service Address”).

2. On December 2, 2024, Duquesne Light timely filed an Answer to the Bandhu Complaint, admitting in part and denying in part the factual basis of Mr. Bandhu's allegations.

3. On November 27, 2024, the Company was served with a Complaint filed by Shane Tracy via Secretarial Letter from the Commission at Docket No. C-2024-3052319 ("Tracy Complaint"). In the Tracy Complaint, Mr. Tracy alleges that he was improperly denied service by Duquesne Light for the same Service Address and also requests that service be restored.

4. On December 17, 2024, Duquesne Light timely filed an Answer and New Matter to the Tracy Complaint, admitting in part and denying in part the factual basis of Mr. Tracy's allegations.

5. On December 4, 2024, the Commission issued an Initial Call-In Telephonic Hearing Notice, scheduling an evidentiary hearing for the Bandhu Complaint for 10:00 AM on February 10, 2025, before Administrative Law Judge Emily I. Devoe (the "ALJ").

6. On December 5, 2024, the ALJ issued a Prehearing Order confirming the date and time of the evidentiary hearing for the Bandhu Complaint.

7. On January 17, 2025, Duquesne Light served Interrogatories and Requests for Production of Documents on the Complainant – Set I, Questions 1 through 6 ("Duquesne Light to Complainant Set I") via email and first-class mail. A true and correct copy of Duquesne Light to Complainant Set I is attached hereto and marked as **Appendix A**.

8. Pursuant to the Commission's regulations, objections to Duquesne Light to Complainant Set I were due on or before January 27, 2025, and responses were due on or before February 6, 2025.

9. The Complainant never served any objections to Duquesne Light to Complainant Set I by January 27, 2025.

10. On January 27, 2025, the ALJ issued an Interim Order scheduling a Prehearing Conference at the dockets for both the Bandhu and Tracy Complaints to determine whether the two cases should be consolidated, considering the overlapping facts and issues raised in both Complaints.

11. On February 10, 2025, the Prehearing Conference was held as scheduled. Attorney William Bercik appeared on behalf of Pete Bandhu. Mr. Tracy did not attend the Prehearing Conference and no attorney appeared on his or Panther Pitt's behalf.

12. During the Prehearing Conference, the ALJ extended the deadline for responses to Duquesne Light to Complainant Set I to March 3, 2025, and directed counsel for Duquesne Light to provide Attorney Bercik with a copy of Duquesne Light to Complainant Set I.

13. Also during the Prehearing Conference, the ALJ directed Attorney Bercik to enter his appearance on behalf of Pete Bandhu at the above-captioned docket, and Attorney Bercik represented that he would do so.

14. Counsel for Duquesne Light provided Attorney Bercik with a copy of Duquesne Light to Complainant Set I via email on February 10, 2025, as instructed.

15. Duquesne Light received no objections to Duquesne Light to Complainant Set I under either the original February 6, 2025, deadline or the March 3, 2025, extended deadline.

16. On March 4, 2025, Counsel for Duquesne Light emailed Attorney Bercik to inquire about the status of the responses to Duquesne Light to Complainant Set I, in an attempt to resolve this discovery dispute. Attorney Bercik never responded to that email and it was not returned as undeliverable.

17. The Complainant never provided any answers to Duquesne Light to Complainant Set I, though he had more than 50 days to provide answers.

18. On March 11, 2025, Duquesne Light filed a Motion to Compel responses to Duquesne Light to Complainant Set I.

19. The Complainant never filed an Answer to the Motion to Compel.

20. On April 1, 2025, the ALJ issued the Interim Order Granting DLC's Motion to Compel, which specifically directed the Complainant to provide responses to Duquesne Light by April 15, 2025. The ALJ further directed Mr. Bercik to file a Notice of Appearance by April 4, 2025. Finally, the ALJ informed the Complainant that the failure to provide full and complete responses to the discovery responses as instructed may result in dismissal of his Complaint. A true and correct copy of the Interim Order Granting DLC's Motion to Compel is attached hereto as **Appendix B**.

21. On April 14, 2025, Mr. Bercik filed a Notice of Appearance at the above-captioned docket.

22. To date, the Complainant has provided no responses to Duquesne Light to Complainant Set I.

23. For the reasons explained herein, Duquesne Light respectfully requests that the ALJ grant the instant Motion and dismiss the Complainant's Formal Complaint with prejudice, due to his failure to comply with the April 1, 2025, Interim Order Granting DLC's Motion to Compel and the Commission's regulations.

II. LEGAL STANDARDS

24. Under 52 Pa. Code § 5.321(c), a party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence. Discovery is permitted regardless of

whether the information sought “relates to the claim or defense of the party seeking discovery or to the claim or defense of another party.” *Id.*

25. Answers to written interrogatories must “[a]nswer each interrogatory fully and completely unless an objection is made.” *Id.* § 5.342(a)(4).

26. Upon the motion of a party, the presiding officer may make an appropriate order for sanctions if a party fails to answer or otherwise respond to a discovery request, or refused to obey an order of the presiding officer respecting discovery. *See* 52 Pa. Code § 5.371(a).

27. Among the potential sanctions, the ALJ may enter:

(1) An order that the matters regarding which the questions were asked, the character or description of the thing or land, the contents of the paper, or other designated fact shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order.

(2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing in evidence designated documents, things or testimony.

(3) An order striking out pleadings or parts thereof, staying further proceedings until the order is obeyed, or entering a judgment against the disobedient party or individual advising the disobedience.

(4) An order with regard to the failure to make discovery as is just.

52 Pa. Code § 5.372(a)(1)-(4) (emphasis added).

III. MOTION TO DISMISS FOR FAILURE TO COMPLY WITH THE ORDER GRANTING MOTION TO COMPEL

28. Duquesne Light respectfully requests that the ALJ grant the instant Motion and dismiss the Complainant’s Formal Complaint with prejudice, due to his failure to comply with the ALJ’s April 1, 2025, Interim Order Granting DLC’s Motion to Compel.

29. Here, Duquesne Light has propounded straightforward requests for the Complainant to provide information that is very relevant to the issues in this proceeding.

30. 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. These basic questions about the Service Address are critical to responding to the Complainant'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.)

31. 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 Duquesne Light at the Service Address or other business entities associated with the Complainant or Shane Tracy. These questions are critical to responding to the Complainant's claims that the Company has improperly required him to pay the outstanding balances for certain of these entities in order to restore service to the Service Address. (*See* Complaint ¶¶ 4-5; Duquesne Light Answer ¶ 4.)

32. In Question 6, Duquesne Light has merely asked the Complainant 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 seeks to understand the relationship between Mr. Bandhu and Mr. Tracy to determine whether they are business partners or otherwise in privity with each other.

33. Importantly, the ALJ found that “[t]he 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.” (Interim Order Granting Motion to Compel at 9.)

34. By refusing to provide any answers to these interrogatories, even after being directed to do so by the ALJ, the Complainant is denying Duquesne Light due process and preventing the full and complete development of the evidentiary record.

35. The Complainant’s actions demonstrate his complete disregard of the ALJ’s Interim Order Granting DLC’s Motion to Compel and the Commission’s regulations.

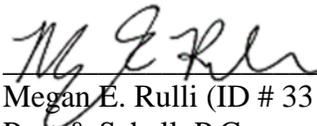
36. Importantly, the Commission has regularly dismissed customer complaints with prejudice due to the complainants’ failure to answer discovery in compliance with the presiding administrative law judge’s orders granting motions to compel. *See, e.g., Carol Sojda & Carol Lutzkanin v. Metropolitan Edison Co.*, Docket No. C-2017-2638350, pp. 7-8 (Jan. 9, 2019), *adopted*, Docket No. C-2017-2638350 (Order entered Mar. 28, 2019); *Kimberly Beckmann v. Metropolitan Edison Co.*, Docket No. C-2017-2613702, pp. 7-10 (Jan. 31, 2019), *adopted*, Docket No. C-2017-2613702 (Order entered Apr. 11, 2019); *Darlene Stanton v. Pennsylvania Electric Co.*, Docket No. C-2018-3001144, pp. 6-11 (May 10, 2019), *adopted*, Docket No. C-2018-3001144 (Order entered July 11, 2019); *Diana Cook v. West Penn Power Co.*, Docket No. C-2018-3003051, pp. 6-10 (May 1, 2019), *adopted*, Docket No. C-2018-3003051 (Order entered July 11, 2019); *Kyle M. Denlinger v. Duquesne Light Utilities Corp.*, Docket No. C-2018-3005721, pp. 4-11 (Aug. 16, 2019), *adopted*, Docket No. C-2018-3005721 (Order entered Sept. 26, 2019); *Mary Toleno v. Duquesne Light Utilities Corp.*, Docket No. C-2019-3007821, pp. 4-10 (Sept. 23, 2019), *adopted*, Docket No. C-2019-3007821 (Order entered Nov. 7, 2019).

37. Thus, consistent with the Commission's regulations and precedent, Duquesne Light respectfully requests that the ALJ grant the instant Motion and dismiss the Complainant's Formal Complaint with prejudice.

IV. CONCLUSION

For the reasons set forth above, Duquesne Light Utilities Corporation respectfully requests that Administrative Law Judge Emily I. DeVoe grant this Motion and dismiss the Formal Complaint filed by Pete Bandhu with prejudice.

Respectfully submitted,



Megan E. Rulli (ID # 331981)

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Date: April 24, 2025

Attorney for Duquesne Light Company

APPENDIX A

Interrogatories and Requests for Production of Documents Propounded by Duquesne Light Company on Pete Bandhu – Set I

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pete Bandhu,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2024-3052041
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED BY
DUQUESNE LIGHT COMPANY ON
PETE BANDHU – SET I**

Pursuant to 66 Pa.C.S. § 333 and 52 Pa. Code §§ 5.341 *et seq.*, Duquesne Light Company (“Duquesne Light”) propounds the following Interrogatories and Requests for Production of Documents (hereinafter, “discovery requests”) on Pete Bandhu (“Complainant”) – Set I.

INSTRUCTIONS AND DEFINITIONS

1. The “Responding Party,” “you,” or “your” means the party to which these discovery requests are propounded and/or all attorneys, agents, affiliates, subsidiaries, employees, consultants, members, constituents, and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. To “identify” a natural person means to state that person’s full name, title or position, employer, last known address, and last known telephone number.

4. To “identify” a business entity means to state the full name of such business, the form of the business, and its location or address.

5. To “identify” a “document” means to provide all of the following information irrespective of whether the document is deemed privileged or subject to any claim of privilege:

- a. The title or other means of identification of each such document;
- b. The date of each such document;
- c. The author, preparer or signer of each such document; and
- d. A description of the subject matter of such document sufficient to permit an understanding of its contents and importance to the testimony or position being examined and the present or last known location of the document. The specific nature of the document should also be stated (*e.g.*, letter, business record, memorandum, computer print-out, etc.).

In lieu of “identifying” any document, it shall be deemed a sufficient compliance with these discovery requests to attach a copy of each such document to the answers hereto and reference said document in the particular interrogatory to which the document is responsive.

6. “Document” means the original and all drafts of all written and graphic matter, however produced or reproduced, of any kind or description, whether or not sent or received, and all copies thereof which are different in any way from the original (whether by interlineation, date-stamp, notarization, indication of copies sent or received, or otherwise), including without limitation, any paper, book, account, photograph, blueprint, drawing, sketch, schematic, agreement, contract, memorandum, press release, circular, advertising material, correspondence, letter, telegram, telex, object, report, opinion, investigation, record, transcript, hearing, meeting, study, notation, working paper, summary, intra-office communication, diary, chart, minutes, index sheet, computer software, computer-generated records or files, however stored, check, check stub, delivery ticket, bill of lading, invoice, record or recording or summary of any telephone or other conversation, or of any interview or of any conference, or any other written,

recorded, transcribed, punched, taped, filmed, or graphic matter of which the Responding Party has or has had possession, custody or control, or of which the Responding Party has knowledge.

7. “Communication” means any manner or form of information or message transmission, however produced or reproduced, whether as a document as herein defined, or orally or otherwise, which is made, distributed, or circulated between or among persons, or data storage or processing units.

8. “Date” means the exact day, month, and year, if ascertainable, or if not, the best approximation thereof.

9. Items referred to in the singular include those in the plural, and items referred to in the plural include those in the singular.

10. Items referred to in the masculine include those in the feminine, and items referred to in the feminine include those in the masculine.

11. The answers provided to these discovery requests should first restate the question asked and identify the person(s) supplying the information.

12. In answering these discovery requests, the Responding Party is requested to furnish all information that is available to the Responding Party, including information in the possession of the Responding Party’s attorneys, agents, consultants, or investigators, and not merely such information of the Responding Party’s own knowledge. If any of the discovery requests cannot be answered in full after exercising due diligence to secure the requested information, please so state and answer to the extent possible, specifying the Responding Party’s inability to answer the remainder, and stating whatever information the Responding Party has concerning the unanswered portions. If the Responding Party’s answer is qualified in any particular, please set forth the details of such qualification.

13. If the Responding Party objects to providing any document requested on any ground, identify such document by describing it as set forth in Instruction 5 and state the basis of the objection.

14. If the Responding Party objects to part of a discovery request and refuses to answer that part, state the Responding Party's objection and answer the remaining portion of that discovery request. If the Responding Party objects to the scope or time period of a discovery request and refuses to answer for that scope or time period, state the Responding Party's objection and answer the discovery request for the scope or time period that the Responding Party believes is appropriate.

15. If, in connection with a discovery request, the Responding Party contends that any information, otherwise subject to discovery, is covered by either the attorney-client privilege, the so-called "attorneys' work product doctrine," or any other privilege or doctrine, then specify the general subject matter of the information and the basis to support each such objection.

16. If any information is withheld on grounds of privilege or other protection from disclosure, provide the following information: (a) every person to whom such information has been communicated and from whom such information was learned; (b) the nature and subject matter of the information; and (c) the basis on which the privilege or other protection from disclosure is claimed.

17. As set forth in 52 Pa. Code § 5.342(g), these discovery requests are continuing, and the Responding Party is obliged to change, supplement, and correct all answers given to conform to new or changing information.

18. “Formal Complaint” means the Formal Complaint filed by Pete Bandhu at Docket No. C-2024-3052041.

19. “Service Address” means 633 Smithfield Street, Pittsburgh, Pennsylvania 15222.

**INTERROGATORIES AND REQUESTS FOR
PRODUCTION OF DOCUMENTS PROPOUNDED ON
PETE BANDHU – SET I**

DLC to Complainant-I-1

Please provide a detailed description of 633 Smithfield Street, Pittsburgh, Pennsylvania 15222 (the “Service Address”), including the number of floors, apartments, retail spaces, and Duquesne Light meters.

DLC to Complainant-I-2

Please identify every lessee, renter, and occupant of the Service Address between January 1, 2020 and January 17, 2024. For each individual or entity identified, please:

- (a) Describe in detail your relationship to that individual or entity.
- (b) Provide the dates of occupancy.
- (c) Please provide all Documents relied upon in responding to subparts (a) through (b).

DLC to Complainant-I-3

Please identify all businesses in which you are a member, officer, or have any ownership interest in, which operate in the state of Pennsylvania. For each business please identify:

- (a) The nature of your business interest (for example, member, officer, owner).
- (b) The mailing address of the business.
- (c) The operating address of the business.
- (d) Whether the business has ever received electric service from Duquesne Light Company. If so, please provide the electric service account number and service address associated with the account.
- (e) The date your interest in the business began.
- (f) The date your interest in the business ended, if applicable.
- (g) Please provide all Documents relied upon in responding to subparts (a) through (f).

DLC to Complainant-I-4

Please describe in detail any ownership interest (for example, owner, member, officer) you have or ever had in the following entities:

- (a) Paparazzi Entertainment, LTD.
- (b) Smithfield Holdings, Inc.
- (c) Sahanah Rest, Inc.
- (d) Armored Coyotes, LLC.
- (e) Panther Pitt Bar and Grill LLC.
- (f) Panther Pitt Oakland.
- (g) Shane Tracy Enterprises Inc.
- (h) 633 Smithfield LLC.
- (i) Please provide all Documents relied upon in responding to subparts (a) through (h).

DLC to Complainant-I-5

Please describe in detail your relationship to the following entities:

- (a) Paparazzi Entertainment, LTD.
- (b) Smithfield Holdings, Inc.
- (c) Sahanah Rest, Inc.
- (d) Armored Coyotes, LLC.
- (e) Panther Pitt Bar and Grill LLC.
- (f) Panther Pitt Oakland.
- (g) Shane Tracy Enterprises Inc.
- (h) 633 Smithfield LLC.
- (i) Please provide all Documents relied upon in responding to subparts (a) through (h).

DLC to Complainant-I-6

Please describe in detail the relationship between yourself and Shane Tracy, including any and all business affiliations between yourself and Shane Tracy.

APPENDIX B

April 1, 2025, Order Granting DLC's Motion to Compel

**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

PETE BANDHU CEO AND CHAIRMAN

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(Counsel for Duquesne Light Company)