

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jeremy Branson

v.

Duquesne Light Company

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C-2024-3049291

**INITIAL DECISION**

Before  
Mary D. Long  
Administrative Law Judge

**INTRODUCTION**

This decision grants a motion for judgment on the pleadings by an electric distribution company. The company has completed the work that the complainant requested in the complaint; therefore, this matter is moot.

**HISTORY OF THE PROCEEDINGS**

On May 28, 2024, Jeremy Branson (Complainant) filed a Formal Complaint against Duquesne Light Company. Mr. Branson alleged that Duquesne Light was refusing to cover high voltage power lines which was impeding remediation work following a fire at his home. As relief, he wants the Commission to direct Duquesne Light to immediately cover the high voltage power lines or relocate the lines with a boom so that he can continue repair work on his home.

Duquesne Light filed an answer on June 18, 2024. Among other things, Duquesne Light averred that it had moved a stepdown transformer to a different location, moved the 23kV line to a sidearm away from Mr. Branson's home and covered the 4kV line and service drop. Duquesne Light also averred that it has been working with Mr. Branson's attorney<sup>1</sup> on a subrogation claim to resolve fire-related damages claimed by Mr. Branson. In the new matter, Duquesne Light avers that it has completed the relocation work identified in the complaint and that the complaint is therefore moot.

The parties were directed to attempt to resolve their dispute with the assistance of mediation. The parties did not resolve their dispute. By hearing notice dated January 10, 2025, the case was assigned to me and scheduled for a telephone hearing on April 8, 2025.

On March 7, 2025, Duquesne Light filed a Motion for Judgment on the Pleadings seeking dismissal of the complaint because the company had already completed the work requested in the complaint. The motion included a notice to plead, notifying the Complainant that he was required to file an answer within 20 days of service of the motion.

The Complainant did not respond to the motion. On March 31, 2025, I issued an order that cancelled April 8, 2025, hearing and directed the Complainant to respond to the Motion for Judgment on the Pleadings by April 7, 2025. To date the Complainant has not responded to Duquesne Light's motion as directed in the March 31, 2025, Interim Order. This matter is now ripe for decision.

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<sup>1</sup> Mr. Branson's attorney, who is representing him in the insurance matter, does not represent him in the proceeding before the Public Utility Commission.

## FINDINGS OF FACT

1. The Complainant is Jeremy Branson who resides at 1513 Buena Vista Street, Pittsburgh, Pennsylvania.

2. The Respondent is Duquesne Light Company, a Commission jurisdictional public utility.

3. As of June 14, 2024, Duquesne Light moved the stepdown transformer and reclosers that were near the Complainant's property to a different location about a quarter mile away; the 23 kV line was placed on a side arm to move it away from the Complainant's home. New Matter ¶ 4.

4. Duquesne Light also covered the 4kV line and service drop at the Complainant's property. New Matter ¶ 4.

## DISCUSSION

The Commission's Rules of Practice and Procedure at Section 5.102 govern motions for judgment on the pleadings. The Commission will grant a motion for judgment on the pleadings only if the pleadings show there is no genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of law.<sup>2</sup>

Commission preliminary motion practice is similar to Pennsylvania civil practice.<sup>3</sup> When ruling on a motion for judgment on the pleadings the Commission must view all of the opposing party's allegations as true, and only those facts that the opposing

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<sup>2</sup> 52 Pa.Code § 5.102(d)(1).

<sup>3</sup> *Equitable Small Transp. Intervenors v. Equitable Gas Co.*, Docket No. C-00935435 (Opinion and Order entered July 18, 1994).

party has specifically admitted may be considered against the opposing party.<sup>4</sup> Following the practice in civil courts, in reviewing a motion for judgment on the pleadings, “[w]e may consider only the pleadings themselves and any documents properly attached thereto.”<sup>5</sup> Further, motions for judgment on the pleadings may be granted only when there is no genuine issue of fact and the moving party is entitled to judgment as a matter of law. The moving party bears the burden of establishing the lack of a genuine issue of material fact.<sup>6</sup> The Commission “need not accept as true conclusions of law, unwarranted inferences from fact, argumentative allegations, or expressions of opinion.”<sup>7</sup>

Duquesne Light is seeking dismissal of the complaint based upon assertions in New Matter. Duquesne Light’s New Matter included a notice to plead which informed the Complainant that he was required to file a reply within 20 days of service of the Answer. The Complainant did not file a timely reply. Therefore, the facts alleged by Duquesne Light in New Matter are deemed admitted.<sup>8</sup>

Duquesne Light argues that the complaint should be dismissed because the Complainant’s dispute has been rendered moot. The Complainant alleged that the relocation of a stepdown transformer, component reclosers, and a 23 kV line adjacent to the Complainant’s residence is necessary so that he can perform repairs to his home and that the company refuses to complete this work.<sup>9</sup> As relief, the Complainant requests that the Commission order Duquesne Light to cover, or alternatively relocate, the 23 kV line

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<sup>4</sup> *Johnson v. Wetzel*, 271 A.3d 547 (Pa. Cmwlth. 2021); *Bolus v. Fisher*, 785 A.2d 174 (Pa. Cmwlth. 2001); *see also Trib Total Media, Inc. v. Highlands Sch. Dist.*, 3 A.3d 695 (Pa. Cmwlth. 2010).

<sup>5</sup> *Bolus*, 785 A.2d at 176 n.4.

<sup>6</sup> *Hughes v. Council 13, Am. Fed. of State, Cnty. & Mun. Emps., AFL-CIO*, 629 A.2d 194 (Pa. Cmwlth. 1993).

<sup>7</sup> *Diess v. Pa. Dep’t of Transp.*, 935 A.2d 895, 903 (Pa. Cmwlth. 2007) (quotation omitted).

<sup>8</sup> 52 Pa. Code § 5.63(b).

<sup>9</sup> Complaint ¶ 4.

so that he can complete the repairs to his residence.<sup>10</sup> Shortly after the complaint was filed, Duquesne Light moved the stepdown transformer and reclosers to a different location about a quarter mile away, the 23 kV line was placed on a side arm to move it away from the Complainant's home. Duquesne Light also covered the 4kV line and service drop.<sup>11</sup> Therefore, according to Duquesne Light, the Complainant's request for relief was satisfied by the company when it completed the work that the Complainant requested.

A matter is moot when there is no longer a case or controversy for the tribunal to resolve.<sup>12</sup> According to the Commonwealth Court, a moot case must be dismissed unless at least one exception to the rule applies:

First, the conduct at issue is likely to be repeated but will necessarily escape judicial review. Second, there is great public interest in the resolution of the controversy. Third, one party will suffer a substantial detriment if the controversy is not judicially resolved.<sup>[13]</sup>

In this case, Duquesne Light has completed the work that the Complainant requested in his complaint. The Complainant has not responded to either the New Matter or the motion to indicate that the work was in any way inadequate or that there are any outstanding issues that require a hearing. Therefore, the complaint has been rendered moot as there is no remaining controversy.

None of the exceptions to the mootness doctrine apply to this case. Here, Duquesne Light has relocated and/or covered the lines as the Complainant requested.

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<sup>10</sup> Complaint ¶ 4.

<sup>11</sup> New Matter ¶ 4.

<sup>12</sup> *Util. Workers Union of Am., Local 69, AFL-CIO v. Pa. Pub. Util. Comm'n*, 859 A.2d 847 (Pa. Cmwlth. 2004).

<sup>13</sup> *Id.*

This is an isolated situation unique to the Complainant. Dismissing the complaint at this stage does not prevent the Complainant from filing another complaint seeking relief from the Commission if he encounters other issues with Duquesne Light's service. Similarly, there is no overarching issue of public interest beyond this individual complaint; therefore, the second exception to the mootness doctrine does not apply. Finally, there is no indication that any party would suffer a substantial detriment if the Commission dismissed the complaint.

I am not insensitive to the Complainant's self-represented status and recognize the Commission is cautious to dismiss consumer complaints in the preliminary stages of a proceeding.<sup>14</sup> However, despite having many opportunities to do so, the Complainant has not indicated that he has any interest in pursuing the allegations made in his complaint. Duquesne Light notes in its motion that the Complainant has not responded to any of Duquesne Light's attempts to reach him to discuss the status of his complaint. Nor did the Complainant respond to the Mediator from the Commission's Mediation Unit. More significantly, the Complainant did not respond to Duquesne Light's New Matter, did not respond to Duquesne Light's Motion for Judgment on the Pleadings and did not respond to my directive in my March 31, 2025, Interim Order. The Commission has offered the Complainant numerous opportunities to engage in the prosecution of his complaint but he has failed to avail himself of these opportunities. Therefore, I conclude that it is not in the public interest to expend further Commission resources, and it is appropriate to grant Duquesne Light's motion and to dismiss the complaint without a hearing.<sup>15</sup>

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<sup>14</sup> *Carlock v. The United Tel. Co. of Pa.*, Docket No. F-00163617 (Opinion and Order entered July 14, 1993).

<sup>15</sup> 66 Pa.C.S. § 703(b).

## CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this dispute. 66 Pa.C.S. § 701.
2. The failure to file a timely reply to a new matter may be deemed a default, and relevant facts stated in the new matter may be deemed admitted. 52 Pa. Code § 5.63(b).
3. The Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.102 govern motions for judgment on the pleadings.
4. A motion for judgment on the pleadings is properly granted where the pleadings show there is no genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of law. 52 Pa. Code § 5.102(d)(1).
5. A matter is moot when there is no longer a case or controversy for the tribunal to resolve. *Util. Workers Union of Am., Local 69, AFL-CIO v. Pa. Pub. Util. Comm'n*, 859 A.2d 847 (Pa. Cmwlth. 2004).
6. Duquesne Light has completed the work sought by the Complainant; therefore, the complaint is moot. *Util. Workers Union of Am., Local 69, AFL-CIO v. Pa. Pub. Util. Comm'n*, 859 A.2d 847 (Pa. Cmwlth. 2004).
7. The Commission may dismiss any complaint without hearing if, in its opinion, a hearing is not necessary in public interest. 66 Pa.C.S. § 703(b).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion for Judgment on the Pleadings filed by Duquesne Light Company at Docket C-2024-3049291, is granted.
2. That the Formal Complaint of Jeremy Branson against Duquesne Light Company at Docket C-2024-3049291, is dismissed.
3. That the Secretary mark the docket closed.

Date: May 7, 2025

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/s/  
Mary D. Long  
Administrative Law Judge