
Megan E. Rulli

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File #: 212641

May 19, 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: Audrey Edwards v. Duquesne Light Company
Docket No. F-2025-3054819

Dear Secretary Homsher:

Attached please find the Preliminary Objection of Duquesne Light Company to the Complaint of Audrey Edwards in the above-referenced proceeding. Copies are being provided per the Certificate of Service.

Respectfully submitted,


Megan E. Rulli

MER/dmc
Attachment

cc: Certificate of Service

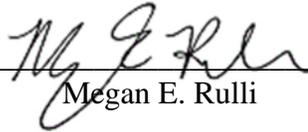
CERTIFICATE OF SERVICE

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

Audrey Edwards
3901 Willett Road
Pittsburgh, PA 15227
Ame12369@gmail.com

Date: May 19, 2025



Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Audrey Edwards,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2025-3054819
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTION WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTION MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.



Megan E. Rulli (ID # 331981)
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Fax: 717-731-1985
mrulli@postschell.com

Date: May 19, 2025

Attorney for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Audrey Edwards,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. F-2025-3054819
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

**PRELIMINARY OBJECTION OF
DUQUESNE LIGHT COMPANY TO THE COMPLAINT OF
AUDREY EDWARDS**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes Duquesne Light Company (“Duquesne Light” or the “Company”) and hereby files this Preliminary Objection, pursuant to the regulations of the Pennsylvania Public Utility Commission (“Commission”) at 52 Pa. Code § 5.101, and respectfully requests that the portions of the Formal Complaint of Audrey Edwards (“Complainant”) containing allegations against SolarCity Corporation (“SolarCity”) and/or Tesla, Inc. (“Tesla”) be dismissed because the Pennsylvania Public Utility Commission (“Commission”) lacks subject matter jurisdiction over those claims.

In support thereof, Duquesne Light states as follows:

I. BACKGROUND

1. Duquesne Light is a “public utility,” an “electric distribution company,” and a “default service provider” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 102, 2803.

2. On April 29, 2025, Duquesne Light was served with the above-captioned Formal Complaint filed by the Complainant.

3. The issues raised in the Complaint relate to claims that the Complainant’s electric service bills contain incorrect charges and allegations that the Complainant’s solar system, installed by SolarCity Corporation (“SolarCity”) and/or Tesla, Inc. (“Tesla”) is not functioning properly. (Complaint ¶¶ 4-5, 7.)

4. Duquesne Light herein files this Preliminary Objection to the Complaint. For the reasons explained below, Duquesne Light respectfully requests that the Commission summarily dismiss the portions of the Complaint containing allegations against SolarCity and/or Tesla because the Commission lacks subject matter jurisdiction over those claims.

I. STANDARD OF REVIEW

5. Pursuant to the Commission’s regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.

- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

52 Pa. Code § 5.101(a) (emphasis added).

6. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwlth.*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (citing *Dep't of Gen. Servs. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005)). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2007). Notwithstanding, any doubt must be resolved in favor of the non-moving party. *Stilp*, at 781.

7. In addition, the Presiding Officer must determine whether, based on the factual pleadings, if recovery is possible. *See Rok v. Flaherty*, 527 A.2d 211, 214 (Pa. Cmwlth. 1987). Indeed, for preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery. *See Stilp*, at 781; *Milliner v. Enck*, 709 A.2d 417, 418 (Pa. Super. 1998).

II. PRELIMINARY OBJECTION – PORTIONS OF THE COMPLAINT SHOULD BE DISMISSED BECAUSE THE COMMISSION LACKS SUBJECT MATTER JURISDICTION OVER THE CLAIMS RAISED THEREIN

8. Duquesne Light incorporates by reference Paragraphs 1 through 7 as if fully set forth herein.

9. The Commission lacks subject matter jurisdiction to decide the Complainant's allegations regarding whether her SolarCity/Tesla-installed solar system is functioning properly. (Complaint ¶¶ 4-5, 7.)

10. As a creature of statute, the Commission “has only those powers which are expressly conferred upon it by the Legislature and those powers which arise by necessary implication.” *Feingold v. Bell*, 383 A.2d 791, 794 (Pa. 1977) (citations omitted).

11. The Commission must act within its jurisdiction and may only hear complaints regarding the Public Utility Code, Commission regulations, or Commission orders. *See Alkhatib v. PECO Energy Co.*, Docket No. C-2011-2242125, 2012 Pa. PUC LEXIS, at *13-14 (Jan. 12, 2012) *citing* 66 Pa. C.S. § 701.

12. “Section 701 of the Public Utility Code, 66 Pa CS § 701 . . . authorizes complaints only against public utilities.” *Robbins v. The Bell Telephone Co. of Pa.*, 1979 Pa. PUC LEXIS 116 at *3 (Order dated Jan. 4, 1979).

13. SolarCity and/or Tesla, as installers of solar systems, do “not fall within any definition of public utility enumerated in § 102 of the Public Utility Code, 66 Pa CS § 102 . . .” *See id.*

14. As such, the Commission does not have jurisdiction over SolarCity and/or Tesla.

15. The Commission therefore lacks jurisdiction over the portions of Complaint that contain allegations against Solar City and/or Tesla.

16. Thus, the Commission should dismiss the portions of the Complaint that contain allegations against Solar City and/or Tesla pursuant to Section 5.101(a)(1) of the Commission’s regulations because the Commission lacks subject matter jurisdiction over those claims. 52 Pa. Code § 5.101(a)(1).

II. CONCLUSION

WHEREFORE, Duquesne Light Company respectfully requests that the Pennsylvania Public Utility Commission grant this Preliminary Objection.

Respectfully submitted,



Megan E. Rulli (ID # 331981)

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Date: May 19, 2025

Attorney for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

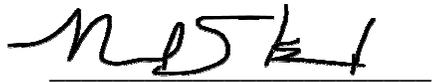
Audrey Edwards,	:	
	:	
Complainant,	:	
	:	
v.	:	No: F-2025-3054819
	:	
DUQUESNE LIGHT COMPANY,	:	
	:	
Respondent.	:	

VERIFICATION

I, Mark Skosnik, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

5/19/2025

Date



Mark Skosnik