

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pete Bandhu	:	
	:	
v.	:	C-2024-3052041
	:	
Duquesne Light Company	:	

**INITIAL DECISION**

Before  
Emily I. DeVoe  
Administrative Law Judge

**INTRODUCTION**

This decision grants the Motion to Dismiss filed by Duquesne Light Company and dismisses the Formal Complaint filed by Complainant due to Complainant’s failure to comply with an Interim Order dated April 1, 2025, granting Duquesne Light Company’s Motion to Compel.

**HISTORY OF THE PROCEEDING**

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.

Complaint ¶ 4.

As relief, Mr. Bandhu requested that DLC turn on the power to the service location. Complaint ¶ 5.

Regarding service by the Commission, Mr. Bandhu selected email, checking the box and initialing next to this option.<sup>1</sup> Complaint ¶ 9.

Section 1 of the Formal Complaint Form utilized by Mr. Bandhu, entitled “Customer (Complainant) Information,” reads,

Provide your contact information and utility account number. *It is your responsibility to update the PUC with any changes to your address and to where you want documents sent to you.*

Complaint ¶ 1 (emphasis in original).

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. Answer ¶ 4. The Company averred 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

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<sup>1</sup> In his Complaint, Mr. Bandhu listed his email address as [pmbpitt@gmail.com](mailto:pmbpitt@gmail.com). Complaint ¶ 1.

reconnect fee. *Id.* DLC further admitted 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. *Id.* DLC denied that the Company is refusing to restore service to the service location because Complainant is a minority and denied that the Company's requirements for payment are acts of discrimination against him. *Id.* The Company averred it had attempted to be responsive to all contacts from Complainant and had 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, detailing the Commission's rules and regulations regarding the hearing procedures, including information on how to request a continuance.

The December 4, 2024 Notice and the December 5, 2025 Prehearing Order were served on Complainant by email, consistent with his selection for service on the Complaint.

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 (discovery requests) upon Mr. Bandhu. The certificate of service indicated 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 email address different than that listed on the Complaint – [prasadbandhu@gmail.com](mailto:prasadbandhu@gmail.com).

Tracy v. DLC, C-2024-3052319

On November 27, 2024, Shane Tracy (Mr. Tracy) filed a Formal Complaint with the Commission against DLC docketed at C-2024-3052319 (Tracy Complaint). 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.

Tracy Complaint ¶ 4.

As relief, Mr. Tracy requested that DLC provide him service as a new customer and not discriminate against him as a minority new business owner. Tracy Complaint ¶ 4.

On December 17, 2024, DLC filed an Answer and New Matter to the Tracy Complaint.

January 27, 2025 Interim Order

On January 27, 2025, I issued an Interim Order docketed at both the instant matter as well as Docket No. C-2024-3052319, regarding the Tracy Complaint. In the January 27, 2025 Interim Order, I wrote, *inter alia*,

After my initial review of these two cases, 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, DLC, Mr. Bandhu, and Mr. Tracy/Panther Pitt Oakland are directed to show cause why the proceeding at Docket No. C-2024-3052041 should not be consolidated with Docket No. C-2024-3052319.

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Considering the possible consolidation of this matter, as well as the fact there may be outstanding discovery from Mr. Bandhu, I am converting the proceeding at Docket No. C-2024-3052041 on February 10, 2025, to a prehearing conference. Furthermore, I am scheduling 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 expect 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. The evidentiary hearing at Docket No. C-2024-3052319 shall remain scheduled for March 11, 2025.

January 27, 2025 Interim Order, pp. 6-7.

I directed DLC, Complainant, and Mr. Tracy to respond to the Rule to Show Cause by 12:00 p.m. noon on February 7, 2025.

The January 27, 2025 Interim Order was served on Complainant by email consistent with his selection on his Complaint.

On January 30, 2025, the Commission issued a Corrected Hearing Notice, confirming the conversion of the February 10, 2025 proceeding to a prehearing conference.

On February 7, 2025, DLC filed correspondence with the Commission indicating its support for consolidation of the instant matter with the matter at C-2024-3052319.

February 10, 2025 Prehearing Conference

The prehearing conference convened as scheduled on February 10, 2025. Ms. Megan Rulli, Esquire, was present on behalf of the Company. Mr. William Bercik, Esquire, was present on behalf of Mr. Bandhu. When I asked Mr. Bercik when he would file his notice of appearance, he responded, “Today or tomorrow.” Tr. 6. I reiterated to Mr. Bercik that I expected him to file his notice of appearance by close of business on February 11, 2025. Tr. 21. Mr. Tracy did not appear.

The parties presented arguments with regards to consolidation. Ms. Rulli argued in support of consolidation, Tr. 9-10. Mr. Bercik objected to consolidation. Tr. 11. I did not consolidate the instant matter with the Tracy Complaint. Tr. 11-12.

Ms. Rulli and Mr. Bercik discussed the discovery DLC served on Complainant on January 17, 2025. Mr. Bercik indicated he did not have a copy of it. Tr. 15. Ms. Rulli indicated she would serve a copy of the discovery requests on Mr. Bercik and I extended the deadline for Complainant’s responses to March 10, 2025. Tr. 20.

Mr. Bercik indicated that Complainant, as of the date of the conference, was incarcerated at Federal Correctional Institute Lewisburg, but Mr. Bercik was willing to accept service on Complainant’s behalf. *Id.* I advised Mr. Bercik I would send him a copy of the January 27, 2025 Interim Order, as well as a copy of the Prehearing Order so he had them for his records. Tr. 16.

After discussion, I set a procedural schedule: discovery deadline of April 10, 2025; motions due April 24, 2025; responses to motions and status reports due May 1, 2025. Tr. 17. Mr. Bercik indicated the procedural schedule was “a good plan.” Tr. 17.

### DLC’s Motion to Compel

On March 11, 2025, DLC filed a Motion to Compel Responses to Discovery Propounded on Pete Bandhu – Set 1 (Motion to Compel). In its Motion to Compel, DLC averred it provided Mr. Bercik a copy of its discovery requests on February 10, 2025, and attached proof as Appendix B to the Motion to Compel. DLC averred it had not received objections or responses to the discovery requests. Further, the Company explained it emailed Mr. Bercik on March 4, 2025, inquiring as to the status of the discovery responses, but Mr. Bercik did not respond and the email 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 did not file a response to the Motion to Compel.

As Mr. Bercik had not yet filed a notice of appearance in this matter, DLC did not serve him a copy of the Motion to Compel.

On April 1, 2025, I issued an Interim Order granting the Motion to Compel and directing Complainant to serve full and complete responses to the discovery requests upon counsel for Respondent and file a certificate of service by April 15, 2025. I also directed Mr. Bandhu to provide updated contact information to the Commission, if necessary. I further directed Mr. Bercik to file a Notice of Appearance by April 4, 2025, and ordered that he be served with a curtesy copy of the April 1, 2025 Order. Finally, I

informed Mr. Bandhu that his failure to provide full and complete responses to the discovery responses as instructed may result in dismissal of his Complaint.

Mr. Bandhu was served a copy of the April 1, 2025 Interim Order at both email addresses in the Commission's records – [pmbpitt@gmail.com](mailto:pmbpitt@gmail.com) and [prasadbandhu@gmail.com](mailto:prasadbandhu@gmail.com) – as well as by First-Class Mail at 633 Smithfield Street, Pittsburgh, PA 15222 and 834 Washington Road, Pittsburgh, PA 15228.

On April 14, 2025, Mr. Bercik filed a Notice of Appearance on behalf of the Complainant with the Commission.

#### April 16, 2025 Interim Order

I did not issue an Interim Order memorializing the procedural schedule set at the February 10, 2025, because I was waiting for Mr. Bercik to file his notice of appearance. Once he filed it, I issued an Interim Order on April 16, 2025 memorializing the schedule set at the conference. Mr. Bercik was served, and Mr. Bandhu was served at both email addresses as well as by First-Class Mail at 633 Smithfield Street, Pittsburgh, PA 15222 and 834 Washington Road, Pittsburgh, PA 15228.

#### Motion to Dismiss

On April 24, 2025, the Company filed a Motion to Dismiss the Complaint of Pete Bandhu (Motion to Dismiss). Respondent argued per the Commission's regulations, objections to DLC's discovery requests, which were served on January 17, 2025, were due on or before January 27, 2025, and responses were due on or before February 6, 2025, but Complainant did not serve any objections or responses. Further, DLC submits that the deadline was extended to March 3, 2025, but Complainant still did not serve any objections or responses. DLC points out that, as of the date of the Motion

to Dismiss, Complainant has had more than 50 days to provide answers to the discovery requests.

The Company further averred that Complainant never filed a response to the Motion to Compel, and requests the Complaint be dismissed with prejudice due to his failure to comply with the April 1, 2025 Interim Order, granting the Motion to Compel.

The certificate of service filed by DLC indicates the Motion to Dismiss was served on Mr. Bandhu by email at [pmbpitt@gmail.com](mailto:pmbpitt@gmail.com) and by First-Class Mail at 633 Smithfield Street, Pittsburgh, PA 15222 and 834 Washington Road, Pittsburgh, PA 15228, as well as Mr. Bercik by email and First-Class Mail.

The Motion to Dismiss included a Notice to Plead, directing Complainant to file a response by May 1, 2025, consistent with the procedural schedule set at the prehearing conference on February 11, 2025, and memorialized in the April 16, 2025 Interim Order.

On May 15, 2025, I issued an Interim Order closing the record in this matter. This decision grants the Respondent's Motion to Dismiss the Complaint and dismisses the Complaint without prejudice.

#### FINDINGS OF FACT

1. Complainant is Pete Bandhu.
2. Respondent is Duquesne Light Company.

3. On November 11, 2024, Complainant filed a Formal Complaint against Respondent, alleging, *inter alia*, the Company was improperly refusing to restore service to Complainant’s rental property.

4. Regarding service by the Commission, Complainant elected to be served by email, checking the box and initialing next to this option. Complaint ¶ 9.

5. Complainant listed his address in the Complaint as [pmbpitt@gmail.com](mailto:pmbpitt@gmail.com). Complaint ¶ 1.

6. Section 1 of the Formal Complaint Form utilized by Mr. Bandhu, entitled “Customer (Complainant) Information,” reads,

Provide your contact information and utility account number. *It is your responsibility to update the PUC with any changes to your address and to where you want documents sent to you.*

Complaint ¶ 1 (emphasis in original).

7. On December 2, 2024, Respondent filed an Answer to the Complaint denying the material averments in the Complaint.

8. On December 4, 2024, a Call-In Telephone Hearing Notice was served on Complainant scheduling an initial telephonic hearing on February 10, 2025 at 10:00 a.m.

9. On December 5, 2024, a Prehearing Order for Telephone Hearing was served on Complainant providing additional information to the parties regarding the hearing, including instructions on how to request a continuance.

10. Both the Hearing Notice and Prehearing Order were served on Complainant by email to the email address Complainant provided on his Complaint.

11. 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.

12. The certificate of service for the discovery requests indicated 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 email address different than that listed on the Complaint – [prasadbandhu@gmail.com](mailto:prasadbandhu@gmail.com).

13. On November 27, 2024, Shane Tracy filed a Formal Complaint with the Commission against DLC docketed at C-2024-3052319 (Tracy Complaint), averring he was the tenant at the service location and DLC was improperly refusing to restore service to the service location. Tracy Complaint ¶ 4.

14. On December 17, 2024, DLC filed an Answer and New Matter to the Tracy Complaint.

15. On January 27, 2025, I issued an Interim Order docketed at both the instant matter as well as Docket No. C-2024-3052319, regarding the Tracy Complaint.

16. The January 27, 2025 Interim Order, *inter alia*, converted the February 10, 2025 proceeding to a prehearing conference.

17. The prehearing conference convened as scheduled on February 10, 2025. Attorney William Bercik appeared on behalf of Mr. Bandhu, and identified himself as Complainant's attorney. Tr. 6.

18. I directed Attorney Bercik to file a notice of appearance with the Commission no later than close of business on February 11, 2025. Tr. 21.

19. During the conference, Mr. Bercik was made aware there was outstanding discovery propounded upon Complainant, and the deadline for Complainant to submit responses to the discovery requests was extended to March 10, 2025. Tr. 20.

20. During the conference, the following procedural schedule was set: discovery deadline of April 10, 2025; motions due April 24, 2025; responses to motions and status reports due May 1, 2025. Tr. 17.

21. Mr. Bercik expressed agreement with the procedural schedule. Tr. 17.

22. During the conference, Mr. Bercik advised that Complainant was currently incarcerated at Federal Correctional Institute Lewisburg, but indicated he was willing to accept service on Complainant's behalf. Tr. 20.

23. On March 11, 2025, DLC filed a Motion to Compel Complainant's responses to its discovery requests.

24. In its Motion to Compel, DLC averred it provided Mr. Bercik with a copy of its discovery requests on February 10, 2025, and attached proof as Appendix B to the Motion to Compel. Further, the Company explained it emailed Mr. Bercik on March

4, 2025, inquiring as to the status of the discovery responses, but Mr. Bercik did not respond, and the email was not returned as undeliverable.

25. As Mr. Bercik had not yet filed a notice of appearance in this matter, DLC did not serve him a copy of the Motion to Compel.

26. The Motion to Compel included a Notice to Plead, directing Mr. Bandhu to file a response within five days.

27. Mr. Bandhu did not file a response to the Motion to Compel.

28. On April 1, 2025, I issued an Interim Order granting the Motion to Compel and directing Complainant to serve full and complete responses to the discovery requests upon counsel for Respondent and file a certificate of service by April 15, 2025.

29. The April 1, 2025 Interim Order also directed Complainant to submit updated contact information to the Commission, if necessary.

30. The April 1, 2025 Interim Order directed Mr. Bercik to file a notice of appearance by April 4, 2025, and a copy of the April 1, 2025 Interim Order was served on Mr. Bercik at the address he provided on the record during the conference on February 10, 2025.

31. The April 1, 2025 Interim Order informed Complainant that his failure to provide full and complete responses to the discovery responses as instructed may result in dismissal of his Complaint.

32. Mr. Bandhu was served a copy of the April 1, 2025 Interim Order at both email addresses in the Commission's records – [pmbpitt@gmail.com](mailto:pmbpitt@gmail.com) and

[prasadbandhu@gmail.com](mailto:prasadbandhu@gmail.com) – as well as by First-Class Mail at 633 Smithfield Street, Pittsburgh, PA 15222 and 834 Washington Road, Pittsburgh, PA 15228.

33. The copy of the April 1, 2025 Interim Order sent to Complainant at 633 Smithfield Street was subsequently returned as “Vacant Unable to Forward.”

34. No other copies of the April 1, 2025 Interim Order sent to Complainant were returned as undeliverable.

35. On April 14, 2025, Mr. Bercik filed a Notice of Appearance on behalf of Complainant with the Commission.

36. On April 16, 2025, an Interim Order was issued memorializing the schedule set at the conference.

37. Mr. Bercik was served with a copy of the April 16, 2025 Interim Order, and Mr. Bandhu was served at both email addresses as well as by First-Class Mail at 633 Smithfield Street, Pittsburgh, PA 15222 and 834 Washington Road, Pittsburgh, PA 15228.

38. On April 24, 2025, the Company filed a Motion to Dismiss the Complaint due to Complainant’s failure to provide responses to the discovery requests as directed in the April 1, 2025 Interim Order.

39. The certificate of service filed by DLC indicates the Motion to Dismiss was served on Mr. Bandhu by email at [pmbpitt@gmail.com](mailto:pmbpitt@gmail.com) and by First-Class Mail at 633 Smithfield Street, Pittsburgh, PA 15222 and 834 Washington Road, Pittsburgh, PA 15228, as well as Mr. Bercik by email and First-Class Mail.

40. The Motion to Dismiss included a Notice to Plead, directing Complainant to file a response by May 1, 2025, consistent with the procedural schedule set at the prehearing conference on February 11, 2025, and memorialized in the April 16, 2025 Interim Order.

41. Complainant did not file a response to the Motion to Dismiss.

42. On May 15, 2025, an Interim Order was issued closing the record in this matter.

### DISCUSSION

In its Motion to Dismiss, Respondent argues that the Complaint should be dismissed in its entirety due to Complainant's failure to respond to the discovery Requests.

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). Generally speaking, the Commission applies a standard of relevance which is less restrictive than that required by parties to present information into the evidentiary record. As long as the information sought in a discovery request appears reasonably calculated to lead to the discovery of admissible evidence, a party may not object to the discovery request on the basis that the information sought will be inadmissible at a hearing. 52 Pa.Code § 5.321(c). In this proceeding, Respondent is entitled to engage in discovery in order to obtain information that is relevant and material to the issues raised by Complainant, and it filed a certificate of service showing its service of discovery requests upon Complainant on January 17, 2025.

The certificate of service for the discovery requests indicated 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 in the "POR" (Party of Record) screen in the Commission's online docket for this matter. The copy sent by email was sent to an email address different than that listed on the Complaint – [prasadbandhu@gmail.com](mailto:prasadbandhu@gmail.com).

While Complainant was served at a different email address than the one listed on his Complaint, he was nevertheless served by First-Class Mail at 633 Smithfield Street, the address listed on his Complaint. To the extent that Complainant could not be reached at the address listed on his Complaint, Complainant had a duty to provide the Commission with updated contact information. This duty was clearly explained to him on the Formal Complaint form, under Section 1.

At the conference on February 10, 2025, Attorney Bercik appeared on behalf of Complainant, identifying himself as Complainant's attorney and agreeing to accept service on Complainant's behalf. Tr. 20.

Attorney Bercik was informed of the pending discovery requests and counsel for the Company agreed to send him a copy, which she did on February 10, 2025. I extended the deadline for responses to March 10, 2025. *Id.*

Despite my direction to Attorney Bercik to file a notice of appearance with the Commission by close of business on February 11, 2025, he failed to file one until April 16, 2025, over two months later.

As such, when the Company filed its Motion to Compel on March 11, 2025, it did not serve Attorney Bercik, but it did serve Complainant by First-Class Mail at both 633 Smithfield Street, as well as 834 Washington Road. As noted above, Complainant had been notified that he had a duty to inform the Commission if he could no longer receive service at these addresses. Further, Attorney Bercik was aware of the discovery requests and the March 10, 2025 deadline for responses, as this was discussed at the prehearing conference.

On March 11, 2025, Respondent filed its Motion to Compel averring, *inter alia*, Complainant did not submit any response to the discovery requests. Complainant did not file a response to the Motion to Compel.

On April 1, 2025, an Interim Order was issued granting the Motion to Compel. I explained,

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.

Interim Order dated April 1, 2025, pp. 7-9.

The April 1, 2025 Interim Order directed Complainant to serve full and complete responses to the discovery requests upon Respondent’s counsel and file a certificate of service with the Commission’s Secretary no later than April 15, 2025.

Further, Complainant was ordered to provide updated contact information to the Commission, if necessary, and was put on notice that his failure to provide responses to the discovery requests may result in dismissal of the Complaint.

Mr. Bandhu was served a copy of the April 1, 2025 Interim Order at both email addresses in the Commission’s records – [pmbpitt@gmail.com](mailto:pmbpitt@gmail.com) and [prasadbandhu@gmail.com](mailto:prasadbandhu@gmail.com) – as well as by First-Class Mail at 633 Smithfield Street, Pittsburgh, PA 15222 and 834 Washington Road, Pittsburgh, PA 15228.

The copy of the April 1, 2025 Interim Order sent to Complainant at 633 Smithfield Street was subsequently returned as “Vacant Unable to Forward.” No other copies of the April 1, 2025 Interim Order were returned as undeliverable.

Attorney Bercik, who had *still* not filed a notice of appearance, despite being directed at the prehearing conference to do so by February 11, 2025, was served a copy of the April 1, 2025 Interim Order, and was again directed to file a notice of appearance, this time by April 4, 2025.

Attorney Bercik finally filed his notice of appearance on April 14, 2025.

On April 24, 2025, Respondent filed its Motion to Dismiss, averring Complainant had not yet provided any discovery responses. The certificate of service filed by DLC indicates the Motion to Dismiss was served on Mr. Bandhu by email at [pmbpitt@gmail.com](mailto:pmbpitt@gmail.com) (the email listed on his Complaint) and by First-Class Mail at 633 Smithfield Street, Pittsburgh, PA 15222 and 834 Washington Road, Pittsburgh, PA 15228, as well as Mr. Bercik by email and First-Class Mail.

Neither Complainant nor Attorney Bercik filed a response to the Motion to Dismiss, despite both receiving copies by email and First-Class Mail.

The Commission has held that parties must comply with the orders of an administrative law judge, and a complainant’s failure to do so is a sufficient basis to support dismissal of the matter. *Snyderville Cmty. Dev. Corp. v. Phila. Gas Works*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006).

Complainant was directed to serve full and complete responses to the discovery requests by March 10, 2025, to which Mr. Bercik agreed at the conference on February 10, 2025.

Both Parties have due process rights that must be protected. Complainant has had multiple opportunities to provide his discovery responses to Respondent. Per the Commission's regulations, objections to DLC's discovery requests, which were served on January 17, 2025, were due on or before January 27, 2025, and responses were due on or before February 6, 2025, but Complainant did not serve any objections or responses.

This deadline was extended to March 3, 2025 at the prehearing conference, but Complainant still did not serve any objections or responses.

Neither Complainant nor his counsel filed any response to the Motion to Compel or the Motion to Dismiss.

To proceed with this matter in these circumstances would result in the denial of Respondent's due process rights. As discussed above, the Company has questions and concerns regarding past and current uses of the service location, Complainant's business interests and past DLC utility accounts, as well as Complainant's relationship with Mr. Tracy, the individual who claims to be Mr. Bandhu's tenant at the service location, all of which are relevant to the claims Mr. Bandhu makes in his Complaint.

Well-established Commission precedent tends to afford unrepresented complainants the opportunity to orally set forth their cases on the record and cautions against dismissing cases on a preliminary basis. *Carlock v. The United Tel. Co. of Pa.*, Docket No. F-00163617 (Opinion and Order entered July 14, 1993). This case is distinguishable from *Carlock* in that Complainant is represented by counsel. Attorney Bercik appeared on his behalf at the prehearing conference, identifying himself as Complainant's attorney. While it took Mr. Bercik until April 14, 2025, to file a notice of appearance, he did in fact file one. Despite being served with the Motion to Dismiss by

both email and First-Class Mail, neither Complainant nor Attorney Bercik filed a response to the Motion to Dismiss.

A hearing in this matter is not necessary or appropriate and is not in the public interest. To force DLC to proceed in this matter without the benefit of having received Complainant's discovery responses would force DLC to litigate this matter without information of critical importance to the case, which would constitute a violation of DLC's due process rights. Accordingly, the Complaint will be dismissed.

I note there are extenuating circumstances in this matter due to Complainant's current incarceration in federal prison. His incarceration may make it difficult for him to receive timely service, respond to discovery which may require access to records, and/or communicate with his counsel. Therefore, I am not dismissing this matter with prejudice.

If, in the future, either upon his release from prison, or otherwise, Complainant is able to productively engage in the litigation process before the Commission, including providing responses to discovery that may be propounded upon him, Complainant may file another Complaint. Complainant should note, however, that any subsequent complaint will be subject to any arguments DLC may make with regard to timeliness, statute of limitations, or any other argument or defense.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of this Complaint. 66 Pa.C.S. § 701.

2. 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).

3. Parties must comply with the orders of an administrative law judge, and a complainant’s failure to do so is a sufficient basis to support dismissal of the matter. *Snyderville Cmty. Dev. Corp. v. Phila. Gas Works*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006).

4. The Commission’s regulations specify certain sanctions that are available when a party fails to comply with an order of the Commission “as is just.” 52 Pa. Code § 5.372(a).

5. The due process rights of Complainant have been fully protected in this proceeding. *Sentner v. Bell Tel. Co. of Pa.*, Docket No. F-00161106 (Opinion and Order entered Oct. 25, 1993); 52 Pa. Code § 5.245(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion of Duquesne Light Company to Dismiss the Complaint of Pete Bandhu filed on November 11, 2024, at Docket No. C-2025-3052041 is granted.

2. That the Complaint filed by Pete Bandhu against Duquesne Light Company at Docket No. C-2025-3052041 is hereby dismissed without prejudice due to

Complainant's failure to serve full and complete responses to the discovery requests upon Respondent, in violation of Interim Orders dated April 1, 2025.

3. That the Secretary's Bureau shall mark C-2025-3052041 as closed.

4. That Pete Bandhu and William Bercik, Esquire, both receive copies of this Initial Decision by both email and First-Class Mail. Complainant should be served by email at [pmbpitt@gmail.com](mailto:pmbpitt@gmail.com) and by First-Class Mail at 633 Smithfield Street, Pittsburgh, PA 15222 and 834 Washington Road, Pittsburgh, PA 15228. Mr. Bercik should be served at the addresses listed on his notice of appearance.

Date: May 27, 2025

\_\_\_\_\_/s/  
Emily I. DeVoe  
Administrative Law Judge