

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Todd Elliott Koger, Sr. and Elliot-Todd Parker Koger	:	
	:	
v.	:	C-2024-3049627
	:	
Duquesne Light Company	:	

Todd Elliott Koger, Sr. and Elliot-Todd Koger	:	
	:	
v.	:	C-2025-3054190
	:	
Duquesne Light Company	:	

INTERIM ORDER
GRANTING MOTION TO CONSOLIDATE PROCEEDINGS
FILED BY DUQUESNE LIGHT COMPANY

Docket No. C-2024-3049627

On June 19, 2024, Todd Elliott Koger, Sr. and Elliot-Todd Koger (Complainants) filed a Complainant against Duquesne Light Company (Respondent) at Docket No. C-2024-3049627. Complainants averred, *inter alia*, that the Company issued a termination notice to the Complainants; that Complainants are seeking a payment arrangement from the Company; that the Complainants' electric service bill(s) contain incorrect charges; that Respondent caused damage to Complainants' service address; and that Complainants are experiencing ongoing issues with their electric service; that Respondent forced the Complainants to file for bankruptcy.

On July 23, 2024, counsel on behalf of Duquesne Light Company filed a Motion Of Duquesne Light Company For Leave To File Responsive Pleadings To Complainants' Formal Complaint Nunc Pro Tunc to the Motion are an Answer, New Matter, and Preliminary Objection and a Notice to Plead, which were attached to the Motion and which advised the Complainant

that any reply must be filed within 20 days. The Respondent asserted in its Motion that it is requesting leave to file an Answer Nunc pro tunc pursuant to 52 Pa. Code §§ 1.2 and 5.103. Respondent requested that the Commission accept the Answer, New Matter, and Preliminary Objection to Formal Complaint Nunc pro tunc due to an administrative error. The Respondent averred the Company's Answer, New Matter, and Preliminary Objection to the Complaint were served on the Complainants on July 10, 2024, but were not filed with the Commission by the regulatory deadline on July 10, 2024. The Complainant did not file a response or objection to the Motion.

In its Answer and New Matter, Respondent admitted that the Company issued a termination notice to the Complainants and that Complainants are seeking a payment arrangement from the Company. The Respondents denied the material averments set forth in the Complaint. The Respondent admitted that the Company repaired a loose neutral at the Complainants' service address on October 11, 2023, but denied that the Company provided damaging voltage to the service address related to the loose neutral and that the Company did not provide the Complainants with reasonable service in responding to the Complainants' service concerns. The Respondent further averred that it issued a termination notice to the Complainants indicating that service would be terminated at the service address on or after May 16, 2024, due to nonpayment. The Respondent further denied that the actions or omissions of Duquesne Light have forced the Complainants to file for bankruptcy in relation to their balance with the Company.

The Respondent also filed a New Matter and Preliminary Objections and averred the Complainant Elliot-Todd Koger filed for Chapter 7 Bankruptcy on May 3, 2024. Respondent averred the Commission lacks subject matter jurisdiction over the portion of the Complaint requesting a payment agreement for the arrears that have accumulated on the Complainants' account prior to the Bankruptcy Petition's filing.

Respondent also averred that a petition filed pursuant to the U.S. Bankruptcy Code will operate as a stay and bars either the commencement or continuation of a judicial or administrative proceeding against the debtor where the proceeding was commenced prior to the

start of the bankruptcy proceeding or to recover a claim against the debtor that arose before the commencement of the bankruptcy proceeding.¹ Respondent argued that, pursuant to the Section 362(a)(1) of the U.S. Bankruptcy Code, 11 U.S.C. § 362, the Commission lacks jurisdiction over arrearages for utility services that accrued prior to the filing of a bankruptcy petition.² Accordingly, Respondent argued the Commission should summarily dismiss the portions of the Complaint requesting a payment agreement for lack of subject matter jurisdiction.

On August 8, 2024, the Motion was assigned to Administrative Law Judge Darlene Heep. On August 13, 2024, Administrative Law Judge Heep granted the Motion of Duquesne Light Company for Leave to file Responsive Pleadings to Complainant's Formal Complaint Nunc Pro Tunc.

On August 14, 2024, the Commission Secretary received a Notice of Bankruptcy Case Filing from the United States Bankruptcy Court, Western District of Pennsylvania with regard to a bankruptcy proceeding filed at Case Number 24-21081, which advised, in part, that a bankruptcy case concerning a debtor, Elliott-Todd Parker Koger, was filed on May 3, 2024.

On September 27, 2024, a Motions Judge Change Assignment Notice was entered reassigning the undersigned presiding officer to this proceeding.

On November 26, 2024, an Interim Order was entered extending the deadline for Complainants, Todd Elliott Koger, Sr. and Elliot-Todd Koger to file responsive pleadings to the Answer and New Matter and to the Preliminary Objections filed by Respondent, Duquesne Light Company until December 30, 2024 as well as any response to the Answer and New Matter and to the Preliminary Objections filed by Respondent, Duquesne Light Company.

No responsive pleadings to the Answer and New Matter or to the Preliminary Objections were filed by Complainants. Respondent averred the Complainant, Elliot-Todd

¹ Steele v. Metro. Edison Co., 2020 Pa. PUC LEXIS 444, at *11 (Order entered Aug. 27, 2020) (citing 11 U.S.C. § 362(a)(1)).

² See, e.g., Cooper v. PECO Energy Co., Docket No. F-09152102, (Order entered January 12, 2006); Stempo v. Metropolitan Edison Co., Docket No. C-2010-2200864, (Order entered July 19, 2012).

Koger filed for Chapter 7 Bankruptcy on May 3, 2024. In addition, there was no averment that Todd Elliott Koger Sr. initiated a proceeding pursuant to the U.S. Bankruptcy Code.

On March 7, 2025, an Interim Order was entered requiring that the Parties, by April 7, 2025, file a status report detailing the posture of the Bankruptcy Court proceeding identified in this matter, the parties position regarding how the Bankruptcy Court filing affects this proceeding as it relates to each individual Complainant, and the procedural status of the current bankruptcy Court proceeding.

On April 7, 2025, Elliott-Todd Parker Koger and Todd Elliott Koger, Sr., filed a Status Report and certified that they provided a Notice to Duquesne Light regarding the Decision on the Request for Stay Pending Appeal and/or any other decision in the Bankruptcy case(s) have not yet been issued and/or communicated to the Complainants. The pleading provided, in part, that on October 11, 2023, the Duquesne Light Supervisor advised the company enervated fried all of the electrical wiring and the appliances in the house and the Bankruptcy Stay was not an available defense for Duquesne Light's failure to mitigate the ongoing harm and Section 1501 responsibility identified on October 11, 2023 by a Duquesne Light Supervisor. The Status Report filed by Complainants did not address the issues required by the Interim Order requiring the filing of Status Reports by the Parties.

On April 7, 2025, the Respondent filed a Status Report. Respondent provided that, pursuant to the Interim Order, Duquesne Light further investigated the ongoing Bankruptcy Petition filed at Case No. 24-21081. Although that proceeding is ongoing, based on the Company's review of the Bankruptcy Petition docket, Respondent averred that proceeding should not stay or otherwise affect the instant Complaint before the Public Utility Commission.

Respondent stated the instant Complaint was filed by Todd Elliot Koger, Sr. and Elliot-Todd Parker Koger on June 19, 2024. Prior to the Complaint's filing, on May 3, 2024, Complainant Elliot-Todd Parker Koger filed a Chapter 7 Bankruptcy Petition with the U.S. Bankruptcy Court for the Western District of Pennsylvania at Docket No. 24-210801-GLT (Bankruptcy Petition. The Bankruptcy Petition indicates that Elliot-Todd Parker Koger claimed

\$1.00 related to an account with Duquesne Light Company. The account indicated by Elliot-Todd Parker Koger in the Bankruptcy Complaint is the same account at issue in the instant Complaint, which is solely in the name of Todd Elliot Koger, Sr.³

On July 8, 2025, an Interim Order was entered granting the Preliminary Objection filed by Duquesne Light Company and dismissing the portions of the Complaint requesting a payment agreement, based upon the lack of subject matter jurisdiction pursuant to 52 Pa. Code § 5.101(a)(1) and (a)(4).

Docket No. C-2025-3054190

On or about March 26, 2025, Complainants filed another Formal Complaint (Second Complaint) against Respondent at Docket No. C-2025-3054190. The issues raised in the Complaint relate to claims that Duquesne Light violated certain portions of the Pennsylvania Code, the United States Code, and federal law, including 18 Pa.C.S. § 4911, 18 Pa.C.S. § 1911, 18 U.S.C. § 3057(a), 18 U.S. Code §§ 1961-1968, and Title VI of the Civil Rights Act of 1964.⁴ The Complainants also claim that Duquesne Light and/or its representatives “intentionally” and/or “criminally” misrepresented facts during the ongoing Chapter 7 Bankruptcy Petition proceeding of Elliot-Todd Parker Koger before the U.S. Bankruptcy Court for the Western District of Pennsylvania at Docket No. 24-210801-GLT (Chapter 7 Petition).⁵

On April 15, 2025, Duquesne Light filed Preliminary Objections to the Complaint and requested that the Commission dismiss the portions of the Complaint that (1) allege violations of Title 18 of the United States Code, Title 18 of the Pennsylvania Code, and Title VI of the Civil Rights Act of 1964 because the Commission lacks subject matter jurisdiction over those claims; and (2) allege Duquesne Light made false representations during the Chapter 7 Petition proceeding and request damages because they constitute scandalous or impertinent matter.

³ See Complaint ¶ 1, Duquesne Light Answer, Appendix A.

⁴ Complaint ¶ 4.

⁵ Complaint ¶ 4.

On July 10, 2025, an Interim Order was entered granting Respondent's Preliminary Objections.

On April 17, 2025, the Respondent filed a Motion for Consolidation pursuant to 52 Pa. Code § 5.81. The Company requested that the proceedings filed at Docket Numbers C-2024-3049627 and at C-2025-3054190 be consolidated for purposes of discovery, hearings, and adjudication because they raise overlapping issues of fact and law. Respondent asserted these proceedings involve two complaints filed by Todd Elliot Koger, Sr. and Elliot Todd Parker Koger against Duquesne Light. The Formal Complaints filed at Docket Nos. C-2024-3049627 (First Complaint) and C-2025-3054190 (Second Complaint) involve electric service to the same account and address and raise service allegations arising out of the same alleged incident. Therefore, Respondent asserts, in the interests of administrative efficiency and judicial economy, the Company believes that these matters should be consolidated.

In support of the Motion for Consolidation, the Company states that the issues raised in the Formal Complaints include allegations that a loose neutral discovered at the service address on October 11, 2023, continues to pose a safety concern and prevents their enrollment in the Company's Customer Assistance Program (CAP). Both, according to Respondent, concern electric service at the same service address to the same electric service account.⁶ In both Complaints, Respondent asserts, the core issue the Complainants allege is that a loose neutral discovered during a service visit on October 11, 2023, poses an ongoing safety concern at their service address and is preventing their enrollment in CAP.⁷ In addition, Complainants requested a payment agreement, among other relief.⁸ If these cases were to proceed independently and not be consolidated, the Company submits, there would be substantial overlapping issue of law and fact in the cases. Therefore, Respondent submits, it would be a misuse of administrative and judicial resources to litigate these matters separately when they raise common issues of fact and law and

⁶ First Complaint ¶ 1; Second Complaint ¶ 1.

⁷ First Complaint ¶¶ 4-5; Second Complaint ¶¶ 4-5.

⁸ First Complaint ¶ 4; Second Complaint ¶ 4.

involve the same Complainants and that the consolidation of these proceedings will promote the efficient use of the time and resources of the parties and the Commission.

The Respondent further averred it was its understanding that the Complainants oppose the request to consolidate the two Complaints, however, Respondent asserted that in addition to the benefit of judicial economy, consolidating the two Complaints would avoid inconsistent findings of facts and incompatible resolutions if the two Complaints were heard and decided separately.

Complainants did not file a responsive pleading to the Motion for Consolidation.

On June 3, 2025, the Complainants filed a pleading entitled Complainant(s)' First Request for A Stay and An Extension of Time (Request for Stay).⁹ The Complainants request that the Commission “indefinitely STAY and grant an extension of time to file any required pleading in this issue.”¹⁰ The Complainants Request for Stay states that Complainants “Application addresses the grave misconduct that transpired on May 27, 2025, and seeks to preserve the integrity of the judicial process and ensure due process protections.”¹¹ Count One of the Request provides, in part, that “[T]here exists a dispute between Petitioners and Respondents in cases 2025-3054190; C-2024-3049627; C-2023-3038703; C-2020-3020394; C-2019-3013238; and others.”¹² The Request also includes Count Two, which purports to be a “Declaratory Judgment”. Count Two further provides that “[T]he Formal Complaint process from the PUC would resolve the present controversy between the parties. As well as a Prayer for Relief that states “the Complainants, Todd Elliott Koger, Sr. and Elliott-Todd Parker Koger, respectfully request that the Pennsylvania Public Utility Commission: a. Conduct a full and fair investigation into the matters raised in this Amended Complaint. b. Find that Duquesne Light Company violated Section 1501 of the Pennsylvania

⁹ The Complainants Request for Stay did not include a Notice to Plead and was not served upon the undersigned presiding officer.

¹⁰ Complainants Request for Stay, p. 1.

¹¹ Complainants Request for Stay, p. 1.

¹² Complainants Request for Stay, p. 13.

Public Utility Code, 66 Pa. C.S. § 1501, by failing to provide safe, adequate, reliable service, leading to the "Total Loss" at the Complainants' residence on October 11, 2023. c. Find that Duquesne Light Company engaged in bad faith conduct in its handling of the Complainants' "Total Loss" claim, including the disingenuous denial of any record of said claim. d. Order Duquesne Light Company to compensate the Koger family for the full extent of the damage resulting from the electrical event on October 11, 2023, electrical event and its subsequent bad faith actions. e. Impose appropriate penalties and sanctions against Duquesne Light Company for its violation of the Public Utility Code and its bad faith conduct. f. Order such other and further relief as the Commission deems just and appropriate."¹³

On July 9, 2025, an Interim Order was entered granting the Preliminary Objections filed by Respondents.

In its Motion for Consolidation pursuant to 52 Pa. Code § 5.81, the Company requested that the proceedings filed at Docket Numbers C-2024-3049627 and C-2025-3054190 be consolidated for purposes of discovery, hearing, and adjudication because they raise overlapping issues of fact and law. These two proceedings involve Complaints filed by Todd Elliot Koger, Sr. and Elliot Todd Parker Koger against Duquesne Light. The Complaints address electric service to the same account and address and include service allegations arising out of the same alleged incident. Therefore, it is the determination of the undersigned presiding officer that, in the interests of administrative efficiency and judicial economy, these matters should be consolidated. As Respondent correctly argued, if these cases were to proceed independently and not be consolidated, there would be substantial overlapping issues of law and fact in the cases. Therefore, it would be a misuse of administrative and judicial resources to litigate these matters separately when they raise common issues of fact and law and involve the same Parties and that the consolidation of these proceedings will promote the efficient use of the time and resources of the parties and the Commission.

¹³

Complainants Request for Stay, p. 13-15.

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TODD ELLIOTT KOGER SR
ELLIOTT-TODD KOGER
515 KELLY AVENUE
PITTSBURGH PA 15221
412.758.4510
kogerfriend@gmail.com
Served via email and First-Class Mail
Served –7/10/2025

MEGAN E RULLI ESQUIRE
POST AND SCHELL PC
17 NORTH SECOND STREET
12TH FLOOR
HARRISBURG PA 17101
717.731.1970
mrulli@postschell.com
Accepts eService **Served –7/10/2025**
(Counsel for Duquesne Light Company)

MICHAEL BRECHLIN
DUQUESNE LIGHT COMPANY
411 7TH AVENUE
PITTSBURGH PA 15219
412.393.6431
mbrechlin@duqlight.com
(Duquesne Light Co)
Accepts eService – **Served 7/10/2025**