

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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

**INTERIM ORDER
ESTABLISHING INITIAL LITIGATION SCHEDULE**

Please read this Order in its entirety. It contains important information regarding this case.

Procedural Background

The Parties are directed to review the procedural history and requirements previously ordered by carefully reviewing the Interim Orders previously entered in these proceedings.

In addition, it is important to note that Complainants have the burden of proof regarding the claims raised in these proceedings.

Based upon the aforesaid, and consistent with the Interim Orders previously entered in this proceeding, the Parties are hereby directed to comply with the following initial litigation schedule:

1. **ON OR BEFORE September 1, 2025**, any Party wishing to present factual testimony of any person, including testimony of Complainant(s) and Respondent, must provide to the other Party in writing, the name and business address of each such person and a written summary of the expected testimony of each such person. If no factual testimony is presented from any witness or from Complainant(s) or Respondent, the Parties shall provide a writing to the opposing Party indicating this fact, on or before this date.

2. **ON OR BEFORE September 5, 2025**, any Party wishing to present expert testimony (including but not limited to medical, technical, etc.), including expert testimony of Complainant(s) and Respondent must provide to the other Party in writing, the name and business address of that expert and a written summary of the expected testimony of that expert. If no expert testimony will be presented, the Parties shall provide a writing to the opposing Party indicating this fact, on or before this date.

3. **ON OR BEFORE October 1, 2025**, the Parties shall file a status report in this proceeding and serve a copy upon the opposing Party and the undersigned Presiding Officer. In addition, prior to October 1, 2025, the Parties shall confer in an attempt to agree upon proposed dates for a hearing in this case to be held in this proceeding. The status report shall identify the agreed upon hearing date, to consist of two consecutive days and whether the Parties are requesting a telephone or in-person hearing. In the event the Parties are unable to agree upon a hearing date, the Parties, in their respective status reports, shall also identify all dates in which the Parties and their witnesses will be able to provide testimony in this proceeding in November of 2025. The Parties shall identify at least two different proposed hearing dates, consisting of two consecutive days each, in November of 2025. Absent receipt of this information, a hearing date will be established by the undersigned Presiding Officer and the Parties, and their witnesses will make themselves available at the scheduled date(s) and time(s).

4. **ON OR BEFORE October 31, 2025**, the Parties shall conclude discovery in this proceeding.

Commission Rules and Procedures

This matter is a formal proceeding and will be conducted in accordance with the Commission's Rules of Practice and Procedure. 52 Pa. Code §§ 1.1 *et seq.*

Complainants bear the burden of proof and must demonstrate by a preponderance of the evidence that Respondent violated its tariff, the Public Utility Code or a Commission order or regulation, and that they are entitled to the relief requested in the Amended Complaint, subject to applicable law and the Interim Orders entered in these proceedings.

If you, or anyone you plan to call as a witness on your behalf, have a limited ability to speak or understand English or are deaf or hearing-impaired, a qualified interpreter can be provided upon your request. If you want an interpreter, please contact the Scheduling Office at least twenty (20) days before the scheduled hearing to make your request. Scheduling Office: (717) 787-1399. AT&T Relay Service number for people who are deaf or hearing-impaired: 1-800-654-5988.

Representation

Pursuant to 52 Pa. Code §§ 1.21 & 1.22, if you are an individual, you may represent yourself or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, limited liability company, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered promptly and in accordance with the provisions of 52 Pa. Code § 1.24(b).

If you are an individual and wish to be represented by an attorney, you should promptly retain an attorney without delay and your attorney shall promptly cause a Notice of

Appearance to be filed with the Commission Secretary. A request to continue the hearing in this proceeding or to extend a deadline in order to obtain legal counsel will be denied by the Presiding Officer, absent a showing of exigent circumstances by the moving party.

Service

Service of documents and pleadings shall be made in accordance with the Commission's Rules of Practice and Procedure.

Service of documents and pleadings upon the undersigned Presiding Officer shall be made in accordance with the Commission's Rules of Practice and Procedure. The undersigned Presiding Officer shall also be served with an email transmission of all briefs, discovery motions and dispositive motions filed in this proceeding, followed not later than the next business day with a hard copy of the same material via first-class mail postage prepaid. All such briefs, discovery motions and dispositive motions filed in this proceeding and submitted to the undersigned Presiding Officer in electronic form shall be submitted in WORD format. The Parties shall serve the undersigned Presiding Officer directly with any document filed in this proceeding, other than discovery requests identified herein. A copy of any document or correspondence sent to the undersigned Presiding Officer must also be sent to all other Parties in the case.

Parties without internet capabilities shall not be required to serve such documents electronically.

Email and Fax Transmissions

The Parties may agree to accept email or facsimile transmission of documents. The Presiding Officer will not accept email transmissions without prior authorization. Email communications received that are inconsistent with these instructions may not be considered by the undersigned Presiding Officer. The Presiding Officer will not accept facsimile transmissions

greater than ten pages in length without prior authorization. If the Parties have any questions, they may call the office of the Presiding Officer at (412) 565-3550.

Discovery

The Parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa. Code § 5.322. If this process fails, the Parties have recourse to the Commission's procedures for formal discovery, as herein modified. 52 Pa. Code §§ 5.321, *et seq.* The Parties must not send the undersigned Presiding Officer any discovery requests, responses or material or cover letters, unless attached to a motion to compel. All motions to compel must contain a certification of the Party, or from counsel if represented, regarding the informal discovery undertaken and their efforts to resolve their discovery disputes informally. If a motion to compel fails to contain such certification, the Presiding Officer will contact the Parties and direct them to pursue informal discovery.

Settlement and Stipulations

The Parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a). The Parties are urged to seriously explore this possibility. The Settlement Judge Procedure may also be available upon the consent of the Parties.

If settlement is not feasible, the Parties are encouraged to stipulate any matters they reasonably can in order to expedite this proceeding, lessen the burden of time and expenses in litigation on all Parties and conserve administrative hearing resources. 52 Pa. Code §§ 5.232 and 5.234. All stipulations entered by the Parties must be reduced to writing, signed by the Parties to be bound thereby, and accepted into the record during the hearings in this case or prior to the hearing by interim order. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation may be permissible, if accepted and as directed by the Presiding Officer.

Evidence and Documents

If you intend to present any documents or exhibits for my consideration at an in-person hearing, including any documents or exhibits into evidence, or have a witness refer to any material of any kind, document or proposed exhibit, you must send three (3) copies of each document to the undersigned Presiding Officer, and one (1) copy of each document to every other party in this case. If the opposing party is represented by counsel, the copies shall be sent to legal counsel. Proposed exhibits should be properly pre-marked for identification. Your documents or exhibits must be received by me and every other party seven (7) days before the scheduled hearing. Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. If you send me any correspondence or document, you must also send a copy of that correspondence or document to every other party. For your convenience, a copy of the Commission's current service list of all parties to this proceeding is enclosed with this Order. If the hearing is scheduled as a telephone hearing, only one copy of each such document shall be served upon the undersigned Presiding Officer, and one (1) copy of each document to every other party in this case, with a copy being provided to legal counsel, if the opposing party is represented by counsel, consistent with the deadlines and instructions set forth above.

If you intend to attempt to introduce any CD, DVD, video or audio tape or similar material into evidence or have a witness refer to any such material, you must have an official transcript made of the purported material and provide three (3) copies of each such item, material or proposed exhibit and at least three (3) copies of the official transcript of each such item, material or proposed exhibit, which clearly and fully identifies the name, address, telephone number and qualifications of the official reporter who made the transcript, to the undersigned Presiding Officer, and one (1) copy to every other Party in this case, or to legal counsel if the Party is represented. Such documents or materials and transcripts must be received by me and every other Party or legal counsel, if represented, at least fourteen (14) days prior to the hearing.

In addition, the Party sponsoring or proposing to use such CD, DVD, video or audio tape or similar material must make satisfactory arrangements with the opposing Party and

the office of the undersigned Presiding Officer as to how a video or audio tape or other such material will be presented into evidence at the hearing, at least fourteen (14) days prior to the hearing. The Parties are advised that the Pittsburgh Commission hearing rooms may not be equipped with computers or audio-visual equipment, and it is the responsibility of the Party offering their proposed evidence to make appropriate arrangements to properly present their evidence at the hearing in this proceeding. The Parties are encouraged to cooperate in an effort to resolve any procedural matters prior to the hearing. The failure to make such appropriate arrangements as set forth above may result in the refusal of any request to use such materials at the hearing or to introduce any such materials or proposed evidence at the hearing in this proceeding.

Prehearing Conference

Any Party may request a prehearing conference, a settlement conference, or an expedited litigation hearing schedule and hearing date in writing, with a copy of the request to be proved to the opposing party and the undersigned presiding officer. A prehearing conference may also be scheduled by the undersigned presiding officer, regardless of whether any Party requests one and regardless of whether the Parties agree to one.

Modification

Any of the provisions of this Interim Order may be modified by an interim order entered into the record upon motion and good cause shown by a Party of interest.

Date: July 11, 2025

_____/s/
Jeffrey A. Watson
Administrative Law Judge

**C-2024-3049627; C-2025-3054190 - TODD ELLIOTT KOGER SR AND ELLIOT-TODD KOGER
v. DUQUESNE LIGHT COMPANY**

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 -7/11/2025

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 -7/11/2025**
(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 7/11/2025**