

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RON RICHARDS	:	
	:	
v.	:	C-2025-3055138
	:	
DUQUESNE LIGHT COMPANY	:	

**INTERIM ORDER
DENYING MOTION TO DISMISS AND RESCHEDULING HEARING**

On May 14, 2025, Ron Richards (Complainant) filed a formal complaint against Duquesne Light Company (Duquesne Light). The Complainant checked the boxes on the form noting that the utility was threatening to terminate his service and he would like a payment arrangement. The Complainant did not include any narrative explaining his request.

On June 3, 2025, Duquesne Light filed an answer. Duquesne Light admitted that it issued a termination notice because the Complainant has not paid his bills in full or on time. Duquesne Light also alleged that the Complainant's balance exceeds \$4,000 and that the Complainant has only made one payment since his account was established in November 2022. Duquesne Light finally averred that it has extended three payment arrangements to the Complainant and that all three payment arrangements have defaulted.

By hearing notice dated June 11, 2025, a telephone hearing was scheduled for July 23, 2025, and assigned to me. I issued my customary prehearing order which explained the procedures for the hearing, including instructions for requesting continuance if the time or date of the hearing is inconvenient.

I convened the hearing as scheduled. Duquesne Light appeared along with a witness, Roxanne Morris. The Complainant did not appear for the hearing. Following a brief recess to permit the Complainant with additional time to call in, the hearing reconvened.

Duquesne Light made a motion to dismiss the complaint because the Complainant failed to appear. I took the motion under advisement.

Following the hearing the Complainant contacted my office. He was instructed to explain in writing why he did not appear for his hearing. By email on July 25, 2025, the Complainant explained that he missed the hearing because he believed that it was scheduled for July 24, 2025. He discovered his error when he was reviewing documents for the hearing.

By email on July 25, 2025, Duquesne Light objected to rescheduling the hearing.

Commission regulations state that when a party who has been notified of the date and time of the hearing but does not appear has waived the opportunity to participate:

(a) Failure to appear, proceed or maintain order in proceedings.

1. After being notified, a party who fails to be represented at a scheduled conference or hearing in a proceeding will:

2. Be deemed to have waived the opportunity to participate in the conference or hearing.

3. Not be permitted thereafter to reopen the disposition of a matter accomplished at the conference or hearing.

4. Not be permitted to recall witnesses who were excused for further examination.^[1]

However, if the failure to appear was “unavoidable,” the presiding officer may allow the matter to proceed.

¹ 52 Pa. Code § 5.245.

In this case, the Complainant's failure to appear was not "unavoidable." He admits that he received the paperwork related to the hearing. Not only did he receive the hearing notice and prehearing order, but on July 15, 2025, Duquesne Light served copies of their proposed exhibits with a cover letter that included the time and date of the hearing. The Complainant did not claim that he had not received these documents.² The Complainant's excuse is simply that he did not review the paperwork for the hearing in a timely manner.

Failing to review the date and time of the hearing after receiving notice is not unavoidable within the meaning of the Commission's regulations. However, as a one-time courtesy I will direct that the hearing be rescheduled. Although Duquesne Light's motion to dismiss the complaint will be denied, Duquesne Light is free to renew its motion in the event the Complainant fails to appear at the next hearing.

THEREFORE,

IT IS ORDERED:

1. That Duquesne Light's motion to dismiss is denied without prejudice.
2. That a further hearing shall be scheduled. The parties are expected to carefully review the hearing notice and prehearing order as they contain important information regarding the procedure and conduct of the hearing.

² I note that the Complainant registered to receive service by eFile. Notice eServed to a party's registered email address with no notification that service failed is presumed to have been received. *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

3. That no further continuances will be granted absent extraordinary circumstances.

Date: July 28, 2025

/s/
Mary D. Long
Administrative Law Judge

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Revised: July 17, 2025

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