

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tanya Rouse	:	
	:	
v.	:	F-2025-3054429
	:	
Duquesne Light Company	:	

INTERIM ORDER
Denying in Part Respondent's
Motion to Dismiss
For
Lack of Jurisdiction

Before
Katrina L. Dunderdale
Administrative Law Judge

INTRODUCTION

This Interim Order grants in part and denies in part a Motion to Dismiss for Lack of Jurisdiction concerning a formal complaint which alleged incorrect charges on billing statements. The Commission does not have jurisdiction over the balances owed from the billing statements issued prior to the date Complainant filed a bankruptcy petition, but the Commission retains jurisdiction over Complainant's continuing allegation that the current billing statements include charge for a foreign load.

HISTORY OF THE PROCEEDING

On April 3, 2025, Tanya Rouse (Complainant) filed a formal complaint with the Pennsylvania Public Utility Commission (Commission) against Duquesne Light Company (Respondent, DLC or Duquesne). The formal complaint alleged there were incorrect charges on her bills and, for relief, she requested the Commission order DLC to be

fair to all. In her formal complaint,¹ Complainant selected the option to receive all communications from the Commission via the United States Postal Service (USPS) First-Class Mail at the address provided by Complainant on the formal complaint.

On April 24, 2025, Respondent filed the answer in which Duquesne generally denied the allegations. DLC admitted it provided electric distribution service to Complainant at the service address and acknowledged there were discussions with Complainant about possible foreign wiring. Duquesne asserted its bills were correct as rendered. Duquesne contended it provided reasonable and adequate customer service in response to Complainant's communications concerning foreign wiring and incorrect bills.

On April 29, 2025,² a Call-In Telephone Hearing Notice was served on the parties that scheduled an initial telephonic hearing on June 25, 2025. On April 29, 2025, the presiding officer issued the Prehearing Order to be served on the parties which reminded the parties of the date and time of the hearing. The Prehearing Order restated the consequences of a party's failure to appear. Additionally, the Prehearing Order informed the parties about the applicable procedural rules and repeated the procedure to follow for hearing continuances.

On June 25, 2025, the presiding officer convened the hearing as scheduled. Sophia Al Rasheed, Esquire, appeared on behalf of Respondent along with one witness and was ready to proceed. The court reporter was also present. Complainant was not present at the start of the hearing. The hearing convened at 10:03 a.m. and was conducted in Complainant's absence. No testimony was taken, and no exhibits were introduced into the record. Respondent noted Complainant caused a bankruptcy petition to be filed in the United States Bankruptcy Court in the Western District of Pennsylvania on May 15, 2025, at Case No. 25-21262-CMB. Respondent did not know if DLC was listed as a creditor. At the hearing, Respondent moved to dismiss the formal complaint for Complainant's failure to appear and prosecute her formal

¹ The formal complaint was a timely appeal of a decision by the Commission's Bureau of Consumer Services (BCS), at BCS Case No. 4041332, on March 4, 2025. BCS denied the informal complaint in which Ms. Rouse disputed her bills were too high, specifically in January 2025 and February 2025, and she suspected she was paying for electric service provided elsewhere in the apartment building.

² The Prehearing Order was dated in error on the first page as April 4, 2025, but was signed by the presiding officer and dated correctly on the last page as served on April 29, 2025. It was served on both parties.

complaint. The presiding officer took the motion under advisement and concluded the hearing at 10:10 a.m., noting Complainant continued to be absent from the hearing.

Also, on June 25, 2025 at approximately 12:00 p.m. (noon), Complainant contacted the presiding officer's office and left a voice message indicating she was unable to call into the hearing at 10:00 a.m. because her telephone fell into the toilet. Complainant indicated she wanted to participate in the hearing but was unavailable due to the loss of her telephone. The presiding officer's staff advised Complainant on how to request the initial hearing be rescheduled. Complainant advised the presiding officer's staff that she spoke with Respondent's attorney who indicated Respondent had no objection to a continuance.

On June 27, 2025, the Commission received a hand-written letter from Ms. Rouse which indicated Ms. Rouse was unable to attend the hearing because her telephone stopped working. Ms. Rouse indicated she wanted the initial hearing to be rescheduled.³

On July 10, 2025, Duquesne advised the presiding officer by email that it objected to the continuance request. Because Complainant indicated she preferred documents to be served on her by the USPS, and because she did not provide an email address to the Commission, the presiding officer advised Duquesne to file its objection with the Commission and provide a copy to Complainant via her requested preference for service.

Accordingly, on July 11, 2025, Duquesne filed its Motion of Duquesne Light Company to Dismiss the Complaint of Tanya Rouse for Lack of Jurisdiction (Motion to Dismiss), endorsed with a Notice to Plead, pursuant to 52 Pa.Code § 5.103. The motion was served on Complainant by the USPS. In its' Motion to Dismiss, Duquesne alleged Complainant filed for a Chapter 7 Voluntary Petition for Bankruptcy (Bankruptcy Petition) with the United States Bankruptcy Court for the Western District of Pennsylvania on May 15, 2025, at Docket No. 25-21262-CMB. DLC averred all amounts owed by Complainant to Respondent for electric service prior to May 15, 2025, were placed in a separate account. Respondent contended the

³ The presiding officer verified on July 2, 2025 that Complainant provided a similar copy of her letter to Duquesne.

formal complaint does not allege any wrongdoing by Duquesne regarding the post-bankruptcy petition amounts accrued by Complainant. Further, Duquesne argued Ms. Rouse’s allegations pertain solely to pre-petition debts issued before the Bankruptcy Petition, and the dispute at issue is within the jurisdiction of the bankruptcy proceeding. Duquesne requests the Commission dismiss the formal complaint with prejudice.

The Notice to Plead informed Complainant that she had to respond to the Motion to Dismiss within ten days. Ten days from July 11, 2025, was July 21, 2025.

On July 23, 2025, Complainant mailed a hand-written letter to the presiding officer.⁴ Complainant responded she filed for bankruptcy in February 2024. Complainant asserted in her response that, “I still believe there is still a B.I.G. Problem going on with that Electric [service],” and asserted she wanted to have the initial hearing rescheduled.

Duquesne’s Motion to Dismiss is ready for decision.

DISCUSSION

The Commission has the power, and the duty, to enforce the requirements of the Public Utility Code. 66 Pa.C.S. § 501(a).

As a party that seeks an order from the Commission, FE PA bears the burden of proof, pursuant to the provisions of 66 Pa.C.S. § 332(a). The degree of proof FE PA must meet to establish its case before the Commission is preponderance of the evidence.⁵ The phrase “preponderance of the evidence” means that one party has presented evidence that is more convincing, by even the smallest amount, than the evidence presented by the other party.⁶

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⁴ Because Complainant did not provide a certificate of service or indicate in the letter if she provided a copy to the Secretary’s Bureau for filing, the presiding officer, as a courtesy, provided the original letter and envelope to the Secretary’s Bureau for filing in the Commission’s docket, by memorandum dated July 30, 2025.

⁵ *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm’n*, 578 A.2d 600 (Pa.Cmwlth. 1990).

⁶ *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

The regulation, at 52 Pa.Code § 5.103, permits Duquesne to file a motion that requests relief, at any time during the proceeding. The motion must set forth the relief sought and include the grounds for the request along with the statutory or other authority upon which the motion relies.

“If a motion involves a question of jurisdiction, ..., the presiding officer may render a final determination with regard to a motion prior to the termination of hearings by issuing an initial or recommended decision.”⁷

Complainant alleges there were incorrect charges on her bills from Respondent. Respondent argues its bills are correct as rendered and asserts it responded adequately to Complainant’s questions about foreign wiring and incorrect bills. Complainant has not requested a payment arrangement and Respondent has not averred Complainant’s electric service account has an unpaid balance.⁸

I disagree with Duquesne’s interpretation that the Commission lacks jurisdiction to consider customer service and billing issues, despite the filing of a bankruptcy petition on May 15, 2025. Complainant’s allegations in the formal complaint and in the informal complaint question whether the meter is not recording consumption accurately or whether she is paying for electric service provided in areas outside her apartment. It is correct that the informal complaint specifies a dispute over the January 2025 and February 2025 bills, which predate the filing of the bankruptcy petition in May 2025. However, the crux of Complainant’s allegations concern a continuing dispute that her monthly bills include electric service provided outside her residence. Her response on July 23, 2025 notes that she continues to dispute the electric service provided by Respondent.

⁷ 52 Pa.Code § 5.103(d)(3).

⁸ BCS noted in its decision on March 4, 2025, at BCS No. 4041332, that the balance on Complainant’s account was \$262.59, as of March 3, 2025.

Respondent assumes Complainant's sole dispute is over unpaid bills. If Respondent was correct, Complainant would have asked for help paying off a large balance or requested relief from the Commission in the form of a Commission payment arrangement. The formal complaint and informal complaint list do not list any problem other than a concern over foreign wiring and the functioning of the electric meter. Even if the Bankruptcy Court eliminates an unpaid balance, Complainant's concerns continue because she continues to insist she is being overcharged for electric service.

Consequently, dismissing the formal complaint in its entirety is not appropriate. Instead, Complainant is entitled to have her complaint considered by the Commission on the specific question that remains: whether Respondent's bills since May 2025, are incorrect as rendered and if she continues to be overcharged as a result of foreign wiring. Accordingly, the formal complaint will be rescheduled for a telephonic hearing in October 2025.

In the interim, Complainant and Respondent will arrange a mutually agreed-upon time when Respondent can investigate the presence of foreign wiring. Complainant must be present during the investigation and permit Respondent to access her residence.

If Complainant grants Respondent access to the service address for the purpose of investigation, Respondent shall produce a written report about the investigation and the results of the investigation. A copy of the written report shall be provided to Complainant and the presiding officer within ten (10) days of the site visit.

A further telephonic hearing will be scheduled for October 2025, at which time Respondent should be prepared to sponsor and move to admit into the hearing record the written report. If Complainant does not give Respondent access to her apartment and Respondent is unable to conduct an investigation, Respondent shall provide a status report, which should be filed with the Secretary's Bureau and served on the presiding officer and Complainant, at least five (5) business days prior to the scheduled further hearing.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Respondent's Motion to Dismiss is granted in part in that any pre-bankruptcy amounts listed as due to Respondent as a debtor are not at issue in this proceeding, pending a final determination by the U.S. Bankruptcy Court at Docket No. 25-21262-CMB.

2. That Respondent's Motion to Dismiss denied in part in that Complainant shall have an opportunity to pursue the allegation that the bills she receives for electric service, since May 15, 2025, include electric service provided to an area, or areas, outside her apartment.

3. That Complainant's request for a continuance is granted.

4. That a Further Call-In Telephonic Hearing shall be rescheduled to October 2025. The parties will receive a new Call-In Telephonic Hearing Notice from the Commission setting forth a new date for the Further Call-In Telephonic Hearing.

5. That Complainant and Respondent will arrange a mutually agreed-upon time when Respondent can investigate the presence of foreign wiring at the service address and when Complainant agrees to be present and permit Respondent to access her residence.

6. That Respondent shall produce a written report about the investigation and the results of the investigation and provide a copy of the written report to Complainant and the presiding officer within ten (10) days of the site visit, if Complainant grants Respondent access to the service address.

Date: August 4, 2025

/s/
Katrina L. Dunderdale
Administrative Law Judge

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TANYA ROUSE
1954 AMATO DRIVE APT B 29
NORTH VERSAILLES PA 15137
412.414.9765

Served via USPS First Class Mail – August 4, 2025

SOPHIA AL RASHEED ESQUIRE
DUQUESNE LIGHT COMPANY
411 SEVENTH AVENUE MAIL DROP 15 7
PITTSBURGH PA 15219
412.393.6505

salrasheed@duqlight.com

Served via Email – August 4, 2025