

**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	:	

**PREHEARING ORDER
REQUIRING DISTRIBUTION OF PROPOSED EXHIBITS AND OTHER
REQUIREMENTS FOR THE EVIDENTIARY HEARINGS**

In-person evidentiary hearings have been scheduled in this proceeding for December 8 and 10, 2025 in Pittsburgh, Pennsylvania.

For the benefit of the Parties and for planning purposes, the Parties are advised that the Pittsburgh Commission hearing rooms are not equipped with computers or audio visual equipment. Thus, 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 confer and cooperate with each other in an effort to resolve any procedural matters prior to the hearing.

For the benefit of the Parties, the following order will be entered.

THEREFORE,

IT IS ORDERED:

1. That the in-person hearings will take place as scheduled on December 8, 2025, and December 10, 2025, beginning promptly at 10:00 a.m. each day in Pittsburgh, Pennsylvania. A Hearing Notice will be issued by the Commission.

2. In addition to the terms set forth in prior orders entered in this proceeding, in the event that any Party intends to offer any material of any kind, including any documents or exhibits intended to be admitted into evidence or to have any witness refer to any material of any kind, you must provide at least one (1) original and four (4) copies of each such document at the in-person hearing, as set forth in the following ordering paragraphs. The original and one copy are for the Commission's records, one copy is to be provided to the Presiding Officer and one copy shall be provided for each Party (Complainant and Respondent). Proposed exhibits shall be pre-marked for identification by the Party offering the document, material or proposed exhibit, prior to being distributed to the Parties and the Presiding Officer.

3. That in addition to the terms set forth in prior orders entered in this proceeding, if any Party intends to introduce into evidence, any document, material or evidence of any kind, or if any Party intends for any witness to refer to or rely upon any material such material, such material or evidence shall be submitted to the opposing Party, or legal Counsel, if represented, and to the undersigned Presiding Officer, by providing one copy of such material or proposed evidence to the undersigned Presiding Officer, and one (1) copy to every other Party in this case, via email. Such documents or proposed exhibits must be received by the undersigned Presiding Officer and the opposing Party, or legal counsel, if represented, on or before 4:00 p.m. on December 3, 2025. The submission shall include a list of all proposed evidence, exhibits, and documents and materials that each Party intends to introduce into evidence at the evidentiary hearing as well as a list of all documents and materials that each Party intends to use at the evidentiary hearing.

4. That any Party sponsoring or proposing to use evidence in electronic form including a CD, DVD, video or audio tape or other similar material, shall promptly 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 or otherwise used at the hearing. It shall be the responsibility of the Party offering their proposed evidence to make appropriate arrangements. The failure to make such appropriate arrangements as set forth herein or to properly present such materials 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.

5. Nothing in this Order shall be construed to be a ruling on the authenticity or admissibility of any evidence or the competency of any witness to testify at the hearing and the Party sponsoring any evidence at the hearing will be required to establish the admissibility of the proposed evidence at the hearing.

6. The hearings are formal proceedings and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

7. Confidential Security Information (CSI) as defined by 35 P.S. § 2141 *et seq.* should not be transmitted by email or other electronic means. The Parties are to avoid introducing CSI into the record and should develop alternative means, such as joint stipulations or redaction when proposing testimony or exhibits. If there is no other alternative to establish a material fact other than by CSI, the Parties are to contact the office of the Presiding Officer immediately and in advance of the evidentiary hearing.

8. Prior to the conclusion of the in-person evidentiary hearings, each Party shall submit to the Presiding Officer: (1) a list of all the Parties' Confidential or proprietary evidence and exhibits offered into evidence at the evidentiary hearing and a copy of all exhibits or evidence admitted into the evidentiary record, which shall be clearly marked as Confidential CSI or Proprietary evidence.

9. The Parties who will present evidence or examine witnesses shall consult with each other and prepare a witness matrix including the identification of witnesses for each party, indicating which parties intend to cross-examine which witnesses and the approximate amount of time for direct examination and cross-examination of each witness by each Party. The witness matrix shall be provided to the undersigned Presiding Officer not later than December 3, 2025, at 4:00 p.m. Such matrix may be provided to the Presiding Officer by email.

10. On or before the close of business on the day following the conclusion of the evidentiary hearings, each Party shall submit an email to the undersigned Presiding Officer that shall include, in electronic form: (1) a list of all of the Parties' evidence and exhibits admitted into evidence; and (2) a copy of all of the Parties' pre-marked exhibits or evidence admitted into the record at the evidentiary hearing, including all attachments, if any. Any confidential or proprietary material shall be clearly marked as such. However, Confidential CSI material shall not be provided electronically but shall be provided in-hand, clearly protected and marked as Confidential CSI, at the evidentiary hearing.

11. Any Proposed stipulations, Memoranda, Settlement Petitions, Briefs, pleadings or requests or relief shall be provided electronically in Microsoft Word format to the undersigned Presiding Officer, upon filing, at jeffwatson@pa.gov.

12. The evidentiary hearings will begin promptly at 10:00 a.m. The Parties shall confer before commencement of the hearings to schedule their witnesses to avoid "holes" or "dead time" during the hearings. If a partial settlement is achieved, the Parties should be prepared to proceed at the hearings to present evidence on the unresolved issues.

13. That the Parties shall file any and all appropriate motions, including dispositive motions and *motions in limine*, if any, on or before November 27, 2025. A copy shall be provided to the undersigned presiding officer electronically in Microsoft Word format.

14. That the Parties shall file responses to any such motions, dispositive motions or *motions in limine*, if any, on or before December 4, 2025. A copy shall be provided

to the undersigned presiding officer electronically in Microsoft Word format.

15. A request for a change of the scheduled hearing dates or times must state the agreement or opposition of other parties and must be submitted in writing no later than five (5) business days prior to the hearings. 52 Pa. Code § 1.15(b). Requests for changes of hearing dates or must be sent to the undersigned Presiding Officer and all parties of record. The correct address for the location of the hearings is:

Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Piatt Place, Suite 220
301 Fifth Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-3550

Changes are granted only in rare situations where good cause is determined to exist by the undersigned Presiding Officer. A change to the hearing schedule in this case will not be considered absent exigent circumstances.

16. That it shall be 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.

17. Pursuant to Sections 1.21 and 1.22 of the Commission's regulations, you may represent yourself, if you are an individual, 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

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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 USPS First Class Mail & Email – October 16, 2025

MEGAN E RULLI ESQUIRE
POST AND SCHELL PC
17 NORTH SECOND STREET – 12TH FLOOR
HARRISBURG PA 17101
717.731.1970
mrulli@postschell.com
Served via eService – October 16, 2025
(*Counsel for Duquesne Light Company*)