

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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

**INTERIM ORDER GRANTING MOTION OF DUQUESNE LIGHT COMPANY TO
COMPEL RESPONSES TO DISCOVERY**

PROPOUNDED ON COMPLAINANTS – SET I

On October 16, 2025, pursuant to 52 Pa. Code §§ 5.342(g) and 5.349(d), Duquesne Light Company (Duquesne Light, DLC, or Company) filed a Motion to Compel Responses to Discovery Propounded on Todd Elliott Koger, Sr. and Elliot-Todd Parker Koger (Complainants) – Set I (Motion to Compel).

In its Motion to Compel, the Company avers on September 9, 2025, Duquesne Light served Interrogatories and Requests for Production of Documents on the Complainants – Set I, Questions 1 through 19 (DLC to Complainants Set I) upon Complainants by electronic and first-class mail.

The Company avers, pursuant to the Commission’s regulations, objections to its Complainants Set I discovery requests were due on or before September 19, 2025, and responses were due on or before September 29, 2025.

In its Motion to Compel, Company asserts the Complainants never served any objections to DLC to Complainants Set I by September 19, 2025, and that Complainants did not provide responses to DLC to Complainants Set I by September 29, 2025.

The Company further asserts that counsel for Duquesne Light emailed the Complainants on October 1, 2025, inquiring into the status of the Complainants’ responses to the discovery requests, but the Complainants’ response gave no indication that they planned to serve any responses. Duquesne Light attached a copy of correspondence that it identified between Duquesne Light and the Complainants regarding the responses to the discovery requests, to the Motion to Compel, marked as Appendix B.

In its Motion to Compel, Duquesne Light asserts Complainants did not provide any responses to the Company to Complainants Set I.

A party is entitled to obtain discovery of any matter not privileged that is relevant to the pending proceeding, or any matter that is reasonably calculated to lead to the discovery of admissible evidence.¹ Discovery is permitted regardless of whether the information sought “relates to the claim or defense of the party seeking discovery or to the claim or defense of another party.”²

¹ 52 Pa. Code § 5.321(c).

² *Id.*

Objections to interrogatories are due within 10 days of the service date. 52 Pa. Code § 5.342(e).

Duquesne Light asserts it served its first set of interrogatories on September 9, 2024, upon Complainants. Accordingly, any objections to Complainants Set I were due on or before September 19, 2025. According to the Company, Complainants did not object to any question in DLC to Complainants Set I on or before September 19, 2025.

The Company argues Complainants have waived the right to object to these interrogatories and must provide answers to them.³

Answers to written interrogatories must “[a]nswer each interrogatory fully and completely unless an objection is made.”⁴ Answers must be served within 20 days after service of the interrogatories.⁵

Similarly, a party shall serve a response to a request for documents within 20 days after the service of the request.⁶ The requesting party may move to compel a response to a request for documents with respect to a failure to respond to the request.⁷

The Company asserts Complainants have failed to comply with the Commission’s discovery rules by failing to provide responses to DLC to Complainants Set I or producing the documents sought by the subject discovery requests.

³ See 52 Pa. Code §§ 5.342(a)(4) (stating that a party must “[a]nswer each interrogatory fully and completely unless an objection is made”).

⁴ *Id.* § 5.342(a)(4).

⁵ *Id.* § 5.342(d).

⁶ *Id.* § 5.349(d).

⁷ *See id.*

In addition, the Company asserts the interrogatories propounded by Duquesne Light are highly relevant to the issues to be decided in this case and the interrogatories and requests for production are merely designed to gather more information about the allegations made in the Complaints filed by the Complainants in the above-captioned proceedings, so that the Company can gather information responsive to the allegations made therein.

The Company further addressed the following discovery requests.

A. DLC TO COMPLAINANTS-I-1

DLC to Complainants-I-1 requests the following:

Re: FIRST COMPLAINT, SECOND COMPLAINT, AMENDED COMPLAINT

(a) Please explain in detail every claim you are raising or plan to raise against Duquesne Light related to the allegations contained in your Formal Complaints.

The Company submits Question 1 asking Complainants to detail all the claims related to the allegations in the Complaints filed in these proceedings. Duquesne Light asserts this basic, foundational question is critical to knowing what issues the Complainants will be raising at the hearing. Without an answer, Duquesne Light asserts it would not be fully prepared to respond to all of the Complainants' issues.

Duquesne Light asserts the Complainants have filed three separate Complaints related to the same service visit on October 11, 2023: a Complaint filed at Docket No. C-2024-3049627 (First Complaint), a Complaint filed at Docket No. C-2025-305419 (Second Complaint), and an Amended Complaint filed at Docket No. C-2025-305419 (Amended Complaint). In its Motion to Compel, Duquesne Light asserts these Complaints contain numerous allegations that are not always consistent with one another. For example, it is unclear from reading the Complaints whether the Complainants claim that the electrical issues alleged in these Complaints existed prior to the October 11, 2023, whether they are claiming that Duquesne

Light caused the alleged electrical issues on October 11, 2023, or whether the Complainants allege that the electrical issues are ongoing.

Duquesne Light contends this basic question about the claims the Complainants plan to pursue is critical to responding to the extensive allegations raised throughout the Complaints.⁸ Without answers, Duquesne Light asserts it and its witnesses would not be fully prepared to respond to all of the Complainant's allegations at the hearing.

Duquesne Light argues it must receive a full and complete response to this interrogatory in sufficient time before an evidentiary hearing so that the Company can prepare and respond to the Complainants' allegations.

B. DLC to COMPLAINANTS-I-2, I-5, and I-6

DLC to Complainants-I-2 requests the following:

RE: AMENDED COMPLAINT ¶ 14

- (a) Please describe in detail the “ongoing electrical arc” referenced in this paragraph.
- (b) Please identify the date on which the “ongoing electrical arc” began and/or was discovered.
- (c) Please describe in detail the “no neutral connection” referenced in this paragraph.
- (d) Please identify the date on which the “no neutral connection” began and/or was discovered.
- (e) Please identify the “Duquesne Light supervisor” referenced in this paragraph
- (f) .Have you ever hired an electrician to investigate and/or repair the issues identified in subparts(a) and (c)? If so, identify the electrician and the date(s) the electrician visited the Service Address. If not, please explain why not.

⁸ See First Complaint ¶¶ 4-5; Second Complaint ¶¶ 4-5; Amended Complaint ¶¶ 13-56.

- (a) Please provide all Documents relied upon in responding to subparts (a) through (f).

DLC to Complainants-I-5 requests the following:

RE: AMENDED COMPLAINT ¶ 24

- (a) Please identify each of the “electrical issues experienced at their service address” referenced in this paragraph.
- (b) For each of the “electrical issues” identified in subpart (a), please identify whether the issue has been resolved (that is, whether repairs were performed, items were replaced, or the issue is ongoing.).
 - (1) If the issue was resolved, please explain in detail how it was resolved and the date it was resolved.
 - (2) If the issue has not been resolved, please explain in detail why it has not been resolved.
- (c) For each of the “electrical issues” identified in subpart (a), please identify the date the “electrical issue” began or was discovered.
- (d) Have you ever hired a licensed electrician to investigate and/or repair the “electrical issues” identified in subpart (a)? If so, identify the electrician and the date(s) the electrician visited the Service Address.
- (e) Please produce all Documents relied upon in responding to subparts (a) through (d).

DLC to Complainants-I-6 requests the following:

RE: AMENDED COMPLAINT ¶ 32.

- (a) Please identify each of the “pre-existing issues with the electrical service at the Koger family’s residence” referenced in this paragraph.
- (b) For each of the “pre-existing issues” identified in subpart(a) please identify whether the issue has been resolved (that is, whether repairs were performed, items were replaced, or the issue is ongoing.).
 - (1) If the issue was resolved, please explain in detail how it was resolved and the date it was resolved.
 - (2) If the issue has not been resolved, please explain in detail why it has not been resolved.

- (c) For each of the “pre-existing issues” identified in subpart(a), please provide the date the issue began or was discovered.
- (d) Have you ever hired a licensed electrician to investigate and/or repair the “pre-existing issues with the electrical service” identified in subpart (a)? If so, identify the electrician and the date(s) the electrician visited the Service Address.
- (e) Please provide all Documents relied upon in responding to subparts (a)-(b) of this request.

Duquesne Light asserts paragraphs 14, 24, and 32 of the Amended Complaint contain allegations related to various, unspecified electrical issues that the Complainants claim they have experienced at their service address over time.⁹ The Company asserts it is unclear from these allegations precisely what electrical issues the Complainants claim they are experiencing, when they were discovered, whether they are ongoing, or whether the Complainants have taken any steps to investigate or repair those issues.

Given these allegations, the Company asserts Questions 2, 5, and 6 seek clarification as to the precise nature of the electrical issues the Complainants claim they are experiencing or have experienced, which the Complainants have made the central issue in these proceedings. These questions, according to the Company, also seek pertinent information related to any repairs or investigations into these alleged electrical issues that the Complainants have made.

Duquesne Light argues these basic questions are critical to responding to and understanding the Complainants’ claims regarding the actions of Duquesne Light on and after October 11, 2023. Without answers, Duquesne Light asserts it and its witnesses would not be fully prepared to respond to all of the Complainant’s allegations at the hearing.

Duquesne Light further argues it must receive full and complete responses to these interrogatories in sufficient time before an evidentiary hearing so that the Company can prepare and respond to the Complainant’s allegations.

⁹ See Amended Complaint ¶¶ 14, 24, 32.

C. DLC TO COMPLAINANTS-I-3

DLC to Complainants-I-3 requests the following:

RE: AMENDED COMPLAINT ¶¶ 18

- (a) Please produce a copy of the “detailed written account” dated November 11, 2023, referenced in this paragraph.
- (b) Please describe the process(es) that customers can use to submit a damage claim to Duquesne Light as you understand it.
- (c) Since January 1, 2023, have you ever submitted a damage claim to Duquesne Light by calling 412-393-6032? If so, please provide the date and time the claim(s) were submitted and a summary of the damage claim(s).
- (d) Since January 1, 2023, have you ever submitted a damage claim through Duquesne Light’s website at <https://www.duquesnelight.com/customer-support/contact/customer-claims-form>? If so, please provide the date and time the claim(s) were submitted and a summary of the damage claim(s) made.
- (e) Do you allege that a customer can submit a damage claim to Duquesne Light by emailing the Company’s attorney(s)?
- (f) Do you allege that a customer can submit a damage claim to Duquesne Light by emailing the Company’s employee(s)?
- (g) Please produce all Documents relied upon in responding to subparts (a) through (f).

The Company asserts Question 3 seeks information related to the Complainants’ allegations that the Company has failed to properly process a damage claim submitted by the Complainants. According to Duquesne Light, the Complainants raised this issue in their Amended Complaint, claiming that they provided notice to the Company of a “Total Loss” claim through correspondence with the Company sent between November 2023 and April 2025.¹⁰

¹⁰ See Amended Complaint ¶¶ 18-23.

As such, the Company asserts the information requested about Complainants' knowledge of the Company's claim process is highly relevant to the issues raised in these cases. Duquesne Light asserts these questions simply ask the Complainants to describe their knowledge of the Company's claims process as well as their history of submitting damage claims.

D. DLC TO COMPLAINANTS-I-4

DLC to Complainants-I-4 requests the following:

RE: AMENDED COMPLAINT ¶ 19

- (a) Please produce copies of the correspondence referenced in this paragraph, dated June 18, 2024, and August 14, 2024.

The Company explains Question 4 asking the Complainants to produce correspondence referenced in their Amended Complaint, dated June 18, 2024, and August 14, 2024.¹¹ The Company asserts it has received numerous communications from the Complainants in the time frame relevant to these Complaints, sometimes more than one communication per day. In addition, the Complainants send communications to various Company employees and its legal counsel. By asking the Complainants to produce copies of the correspondence referenced in the Amended Complaint, the Company submits it is simply seeking to ensure that it can review copies of the communications at issue prior to the evidentiary hearing.

Duquesne Light asserts the Complainants relied on these communications to make the allegations in their Amended Complaint and so should have copies of these communications readily available.

¹¹ See Amended Complaint ¶ 19.

Duquesne Light argues it must receive a full and complete response to this interrogatory in sufficient time before an evidentiary hearing so that the Company can prepare and respond to the Complainants' allegations.

E. DLC TO COMPLAINANTS-I-7

DLC to Complainants-I-7 requests the following:

RE: AMENDED COMPLAINT ¶ 33

- (a) Please identify every utility bill you are alleging was "elevated."
- (b) What do you allege caused or is causing the "elevated utility bills" referenced in this paragraph?
- (c) Please produce all Documents relied upon in responding to subparts (a) and (b).

In Paragraph 33 of their Amended Complaint, the Complainants allege that the actions of Duquesne Light warrant investigation into "elevated utility bills."¹²

Duquesne Light asserts this interrogatory seeks information from the Complainants related to which utility bills they are alleging are elevated and what they believe is causing the alleged "elevated utility bills."¹³ Given these allegations, the Company asserts it is reasonably and relevantly seeking further explanation from the Complainants.

Duquesne Light also asserts it must receive a full and complete response to this interrogatory in sufficient time before an evidentiary hearing so that the Company can prepare and respond to the Complainant's allegations.

¹² Amended Complaint ¶ 33.

¹³ *Id.*

DLC TO COMPLAINANTS-I-8, I-9, and I-10

DLC to Complainants-I-8 requests the following:

RE: AMENDED COMPLAINT ¶ 45

- (a) Please identify every reason that you allege CLEAResult “refused to inspect the Koger residence.”
- (b) Please identify the “at least three occasions” on which you allege CLEAResult “refused to inspect the Koger residence,” including the dates of those occasions, the identity of the CLEAResult representative you spoke to, and a summary of the contact.
- (c) Please produce a copy of the correspondence dated April 29, 2024, referenced in this paragraph.
- (d) Please identify every contact you have had with CLEAResult since January 1, 2023, including date and time of the contact, and the individual you had contact with.

DLC to Complainants-I-9 requests the following:

RE: AMENDED COMPLAINT ¶ 46

- (b) Please identify the CLEAResult employee(s) and/or representative(s) you allege “Expressed a concern that Duquesne Light’s gross negligence and ‘failure to establish a neutral connection’ in the service box (identified during an emergency audit by the Duquesne Light Supervisor on October 11, 2023), and the damage that has resulted (without any repair) prevents their involvement at this time.”
- (c) Please provide all Documents relied upon in responding to this request.

DLC to Complainants-I-10 requests the following:

RE: AMENDED COMPLAINT ¶ 48

- (d) Have you ever permitted CLEAResult access to the attic of the Service Address? If so, when?
- (e) Have you ever permitted CLEAResult access to the second floor of the Service Address? If so, when?
- (f) Have you ever permitted CLEAResult access to the basement of the Service Address? If so, when?

- (g) Do you allege that CLEAResult can perform a Smart Comfort Visit without access to the full residence, including the attic, second floor, and basement?
- (h) Are you willing to permit CLEAResult access to the attic, second floor, and basement in order to perform a Smart Comfort Visit?
- (i) Please provide all Documents relied upon in responding to subparts (a) through (e) of this request.

The Company asserts that, central to the Complainants' case are allegations that the actions of Duquesne Light have thwarted their ability to receive benefits through the Company's Customer Assistance Program (CAP). In support of these claims, the Company asserts the Complainants make representations that the Company's contractor CLEAResult, which conducts energy audits (i.e., Smart Comfort visits) related to CAP enrollment, has "refused" to carry out the necessary Smart Comfort visit and has told the Complainants that the electrical issues identified on October 11, 2023, prevent the Smart Comfort visit from being completed.¹⁴

Question 8 asks the Complainants to provide the reasons they claim CLEAResult has not conducted a Smart Comfort visit, to provide a history of the Complainants' contacts with CLEAResult, and to produce a copy of the correspondence dated April 29, 2024, that they rely on to make their allegations.

Question 9 asks the Complainants to identify the CLEAResult employee they allege made the statements contained in Paragraph 46 of the Amended Complaint and to provide any documentation of that communication.

Question 10 asks the Complainants to state whether they have provided access CLEAResult with the access to the service address required to carry out a Smart Comfort visit.

Duquesne Light asserts these basic questions are based upon and directly relevant to the claims raised in the Complainants' First, Second, and Amended Complaints regarding

¹⁴ See First Complaint ¶¶ 4-5, 7; Second Complaint ¶¶ 4-5, 7; Amended Complaint ¶¶ 43-47.

their CAP enrollment and history of contacts with CLEAResult. Without answers, Duquesne Light asserts it and its witnesses would not be fully prepared to respond to all of the Complainant's allegations at the hearing.

Duquesne Light argues it must receive a full and complete response to this interrogatory in sufficient time before an evidentiary hearing so that the Company can prepare and respond to the Complainant's allegations.

DLC TO COMPLAINANTS-I-11, I-12, I-13, and I-14

DLC to Complainants-I-11 requests the following:

RE: AMENDED COMPLAINT ¶ 18

Please identify every item of personal property that you allege was damaged by Duquesne Light. For each item please:

- (a) Provide a description of the item;
- (b) Provide the manufacturer and make and/or model of the item;
- (c) Provide the name of the store, company, individual, or service from which you purchased the item;
- (d) Provide the original purchase date of the item, including month and year;
- (e) Provide proof of purchase of the item;
- (f) Provide the replacement price and/or the cost to repair the item; and
- (g) Provide the date the item was damaged or the date the damage was discovered.
- (h) Please provide all Documents relied upon in responding to subparts (a) through (g) of this request, including any photographs of the alleged damage.

DLC to Complainants-I-12 requests the following:

RE: INTERROGATORY I-11

Please identify whether you have a homeowner's or renter's insurance policy for the Service Address. If so, please identify all claims submitted to an insurer related to the items you allege were damaged by Duquesne Light. For each claim please:

- (a) Provide the name and business address of the insurance provider;
- (b) Provide a copy of the policy you hold with that insurance provider;
- (c) Provide the date the claim was submitted;
- (d) Provide the claim submitted to the insurance provider, including all supporting documentation included with the claim;
- (e) Provide the insurance provider's response to the claim; and
- (f) Provide copies of any and all correspondence with the insurance provider regarding the claim.

DLC to Complainants-I-13 requests the following:

RE: INTERROGATORY I-11

Please identify every item identified in response to Interrogatory I-11 that you have replaced. For each replaced item please:

- (a) Provide a description of the item;
- (b) Provide the manufacturer and make and/or model of the item;
- (c) Provide the name of the store, company, individual, or service from which you purchased the item;
- (d) Provide proof of purchase of the replaced item;
- (e) Provide the replacement purchase price of the item; and

- (f) Identify whether the purchase of this item was covered by an insurance claim and if so, the amount of coverage provided.

DLC to Complainants-I-14 requests the following:

RE: INTERROGATORY I-11

Please identify every item identified in response to Interrogatory I-11 that you have repaired. For each repaired item please:

- (a) Provide a description of the repairs performed;
- (b) Provide the name of company or individual who performed the repair;
- (c) Provide the date the repair was completed, including month and year;
- (d) Provide proof of payment for the repair;
- (e) Provide the cost to repair the item; and
- (f) Identify whether the repair of this item was covered by an insurance claim, and if so, the amount of coverage provided.

According to Duquesne Light, the Complainants claim that the actions and/or omissions of Duquesne Light have caused extensive and unspecified damage to their personal property and/or residence. For example, throughout their Amended Complaint, the Complainants reference an alleged “Total Loss” damage claim related to the actions or omissions of Duquesne Light on or after October 11, 2023.¹⁵ As relief, the Complainants request that the Commission “Order Duquesne Light Company to compensate the Koger family for the full extent of the damages resulting from the October 11, 2023 electrical event and its subsequent bad faith actions.”¹⁶

Question 11 asks the Complainants to identify every item of personal property they claim was damaged related to their Formal Complaints against Duquesne Light, including a description of the item, purchase details about the item, manufacturing details about the item,

¹⁵ See, e.g., Amended Complaint ¶¶ 18- 26.

¹⁶ Amended Complaint, p. 14.

and the date the item was damaged or the date the damage to the item was discovered. Duquesne Light asserts this inquiry is directly relevant to the Complainants' requested relief, *i.e.*, reimbursement for damaged household items. In addition, the Company explains the Question asks the Complainants to provide details related to the damage alleged, as despite continually alleging that Duquesne Light has caused damage to their home, they have failed to plead with any specificity the household items or electrical infrastructure they claim has been damaged or when that damage occurred.

Question 12 asks the Complainants to identify all claims submitted to an insurer related to the items they allege were damaged by Duquesne Light. In Question 13, Duquesne Light has asked the Complainants to identify any item identified in response to Question 11 that they have replaced. In Question 14, Duquesne Light has asked the Complainants to identify any item identified in response to Question 11 that they have repaired.

The Company asserts these inquiries are directly relevant to the Complainants' requested relief, *i.e.*, reimbursement for damaged household items, because they would establish whether the Complainants have already been reimbursed for any of the items they claim were damaged and prevent duplicative recovery in the event the Complainants' requested relief is granted, and establish whether the Complainants have repaired or replaced any of the items that they claim were damaged and the costs associated with those repairs or replacements.

Duquesne Light asserts it cannot reasonably prepare for a hearing in these proceedings without understanding precisely what items the Complainants claim have been damaged, when the alleged damage was incurred or discovered, and the steps that the Complainants have taken to repair or replace those items. Understanding the nature and extent of the Complainants' damage claims, according to the Company, is critical to these proceedings and without responses to these requests, the Company and its witnesses cannot respond to the claims made in the Complaints.

F. DLC TO COMPLAINANTS-I-15

DLC to Complainants-I-15 requests the following:

RE: EMAIL DATED APRIL 2, 2025, attached hereto as **DLC Set I-15 Attachment 1**

- (a) Please describe in detail what you mean by “service box.”
- (b) Please provide the date on which the “service box” was replaced.
- (c) Please identify who replaced the “service box” and whether that person is a licensed electrician.
- (d) Please provide documentation that a wiring approval was submitted to Duquesne Light following the replacement of the “service box.”
- (e) When did you convert the Service Address to “all electric appliances”? Please identify every appliance that was converted to electric at that time.
- (f) Please identify the Duquesne Light employee(s) who you claim “explained to the Koger family No neutral connection from the telephone poll creates too much or too little on the electrical wiring,” “asked the Koger family ‘have your large appliances just stop working for no reason?’ and said ‘too much or too little on the electrical wiring has enfeebled everything in the house and put the family at risk of a possible fire.’”
- (g) When did the Duquesne Light employee(s) identified in subpart (f) make those statements?
- (h) Please describe in detail what you mean by “the required ‘neutral wire’ from the telephone was never connected to the house.”
- (i) Please identify the dates you are alleging that Duquesne Light visited the service address “as the pretext to ‘inspect’ the service box and/or disconnect power.”
- (j) Please produce all Documents relied upon in responding to subparts (a) through (i).

DLC to Complainants-I-16 requests the following:

RE: EMAIL DATED JUNE 6, 2024, attached hereto as DLC Set I-16 Attachment 1

- (a) Please describe in detail the “over-voltage/over current conditions” referenced in this email.
- (b) Please describe in detail the “failure at the meter box” referenced in this email.
- (c) Please describe in detail what you mean by “service point overheating.”
- (d) Please identify the Xfinity equipment that was “burn[ed].”
- (e) Please identify the date(s) that Xfinity technicians visited the Service Address and advised you of the issues alleged in subparts (a) through (d) above.
- (f) Please describe in detail the bodily harm you allege occurred due to the installation of the “new meter box.”
- (g) Please provide all Documents relied upon in responding subparts (a) through (f) of this request.

Questions 15 and 16 seek clarification of the claims made in emails the Complainants have sent to Duquesne Light related to the allegations raised in the Complaints.

Question 15 seeks information related to the Complainants’ statements made in an April 2, 2025, email, that their “service box” was replaced just prior to October 11, 2023, and that their service address had been recently converted to “all electric appliances.” Duquesne Light asserts these inquiries are highly relevant to the cause of the Complainants’ alleged electrical issues at the service address. Question 15 also asks the Complainants to identify the Duquesne Light employee quoted in the email. The Company submits it requires this information in order to properly prepare and respond to the Complainants’ claims.

Question 16 seeks information related to the Complainants’ statements made in a June 6, 2024, email regarding damaged Xfinity equipment and communications with Xfinity technician(s), as well as allegations that the actions of Duquesne Light caused “bodily harm.”

The Company asserts the statements made in this communication are highly relevant to this case, as they are directly related to the reasons for the Company's October 11, 2023, service visit and the Complainants' alleged electric issues at the service address at that time.

G. DLC TO COMPLAINANTS-I-17

DLC to Complainants-I-17 requests the following:

RE: AMENDED COMPLAINT ¶ 24

To the extent not already identified in response to Questions 2, 5, 6, and 15, above, please identify every time that you have hired an electrician to perform electrical work at the Service Address since January 1, 2022. For each instance identified, please provide:

- (a) A detailed description of the electrical work performed;
- (b) The identity of the electrician(s) or person(s) who performed the work, including their business address; and
- (c) Please provide all Documentation of the electrical work performed, including but not limited to copies of invoices, bills, notes, and communications.

Question 17 asks the Complainants to provide a detailed history of any electrical work performed at their service address since January 1, 2022.

Duquesne Light asserts this inquiry is directly relevant to the cause of the electrical issues the Complainants claim they have experienced at their service address, which they have variously described as having been "pre-existing," "ongoing," or caused by Duquesne Light.

Duquesne Light argues it is entitled to demonstrate the connection between any pre-existing electrical issues at the service address and the actions taken by the Company's personnel on October 11, 2023. Moreover, the Company asserts it is entitled to information provided by any electricians hired by the Complainants detailing electrical issues identified at the service address in the time frame relevant to this Complaint and any repairs those electricians made or recommended should be made.

H. DLC TO COMPLAINANTS-I-18 and I-19

DLC to Complainants-I-18 requests the following:

Please identify each person you plan to call as a fact witness in this proceeding, including yourself. For each person, please:

- (a) Provide the person's name, home and business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify; and
- (c) Provide the source(s) of information relied upon or referenced by the witness.

DLC to Complainants-I-19 requests the following:

Please identify each person you plan to call as an expert witness in this proceeding. For each person, please:

- (a) Provide the person's name, home and business address, background, and qualifications;
- (b) Explain in detail the subject matter(s) on which the witness is expected to testify;
- (c) Provide the source(s) of information relied upon or referenced by the witness; and
- (d) Provide a copy of the expert witness's current curriculum vitae.

Questions 18 and 19 ask the Complainants for information about the Complainants' case, *i.e.*, that they identify any fact or expert witnesses they plan to call to testify.

Duquesne Light asserts it must know in advance of the hearing who will be testifying on behalf of the Complainants, if anyone, and the subject areas of their testimony. Otherwise, Duquesne Light argues it would be denied due process.¹⁷

The Company also argues Complainants were required to but failed to provide this information to Duquesne Light pursuant to the Interim Order Establishing Litigation Schedule issued by the ALJ on July 11, 2025 (July 11 Interim Order). Specifically, the Interim Order required the Complainants to provide the name, business address, and written summary of the expected testimony of any fact or expert witnesses they intend to call by September 1 and 5, 2025, respectively. (*See* July 11 Interim Order, p. 2.)¹⁸

Duquesne Light asserts it must know in advance of the hearing who will be testifying on behalf of the Complainants, if anyone, and the subject areas of their testimony. As a result, the Company concludes Complainants should be compelled to provide a full and complete response to this interrogatory.

SANCTIONS

Upon the motion of a party, the presiding officer may make an appropriate order for sanctions if a party fails to answer or otherwise respond to a discovery request or refuses to obey an order of the presiding officer respecting discovery. *See* 52 Pa. Code § 5.371(a).

In ruling upon a motion for sanctions, the presiding officer may, among other things, issue: (1) “[a]n order that the matters regarding which the questions were asked, the character or description of the thing or land, the contents of the paper, or other designated fact shall be taken to be established for the purposes of the action in accordance with the claim of the

¹⁷ *See Schneider v. Pa. PUC*, 479 A.2d 10, 15 (Pa. Cmwlth. 1984) (citation omitted) (stating that due process is satisfied when a party is “afforded notice and the opportunity to appear and be heard”); 66 Pa. C.S. § 332(c) (providing that “[e]very party is entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts”).

¹⁸ Duquesne Light submitted the required information to the Complainants via emails on September 1 and 5, 2025.

party obtaining the order”; (2) [a]n order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing in evidence designated documents, things or testimony”; and (3) “[a]n order striking out pleadings or parts thereof, staying further proceedings until the order is obeyed, or entering a judgment against the disobedient party or individual advising the disobedience.” *Id.* § 5.372(a)(1)-(3).

Duquesne Light asserts, to the extent that it’s Motion to Compel is granted and the Complainants fail to answer fully DLC to Complainants Set I, or otherwise comply with this Order, Duquesne Light intends to file an appropriate Motion for Sanctions pursuant to 52 Pa. Code §§ 5.371(a) and 5.372(a).

I agree with the arguments advanced by Duquesne Light in its Motion to Compel. In addition, attached to the Motion to Compel dated October 16, 2025, was a Notice to Plead, requiring Complainant’s to file a response to the Motion within five days of service. Complainants were afforded additional time, prior to the issuance of this Interim Order, to file a response to the Motion to Compel, however, to date, has failed to do so.

Complainants are further reminded, again, to serve the undersigned presiding officer and counsel for the opposing party, with all filings or requests for relief made in this proceeding, in order for consideration to be given to such filings or requests.

Under the circumstances, I conclude that Complainant is required to provide full and complete responses to the subject discovery requests, consistent with the ordering paragraphs below.

THEREFORE,

IT IS ORDERED:

1. That the Motion to Compel Responses to Discovery Propounded on Todd Elliott Koger, Sr. and Elliot-Todd Parker Koger – Set I, filed on October 16, 2025, is hereby granted.

2. That Complainants shall serve upon counsel for Respondent, full and complete answers and responses, in their entirety, to Duquesne Light Companies Set I discovery requests, as identified in the Motion to Compel filed on October 16, 2025, on or before 4:00 p.m. on Thursday, November 6, 2025, as described above.

3. That the failure of Complainants to fully and timely comply with the terms and provisions set forth in this Interim Order may result in the imposition of sanctions, upon the filing of an appropriate Motion or request for relief.

Date: October 31, 2025

/s/
Jeffrey A. Watson
Administrative Law Judge

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Revised: October 16, 2025

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