
Megan E. Rulli

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File #: 211983

November 14, 2025

VIA ELECTRONIC FILING

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Todd Elliott Koger, Sr. and Elliot-Todd Parker Koger v. Duquesne Light Company
Docket No. C-2024-3049627**

**Todd Elliott Koger, Sr. and Elliot-Todd Parker Koger v. Duquesne Light Company
Docket No. C-2025-3054190**

Dear Secretary Homsher:

Attached, please find the Answer of Duquesne Light Company to the Complainants' Prehearing Motions in the above-referenced proceedings. Copies are being provided per the Certificate of Service.

Respectfully submitted,



Megan E. Rulli

MER/dmc
Attachment

cc: The Honorable Jeffrey A. Watson (*via email; w/attachment*)
Certificate of Service

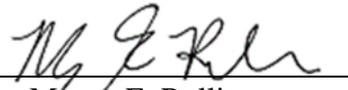
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA EMAIL AND FIRST-CLASS MAIL

Todd Elliott Koger and Elliott-Todd Parker Koger
515 Kelly Avenue
Pittsburgh, PA 15221
kogerfriend@gmail.com

Dated: November 14, 2025



Megan E. Rulli

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Todd Elliott Koger, Sr. and Elliot-Todd Parker Koger, :
Complainants, :
v. : Docket No. C-2024-3049627
Duquesne Light Company, :
Respondent. :

Todd Elliott Koger, Sr. and Elliot-Todd Parker Koger, :
Complainants, :
v. : Docket No. C-2025-3054190
Duquesne Light Company, :
Respondent. :

**ANSWER OF DUQUESNE LIGHT COMPANY TO
THE PREHEARING MOTIONS
OF TODD ELLIOTT KOGER, SR. AND ELLIOT-TODD PARKER KOGER**

Pursuant to 52 Pa. Code § 5.61, Duquesne Light Company (“Duquesne Light” or the “Company”), by and through its attorneys, hereby files this Answer to the Motion in Limine to Exclude Undisclosed Evidence and Expert Testimony, Motion to Admit AI-Generated Estimate of Damages, and Motion to Admit Evidence (collectively, the “Prehearing Motions”) of Todd Elliott Koger, Sr. and Elliot-Todd Parker Koger (“Complainants”). As explained herein, Administrative Law Judge Jeffrey A. Watson (the “ALJ”) should deny the Complainants’ Prehearing Motions in their entirety.

In support thereof, Duquesne Light states as follows:

I. INTRODUCTION

1. On June 20, 2024, Duquesne Light was served with a Formal Complaint filed by the Complainants, which was docketed at C-2024-3049627 (“First Complaint”).

2. On March 26, 2025, Duquesne Light was served with a second Formal Complaint filed by the Complainants, which was docketed at C-2025-3054190 (“Second Complaint”).

3. On April 17, 2025, Duquesne Light filed a Motion to Consolidate the two Complaint proceedings, given the overlapping issues of fact and law in both proceedings. Specifically, both the First and Second Complaint include allegations that a loose neutral discovered at the Complainants’ service address on October 11, 2023, continues to pose a safety concern and is preventing the Complainants’ enrollment in the Company’s Customer Assistance Program (“CAP”). The Complainants did not file a response or objection to the Company’s Motion to Consolidate.

4. On April 25, 2025, Duquesne Light was served with an Amended Complaint at Docket No. C-2025-3054190.¹ The Amended Complaint raised additional allegations regarding the alleged electrical issue(s) at the service address and the Complainants’ CAP enrollment.

5. On July 10, 2025, the ALJ granted the Company’s Motion to Consolidate the proceedings.

6. On July 11, 2025, the ALJ issued an Interim Order Establishing Initial Litigation Schedule (“Scheduling Order”), which, among other things: (1) required the parties to provide each other notice of, identify, and summarize the testimony of any fact witnesses on or before September 1, 2025; (2) required the parties to provide each other notice of, identify, and summarize

¹ It is unclear whether the Complainants ever filed this Amended Complaint with the Commission, as it does not appear at either of the above-captioned dockets.

the testimony of any expert witnesses on or before September 5, 2025; and (3) established October 31, 2025, as the deadline for discovery in these proceedings.

7. Also on July 11, 2025,² the Complainants served Complainants' First Set of Requests for Production of Documents and Things and First Set of Interrogatories ("Complainants Set I") on Duquesne Light via email. Responses to Complainants Set I were due to be served by August 1, 2025.

8. On July 21, 2025, Duquesne Light timely served its Objections to Complainants Set I. Specifically, Duquesne Light objected to Requests for Production Nos. 3, 4, and 5 and Interrogatories Nos. 2 and 10.

9. On July 28, 2025, the Complainants served a Motion to Compel Production of Discovery ("Motion to Compel"), arguing that the Company's Objections should be overruled.

10. On August 1, 2025, Duquesne Light timely served its Answers to all but one of the requests contained in Complainants Set I.

11. On August 4, 2025, Duquesne Light timely served its Answer to the Complainants' Motion to Compel.

12. On September 2, 2025, Duquesne Light provided the Complainants with a list of the fact witnesses it plans to call at the hearings and summaries of the anticipated testimony of those fact witnesses.

13. On September 5, 2025, Duquesne Light provided notice to the Complainants that the Company does not intend to call any expert witnesses at the hearings for these matters. A true and correct copy of this correspondence is attached as **Appendix A**. To date, the Complainants

² The Complainants served their discovery via email received at 6:26 PM on Thursday, July 10, 2025. Because the discovery responses were served after 4:30 PM, they are deemed to have been served on July 11, 2025. *See* 52 Pa. Code § 1.56(a)(5).

have not provided notice to Duquesne Light of any expert witnesses they plan to call at the evidentiary hearings.

14. 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”) via electronic and first-class mail.

15. Pursuant to the Commission’s regulations, objections to DLC to Complainants Set I were due on or before September 19, 2025, and responses were due on or before September 29, 2025.

16. The Complainants never served any objections to DLC to Complainants Set I by September 19, 2025.

17. Additionally, the Complainants did not provide responses to DLC to Complainants Set I by September 29, 2025.

18. On September 25, 2025, the ALJ issued an Interim Order Denying Complainants’ Motion to Compel Discovery Responses in full.

19. On October 1, 2025, Counsel for Duquesne Light emailed the Complainants to inquire into the status of the Complainants’ responses to the discovery requests, but the Complainants’ response gave no indication that they plan to serve any responses.

20. On October 16, 2025, Duquesne Light filed a Motion to Compel responses to DLC to Complainants Set I.

21. The Complainants never filed an Answer to the Company’s Motion to Compel.

22. On October 16, 2025, the Commission issued an Initial In-Person Hearing Notice, scheduling the in-person hearings for the above-captioned Complaints for December 8 and 10, 2025, at the Commission’s Pittsburgh headquarters.

23. Also on October 16, 2025, the ALJ issued a Prehearing Order Requiring Distribution of Proposed Exhibits and Other Requirements for the Evidentiary Hearings (“Prehearing Order”), which, among other things, requires each party to serve copies of all proposed evidence on the opposing party and the ALJ on or before 4:00 PM on December 3, 2025.

24. On or about October 25, 2025, the Complainants filed their Motion in Limine to Exclude Undisclosed Evidence and Expert Testimony (“Motion in Limine”) and their Motion to Admit AI-Generated Estimate of Damages (“First Motion to Admit Evidence”). True and correct copies of these Prehearing Motions are attached hereto as **Appendices B and C**, respectively. Despite attaching a Certificate of Service to these Motions, the Complainants failed to serve copies of these Motions on the Company.³

25. On October 31, 2025, the ALJ issued an Order granting Duquesne Light’s Motion to Compel. The Order specifically directed the Complainants to “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.” (Order, p. 23.) In addition, the Order noted 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.” (*Id.*)

26. On or about November 3, 2025, the Complainants filed a document entitled “Complainants Compliance and Motion to Admit Evidence” (“Second Motion to Admit Evidence”), purporting to comply with the Order granting Duquesne Light’s Motion to Compel and renewing their request to admit an Artificial Intelligence (“AI”) generated estimate of their

³ The Company only became aware that these Prehearing Motions had been filed upon conducting a routine check of the above-captioned dockets on October 31, 2025.

alleged damages into evidence.⁴ A true and correct copy of the Second Motion to Admit Evidence is attached hereto as **Appendix D**. Duquesne Light was never served with the Second Motion to Admit Evidence.

27. As of the filing of this Answer, no formal and complete responses to DLC to Complainants Set I have been received. In addition, despite the representations made in their filing dated November 3, 2025, the Complainants have also failed to produce any documents responsive to the Company's discovery requests.⁵

28. For the reasons explained herein, Duquesne Light respectfully requests that the ALJ deny the Complainants' Prehearing Motions.

II. THE COMPLAINANTS' MOTION IN LIMINE SHOULD BE DENIED

29. The Complainants' Motion in Limine should be denied because the Complainants have provided no legal or factual basis for their sweeping request that the Company's case-in-chief to be limited to the scope of the Complainants' discovery requests.

30. In their Motion in Limine, the Complainants ask the ALJ to prohibit Duquesne Light from "introducing any evidence, documents, or expert testimony not disclosed during discovery." (Motion in Limine, p. 1.) As alleged justification, the Complainants claim that admitting materials into the record that have not previously been provided in discovery "would cause unfair surprise and prejudice." (*Id.*, p. 2.)

31. The Company's case-in-chief cannot be limited to the scope of the Complainants' discovery. The Company is entitled to present all relevant evidence to respond to the

⁴ The portion of this Motion purporting to comply with the ALJ's Interim Order granting Duquesne Light's Motion to Compel is the subject of the Company's pending Motion to Dismiss the above-captioned Complaints and, therefore, will not be further addressed in this Answer.

⁵ At various points in the filing, the Complainants state that documentation is attached to the filing. However, no responsive documents were attached to the filing and no documents have been served on the Company.

Complainants' allegations at the evidentiary hearings scheduled for these matters. Limiting the Company's evidence to the scope of the Complainants' discovery would deny the Company its basic due process right to respond to the claims brought by the Complainants.

32. While the Complainants propounded multiple sets of discovery on the Company, they never asked Duquesne Light to disclose all evidence and/or exhibits that it planned to present at the evidentiary hearings. The Complainants cannot now claim that the Company has withheld documents simply because they did not ask for those materials.

33. Further, discovery in these proceedings did not close until October 31, 2025. The Company responded to numerous discovery requests served by the Complainants on August 1 and 25, 2025. The Company also provided the Complainants with a list of their proposed fact witnesses and summaries of their testimony on October 2, 2025, pursuant to the Scheduling Order. Thus, the Complainants had ample opportunity to propound additional discovery requests based on these materials prior to the close of discovery.

34. The Complainants will also have the opportunity to review the Company's proposed exhibits when they are served on or before 4:00 PM on December 3, 2025, in accordance with the Prehearing Order. At the hearing, the Complainants can present their own evidence in rebuttal, cross-examine the Company's witnesses on the testimony and exhibits presented, and raise valid objections to their admission into evidence. Thus, the Complainants' concerns that allowing the Company to present evidence not sought in discovery "would cause unfair surprise and prejudice" are unfounded.

35. Moreover, the Complainants have not provided any legal or substantive justification for their request to limit the scope of the Company's case-in-chief. For example, the Complainants have not identified any documentation that the Company has refused to provide

upon request or any issues on which the Company has refused to provide information. The Complainants' Motion to Compel was denied in full by the ALJ on September 25, 2025. As such, the Company maintains that it has properly produced documents and information responsive to the Complainants' discovery requests and that there is no legal or factual basis for their request to limit the Company's ability to present evidence in its favor.

36. Finally, regarding expert testimony and reports, via email dated October 5, 2025, the Company already notified the Complainants that it does not intend to present any expert testimony at the upcoming hearings. *See Appendix A*. As such, it is wholly unnecessary to issue an order prohibiting the Company from presenting expert testimony.

37. For these reasons, the Complainants' Motion in Limine should be denied.

III. THE COMPLAINANTS' MOTIONS TO ADMIT EVIDENCE SHOULD BE DENIED

38. The Complainants' First and Second Motions to Admit Evidence should be denied because they are premature and the Complainants have failed to authenticate or lay any foundation for the admission of AI-generated damages in this proceeding.

39. In their Motions to Admit Evidence, the Complainants ask the ALJ to admit into evidence AI-generated estimates of alleged damages incurred. The Complainants falsely state that they produced these estimates in discovery and claim, incorrectly, that the Company has "waived" any objections to their admission into the record. (*See First Motion to Admit Evidence*, pp. 1-2; *Second Motion to Admit Evidence*, pp. 5-7.)

40. The Complainants' arguments should be rejected for several reasons. First, the Complainants' request for admission is premature. The parties' proposed evidence will be presented for admission into the record at the hearings scheduled for December 8 and 10, 2025. At the hearings, the Complainants will have the opportunity to present all relevant evidence in

their favor and to offer it into evidence, subject to valid objections from the Company. The Complainants have not provided any compelling reason why these estimates should be admitted prior to the hearings.

41. Second, the Complainants did not produce these estimates in discovery and the Company did not “waive” any objections to this evidence. While the Company acknowledges that the Complainants submitted an estimate of damages to the Company’s Claims Department during review of the Complainants’ damage claim, that information was not provided to the Company in discovery. In fact, the Complainants have refused to produce **any** materials or information in response to the Company’s discovery requests. (*See generally* Duquesne Light’s Motion to Dismiss Complaints.)

42. Even assuming, *arguendo*, that the Complainants had produced these estimates in response to discovery requests from Duquesne Light, the Company had no duty to object at the time of production. Simply because information or documents are shared during discovery does not make them part of the evidentiary record in a proceeding. Rather, only the ALJ can admit evidence into the record upon the motion of a party, and the non-moving party must have the chance to challenge its authenticity, raise proper objections, and conduct cross-examination related to that evidence.

43. To the extent the ALJ does consider the admissibility of the Complainants’ AI-generated damage estimates prior to the hearing, the estimates should be excluded from the record because they have not been properly authenticated and the Complainants have not laid any foundation for their admission.

44. The Complainants have not disclosed any information as to how the AI-generated estimates were produced, including the AI model used to generate the data or the prompt(s)

provided to generate the estimates. The Company maintains that in order to admit AI-generated data into the record in this proceeding, the Complainants would need to offer expert testimony explaining how the AI model works and validating the reliability of its modeling and results. As presented, the Complainants have provided no basis for determining the authenticity of the AI-generated estimates and, therefore, they should be excluded from the record.

45. Further, the Complainants have failed to lay any foundation for the admission of damage evidence into the record in these proceedings. The Complainants have not offered any proof that they have actually incurred the damages they are requesting compensation for or that the actions or omissions of Duquesne Light caused any damage to their service address or personal property. Admitting the AI-generated estimates into the record at this time would require assuming facts not yet in evidence, *i.e.*, that the alleged damages were actually incurred.

46. Importantly, the AI-generated estimates should not be admitted into the record because the precise amount of the Complainants' alleged damages is not relevant to the instant proceeding, as the Commission cannot award damages.⁶ The ALJ granted the Company's Preliminary Objection requesting dismissal of the Complainants' request for damages because the Commission does not have the authority to award damages. (*See* Interim Order Granting Preliminary Objection issued July 9, 2025, p. 7.) As such, the precise amount of any alleged damages incurred by the Complainants is not at issue in this proceeding, is irrelevant, and should not be admitted into the record.

47. For these reasons, the Complainants' Motions to Admit Evidence should be denied.

⁶ *See Stoner v. PPL Elec. Utils. Corp.*, Docket No. C-2013-2385588, p. 3 (Nov. 14, 2013) (order sustaining preliminary objections). Indeed, requests for damages are regularly stricken from complaints as being impertinent matter. *See, e.g., id.* at pp. 3, 5; *Powell v. Verizon Pa., Inc.*, Docket No. C-2011-2264876, 2011 Pa. PUC LEXIS 652, at *8-9, 16-17 (Dec. 21, 2011), *adopted by Commission*, 2012 Pa. PUC LEXIS 374 (Order Entered Mar. 1, 2012); *J.E. Culbertson Co. v. Pa. Elec. Co.*, Docket No. C-2010-2204947, 2011 Pa. PUC LEXIS 781, at *8-9, 12 (Feb. 4, 2011), *adopted by Commission*, Docket No. C-2010-2204947 (Order Entered Apr. 8, 2011).

IV. CONCLUSION

For the reasons set forth above, Duquesne Light Company respectfully requests that Administrative Law Judge Jeffrey A. Watson deny the Motion in Limine to Exclude Undisclosed Evidence and Expert Testimony, the Motion to Admit AI-Generated Estimate of Damages, and the Motion to Admit Evidence of Todd Elliott Koger, Sr. and Elliot-Todd Koger, as set forth above.

Respectfully submitted,



Megan E. Rulli (ID # 331981)
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
mrulli@postschell.com

Date: November 14, 2025

Attorney for Duquesne Light Company

APPENDIX A
Correspondence Regarding Expert Witnesses

Caley, Danielle

From: Rulli, Megan
Sent: Friday, September 5, 2025 3:58 PM
To: 'kogerfriend@gmail.com'
Cc: 'Morris, Roxanne D.'; 'Al Rasheed, Sophia'; 'Brechlin, Michael'; 'Kennedy, Courtney'
Subject: RE: Todd Elliot Koger, Sr. and Elliot-Todd Parker Koger v. Duquesne Light Company, Docket Nos. C-2025-3054190, et al. - List of Witnesses

Good afternoon,

Pursuant to the Interim Order Establishing Initial Litigation Schedule issued on July 11, 2025, in the above referenced proceedings, I am writing to inform you that Duquesne Light does not intend to present expert testimony at the evidentiary hearing. Duquesne Light reserves the right to call additional witnesses and present additional testimony, as may be needed, regarding additional issues and subject matters that may arise during the course of the proceeding.

Thank you,

Megan E. Rulli
Associate
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101

717-612-6012 (Phone)
717-472-0466 (Cell)
717-731-1985 (Fax)
MRulli@PostSchell.com

From: Rulli, Megan
Sent: Tuesday, September 2, 2025 10:30 AM
To: kogerfriend@gmail.com
Cc: Morris, Roxanne D. <rmorris@duqlight.com>; Al Rasheed, Sophia <salrasheed@duqlight.com>; Brechlin, Michael <mbrechlin@duqlight.com>; Kennedy, Courtney <ckennedy@duqlight.com>
Subject: Todd Elliot Koger, Sr. and Elliot-Todd Parker Koger v. Duquesne Light Company, Docket Nos. C-2025-3054190, et al. - List of Witnesses

Good morning,

Pursuant to the Interim Order Establishing Initial Litigation Schedule issued on July 11, 2025, in the above referenced proceedings, attached is a list of the witnesses that Duquesne Light Company ("Duquesne Light") or ("Company") intends to call in the evidentiary hearings for the above referenced proceedings. Duquesne Light reserves the right to call additional witnesses and present additional testimony, as may be needed, regarding additional issues and subject matters that may arise during the course of the proceeding.

Thank you,

Megan E. Rulli

Associate

Post & Schell, P.C.

17 North Second Street

12th Floor

Harrisburg, PA 17101

717-612-6012 (Phone)

717-472-0466 (Cell)

717-731-1985 (Fax)

MRulli@PostSchell.com

APPENDIX B

Complainants' Motion in Limine to Exclude Undisclosed Evidence and Expert Testimony

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

TODD ELLIOTT KOGER, SR., AND
ELLIOTT-TODD PARKER KOGER
COMPLAINANT(S)

V.

C-2024-3049627 and
C-2025-3054190

DUQUESNE LIGHT COMPANY
RESPONDENT

**COMPLAINANT(S)' MOTION IN LIMINE
TO EXCLUDE UNDISCLOSED EVIDENCE AND EXPERT TESTIMONY**

Both Elliott-Todd Parker Koger and Todd Elliott Koger, Sr., Complainants, and respectfully moves this Honorable Commission, pursuant to **52 Pa. Code §§ 5.371, 5.243(e), and Pa.R.C.P. 4003.5**, for an order in Limine precluding Respondents from introducing any evidence, documents, or expert testimony not disclosed during discovery.

1. Legal Basis

- **52 Pa. Code § 5.371** authorizes motions to regulate the course of proceedings.
- **52 Pa. Code § 5.243(e)** requires that expert testimony be accompanied by a written report exchanged in advance.
- **Pa.R.C.P. 4003.5** mandates disclosure of expert identity and opinions during discovery.
- Failure to disclose constitutes grounds for exclusion. See *Parr v. Ford Motor Co.*, 109 A.3d 682 (Pa. Super. 2014).

2. Application

- Respondent has not produced certain evidence or identified any expert witness during discovery.
- Admission of such undisclosed evidence would cause unfair surprise and prejudice.
- A pre-hearing ruling is necessary to ensure fairness and efficiency.

3. Relief Requested

Complainant respectfully requests that this Honorable Commission enter an order:

1. Prohibiting Respondents from introducing any evidence not produced during discovery.
2. Prohibiting Respondent from offering the name, report, or testimony of any expert witness not disclosed in accordance with **52 Pa. Code § 5.243(e)** and **Pa.R.C.P. 4003.5**.

Respectfully submitted,

/s/ Todd Elliott Koger, Sr., Complainant, Pro Se

/s Elliott-Todd Parker Koger, Complainant, Pro Se

Dated: October 25, 2025

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

TODD ELLIOTT KOGER, SR., AND
ELLIOTT-TODD PARKER KOGER
COMPLAINANT(S)

V.

C-2024-3049627 and
C-2025-3054190

DUQUESNE LIGHT COMPANY
RESPONDENT

PROPOSED ORDER

AND NOW, on this the _____ day of _____, 2025, this matter, upon consideration of Complainant's Motion in Limine to Exclude Undisclosed Evidence and Expert Testimony, it is hereby **ORDERED** as follows:

1. The Motion is **GRANTED**.
2. Respondent, Duquesne Light Company, is prohibited from introducing into evidence at the hearings scheduled for December 8 and 10, 2025, any documents, exhibits, or testimony not previously disclosed during discovery.
3. Respondents are further prohibited from offering the name, report, or testimony of any expert witness not identified and disclosed in accordance with **52 Pa. Code § 5.243(e)** and **Pa.R.C.P. 4003.5**.
4. This Order is entered to ensure fairness, prevent undue surprise, and promote the efficient administration of justice in these proceedings.

BY THE COMMISSION:

_____ J.

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Elliott-Todd Parker Koger

/s/ Todd Elliott Koger

PROOF OF SERVICE

Both Elliott-Todd Parker Koger and Todd Elliott Koger, Sr., certify that on this the 25th day of October 2025, served the following on:

Megan E. Rulli, 17th North Second Street 12th Floor, Harrisburg, PA 17101

/s/ Elliott-Todd Parker Koger

/s/ Todd Elliott Koger

(412) 758-4510

APPENDIX C

Complainants' Motion to Admit AI-Generated Estimate of Damages

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

TODD ELLIOTT KOGER, SR., AND
ELLIOTT-TODD PARKER KOGER
COMPLAINANT(S)

V.

C-2024-3049627 and
C-2025-3054190

DUQUESNE LIGHT COMPANY
RESPONDENT

COMPLAINANT(S)' MOTION TO ADMIT AI-GENERATED ESTIMATE OF DAMAGES

Both Elliott-Todd Parker Koger and Todd Elliott Koger, Sr., Complainants, and respectfully moves this Honorable Commission, pursuant to **52 Pa. Code § 5.401 et seq.**, for an order admitting into evidence the AI-generated estimate of damages submitted to the Respondent and not objected to at any time.

1. Legal Basis

- **52 Pa. Code § 5.401:** The Commission is not bound by technical rules of evidence; relevant and material evidence is admissible.
- **Pa.R.E. 901:** Evidence may be authenticated by testimony or certification that it is what it purports to be.
- **Pa.R.E. 1006:** Summaries of voluminous data are admissible.
- **Waiver:** Respondent did not object to this evidence during discovery, thereby waiving any objection under **Pa.R.E. 103(a)**.

2. Application

- The AI-generated estimate was provided to the Respondents.

- Respondents raised no objection at any time.
- The estimate is relevant, material, and probative of damages.
- Under the Commission's relaxed evidentiary rules, the estimate should be admitted, with weight to be determined by the presiding officer.

3. Relief Requested

Complainant respectfully requests that this Honorable Commission enter an order:

1. Admitting into evidence the AI-generated estimate of damages submitted to the Respondents for which no objection has been filed.
2. Granting such other relief as may be just and proper.

Respectfully submitted,

/s/ Todd Elliott Koger, Sr., Complainant, Pro Se

/s Elliott-Todd Parker Koger, Complainant, Pro Se

Dated: October 25, 2025

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

TODD ELLIOTT KOGER, SR., AND
ELLIOTT-TODD PARKER KOGER
COMPLAINANT(S)

V.

C-2024-3049627 and
C-2025-3054190

DUQUESNE LIGHT COMPANY
RESPONDENT

PROPOSED ORDER

AND NOW, on this the _____ day of _____, 2025, this matter, upon consideration of Complainant's Motion to Admit the AI-Generated Estimate of Damages, it is hereby **ORDERED** as follows:

1. The Motion is **GRANTED**.
2. The AI-generated estimate of damages, previously disclosed during discovery and not objected to by Respondent, is admitted into evidence in this proceeding.
3. The weight and credibility of this evidence shall be determined by the Presiding Officer in the context of the full record.
4. This Order is entered pursuant to **52 Pa. Code § 5.401**, which permits admission of relevant and material evidence, and in recognition of Respondent's waiver of objection by failing to raise any challenge during discovery.

BY THE COMMISSION:

_____ J.

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Elliott-Todd Parker Koger

/s/ Todd Elliott Koger

(412) 758-4510

PROOF OF SERVICE

Both Elliott-Todd Parker Koger and Todd Elliott Koger, Sr., certify that on this the 25th day of October 2025, served the following on:

Megan E. Rulli, 17th North Second Street 12th Floor, Harrisburg, PA 17101

/s/ Elliott-Todd Parker Koger

/s/ Todd Elliott Koger

(412) 758-4510

APPENDIX D

Complainants' Second Motion to Admit Evidence

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

TODD ELLIOTT KOGER, SR., AND
ELLIOTT-TODD PARKER KOGER
COMPLAINANT(S)

V.

C-2024-3049627 and
C-2025-3054190

DUQUESNE LIGHT COMPANY
RESPONDENT

COMPLAINANTS' COMPLIANCE AND MOTION TO ADMIT EVIDENCE

Pursuant to the Interim Order Granting Motion to Compel Discovery dated October 31, 2025, Complainants Todd Elliott Koger, Sr. and Elliott-Todd Parker Koger (collectively, "Complainants"), hereby file this Supplemental Compliance, providing the requisite legal and factual support, including an updated, legally-compliant estimate of damages, in satisfaction of the Administrative Law Judge's (ALJ) October 31, 2025, Order.

I. Undecided Nature of Property Ownership and Jurisdictional Standing

The assertion by Duquesne Light Company (DLC) concerning the finality of property ownership, used to challenge the Complainants' standing, is legally **premature** and should be disregarded by the Commission at this juncture.

- **Legal Authority:** The Pennsylvania Public Utility Code confers upon the Commission the duty to ensure that "Every public utility shall furnish and maintain **adequate, efficient, safe, and reasonable service** and facilities..." **66 Pa. C.S. § 1501**. Complainants' action arises directly from a breach of this statutory duty. The central issue is the *safety and adequacy of DLC's service*, not the ultimate vesting of real property title.
- **Non-Finality of Title:** As disclosed in the Compliance Filing, the procedural history underlying the Complainants' possession remains actively contested at the Commonwealth's highest judicial level. The filing of a **Jurisdiction Statement** seeking review concerning the foreclosure judgment and subsequent 2022 Sheriff's Sale (**Pennsylvania Supreme Court Docket No. 29 WAP 2025**)

establishes that the validity of the underlying judgment is **not yet final** under Pennsylvania law.

- **Effect of Appeal:** The pendency of this matter before the Supreme Court means the issue of property ownership is **sub judice**. The Commission's jurisdiction over the utility-customer relationship, established pursuant to the provision of service, is not vitiated by an *unresolved* title dispute. To hold otherwise would allow a utility to evade its statutory duty under § 1501 based on a collateral legal challenge that has not reached final disposition. Therefore, the Complainants retain sufficient colorable interest to prosecute their claims for service violations and resulting property damage.

II. Admissibility of the AI-Generated Estimate of Damages

Complainants have formally moved for the admission of the AI-Generated Estimate of Damages, asserting that DLC's silence in discovery constitutes a **waiver of objection** under the Commission's liberal evidentiary standards.

- **Standard of Admissibility:** The Commission's evidentiary rule, **52 Pa. Code § 5.401(a)**, provides that "**Relevant and material evidence is admissible subject to objections on other grounds.**" The damages estimate is highly relevant and material to the **quantum of loss** directly resulting from the alleged violation of **66 Pa. C.S. § 1501** (failure to provide safe service).
- **Waiver by Acquiescence:** The Complainants' disclosure of the estimate during the discovery phase provided DLC with a full and fair opportunity to challenge its relevance, materiality, or methodology. DLC's failure to lodge a timely and specific objection to this document in its discovery responses constitutes a **waiver** of that objection, pursuant to the spirit of the Pennsylvania Rules of Evidence, and specifically Pa.R.E. 103(a) (requiring a timely objection or motion to strike).
- **Admissibility as Summary Evidence:** Furthermore, the estimate may be admitted as a summary of voluminous data, specifically pursuant to the Pennsylvania Rules of Evidence **Pa.R.E. 1006**, which allows for the presentation of summaries to prove the content of voluminous writings (purchase receipts, contractor quotes, etc.) that cannot be conveniently examined in court.

III. Key Claims Asserted Against Duquesne Light Company (DLC)

The Complainants assert the following primary claims, among others:

- **Violation of Statutory Duty:** DLC violated **66 Pa.C.S. § 1501** to provide **safe, adequate, and reasonable service.**

- **Unauthorized Repair/Regulatory Violation:** A DLC Senior Operator performed an unauthorized physical manipulation (tightening a loose customer-side neutral connection) on customer-owned equipment on October 11, 2023, violating 66 Pa.C.S. § 1510 and DLC's own tariffs which prohibit utility repair of customer-owned facilities.
- **Spoliation of Evidence:** The unauthorized tightening of the neutral connection on October 11, 2023, irrevocably altered evidence of the pre-repair condition, constituting spoliation.
- **Gross Negligence and Damages:** DLC's conduct led to a "Total Loss" claim for electrical wiring and appliances damaged by the alleged electrical event ("ongoing electrical arc" and/or "no neutral connection") on October 11, 2023.
- **Improper Claims Processing and Withholding Evidence:** DLC allegedly showed a pattern of denying claim receipt and knowingly withholding crucial "Trouble Shooting Inspections" from July/August 2024.
- **Retaliation/Obstructing Assistance:** Actions allegedly thwarted Complainants' ability to re-enroll in the Customer Assistance Program (CAP).
- **Pending Jurisdictional Challenge to Ownership:** The Complainants' underlying property ownership dispute is actively pending before the Supreme Court of Pennsylvania (Docket No. 139 WT 2025), contesting the validity of the foreclosure judgment.
- **Responses to Specific Discovery Inquiries**

Inquiry Topic	Complainants' Response Summary
Electrical Issue & Resolution	Identified as "customer neutral loose" on 10/11/2023, equating to a "no neutral connection" and/or "ongoing electrical arc." The issue was "permanently repaired" on 10/11/2023 by Senior Operator Darryl Honick who <i>tightened</i> the loose customer-side connection.

Elevated Utility Bills	Allegedly correlated to the faulty connection/electrical event beginning in October 2023, referencing a 4,445.54 KWh usage period in early 2022 as evidence of highly elevated usage around the time of the incident.
"Service Box"/Appliances	The "service box" is the meter base/socket (Customer-Side Equipment). Documentation regarding its alleged replacement and "all electric appliances" conversion is provided.
Claim Submission & Documents	Documented notice of the "Total Loss" claim was provided to DLC's legal team as early as November 7, 2023. The "detailed written account" (11/11/2023) and related correspondence are produced.
Damaged Items	Itemized losses and replacement costs are contained within the AI-generated estimate of damages (previously disclosed and moved for admission into evidence), which is produced in compliance. Insurance claim documentation is also produced.
CAP/CLEAR Result Refusal	CLEARResult allegedly "refused to inspect" on at least three occasions, citing concerns over DLC's gross negligence and the electrical hazard ("failure to establish a neutral connection").

Witnesses	Fact Witnesses: Todd Elliott Koger, Sr., Elliott-Todd Parker Koger, and all relevant DLC Personnel (e.g., Darryl Honick and others).
Expert Witnesses	The Complainants reserve the right to call a qualified expert (CV to follow if necessary) to testify on breach of duty (66 Pa.C.S. § 1501), causation of damages, and legal consequences of spoliation (in addition to the AI Estimate not timely objected to).

IV. Second AI-Generated Estimate of Damages (Post-Discovery Order)

Pursuant to the ALJ's October 31, 2025, Order, the Complainants submit the following updated and legally compliant estimate, supporting the **"Total Loss"** claim. This estimate is predicated on the un rebutted facts of the electrical event and the resulting damage to infrastructure and appliances.

Category of Loss	Component Detail	Estimated Cost Range (USD)	Legal Basis/Rationale
I. Property Damage: Infrastructure	Comprehensive Home Rewiring (105 y.o. home, 2,000-2,500 sq. ft.)	\$12,000 to \$30,000	Direct cost of repair necessitated by the ongoing electrical event and DLC's unauthorized manipulation/spoliation of the loose neutral connection. Rewiring cost derived from industry standards of \$6 to \$12 per sq. ft.

	Electrical Panel Upgrade (as required by current code)	\$400 to \$2,500	Cost incurred due to the need to meet current safety standards following the damage.
II. Property Damage: Chattels	Basic Appliances Replacement (Refrigerator, Range, Microwave, Dishwasher)	\$2,100 to \$5,400	Direct cost of replacing essential household chattels damaged for years by over-voltage/no neutral condition attributed to DLC's breach of duty under 66 Pa. C.S. § 1501 .
	High-End/ Electronics Replacement (Large-Screen TVs, Computers, etc.)	\$5,000 to \$10,000+	Direct cost of replacing specialized electronics damaged over years by the voltage fluctuation.
III. Incidental Damages	Pain, Suffering, and Emotional Distress	Unquantified; For Commission Determination	Damages resulting from DLC's alleged gross negligence, bad faith, refusal to mitigate harm, and obstruction of CAP/financial assistance , requiring the Complainants to endure for years unsafe service and financial distress. While the PUC is generally a court of limited jurisdiction, the Commission may consider the utility's conduct and its impact on the Complainants' well-being when assessing the

			overall breach of the duty of reasonable service .
V. TOTAL PROJECTED LOSS	Combined Estimated Cost	\$19,500 to \$47,900+	The uncontested range of compensable damages resulting from DLC's actions and inactions.

Respectfully submitted,

TODD ELLIOTT KOGER, SR.

ELLIOTT-TODD PARKER KOGER

Date: November 6, 2025

VERIFICATION

Both, **Todd Elliott Koger, Sr.** and **Elliott-Todd Parker Koger**, Complainants in the above-captioned matter, hereby state that I/we are authorized to make this Verification and that the facts set forth in the foregoing **Complainants' Supplemental Compliance and Motion to Admit Evidence** are true and correct to the best of my/our knowledge, information, and belief, and that I/we expect to be able to prove the same at a hearing held in this matter.

I/we understand that the statements made herein are subject to the penalties of **18 Pa. C.S. § 4904** (relating to unsworn falsification to authorities).

Dated this 3rd day of November, 2025.

/s/ Todd Elliott Koger, Sr.

/s Elliott-Todd Parker Koger

(412) 758-4510

kogerfriend@gmail.com

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

**TODD ELLIOTT KOGER, SR., AND
ELLIOTT-TODD PARKER KOGER
COMPLAINANT(S)**

V.

**C-2024-3049627 and
C-2025-3054190**

**DUQUESNE LIGHT COMPANY
RESPONDENT**

PROPOSED ORDER

AND NOW, on this the _____ day of _____, 2025, this matter, upon consideration of Complainant's Motion to Admit the AI-Generated Estimate of Damages, it is hereby **ORDERED** as follows:

1. The Motion is **GRANTED**.
2. The AI-generated estimate of damages, previously disclosed during discovery and not objected to by Respondent, is admitted into evidence in this proceeding.
3. The weight and credibility of this evidence shall be determined by the Presiding Officer in the context of the full record.
4. This Order is entered pursuant to **52 Pa. Code § 5.401**, which permits admission of relevant and material evidence, and in recognition of Respondent's waiver of objection by failing to raise any challenge during discovery.

BY THE COMMISSION:

_____ J.

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Elliott-Todd Parker Koger
/s/ Todd Elliott Koger
(412) 758-4510

PROOF OF SERVICE

Both Elliott-Todd Parker Koger and Todd Elliott Koger, Sr., certify that on this the 3rd day of November 2025, served the following on:

Megan E. Rulli, 17th North Second Street 12th Floor, Harrisburg, PA 17101

/s/ Elliott-Todd Parker Koger
/s/ Todd Elliott Koger
(412) 758-4510