

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Todd Elliott Koger, Sr. and Elliot-Todd Parker Koger,	:	
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	:	
Complainants,	:	
	:	C-2024-3049627
v.	:	
	:	
Duquesne Light Company,	:	
	:	
Respondent,	:	
	:	
Todd Elliott Koger, Sr. and Elliot-Todd Parker Koger,	:	
	:	
	:	
Complainants,	:	
	:	C-2025-3054190
v.	:	
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

**INTERIM ORDER HOLDING MOTION OF DUQUESNE LIGHT COMPANY TO  
DISMISS THE FORMAL COMPLAINTS OF TODD ELLIOTT KOGER, SR. AND  
ELLIOTT-TODD KOGER IN ABEYANCE AND PROVIDING AN EXTENSION OF  
TIME FOR COMPLAINANTS TO COMPLY WITH THE INTERIM ORDER  
GRANTING MOTION OF DUQUESNE LIGHT COMPANY TO COMPEL RESPONSES  
TO DISCOVERY PROPOUNDED ON COMPLAINANTS – SET I, ENTERED ON  
OCTOBER 31, 2025**

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 averred 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 averred, 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 asserted 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 asserted 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 asserted Complainants did not provide any responses to the Company to Complainants Set I.

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

Duquesne Light asserted 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 argued Complainants waived the right to object to these interrogatories and must provide answers to them.<sup>1</sup>

Answers to written interrogatories must “[a]nswer each interrogatory fully and completely unless an objection is made.”<sup>2</sup> Answers must be served within 20 days after service of the interrogatories.<sup>3</sup> Similarly, a party shall serve a response to a request for documents within 20 days after the service of the request.<sup>4</sup> The requesting party may move to compel a response to a request for documents with respect to a failure to respond to the request.<sup>5</sup>

The Company argued Complainants 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.

In addition, the Company argued 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.

A complete description of the subject discovery requests and Respondents argument to compel the production of a response to each request is provided in the Interim Order granting Respondents Motion to Compel entered on October 31, 2025.

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<sup>1</sup> 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”).

<sup>2</sup> *Id.* § 5.342(a)(4).

<sup>3</sup> *Id.* § 5.342(d).

<sup>4</sup> *Id.* § 5.349(d).

<sup>5</sup> See *id.*

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

In the Interim Order entered on October 31, 2025, the undersigned presiding officer agreed with the arguments advanced by Duquesne Light in its Motion to Compel and noted that Complainants were afforded additional time, prior to the issuance of this Interim Order, to file a response to the Motion to Compel, however, failed to do so.

Complainants were also 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, an interim Order was entered on October 31, 2025, concluding that Complainants are required to provide full and complete responses to the subject discovery requests. The Interim Order further provided the following:

- a. 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.
- b. 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.
- c. 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.

On November 10, 2025, Respondent filed its Motion Of Duquesne Light Company To Dismiss The Formal Complaints Of Todd Elliott Koger, Sr. And Elliott-Todd

Koger (Motion to Dismiss). The Motion to Dismiss included a Notice to Plead requesting that Complainants file a Reply to the Motion to Dismiss within 5 days of service on November 10, 2025.

In its Motion to Dismiss, Respondents asserts that on or about November 3, 2025, the Complainants filed a document entitled “Complainants Compliance and Motion to Admit Evidence,” purporting to comply with the Order granting Duquesne Light’s Motion to Compel. Respondent asserts the document includes a “summary table” that appears to group the subject matters of Duquesne Light’s discovery requests into categories and provides a brief, one sentence summary of the Complainants’ position on each of these issues. Respondent averred a true and correct of the filing was attached to the Motion to Dismiss as Appendix D. Complainants did not provide the undersigned presiding officer with a copy of the filing or a certificate of service indicating the filing of the document.<sup>6</sup>

In its Motion to Dismiss, Respondent asserts, as of the filing of the Motion to Dismiss, no formal and complete responses to Complainants Set I have been received by the Company from Complainants. In addition, despite the representations made in the filing dated November 3, 2025, Respondent asserts Complainants have also failed to produce any documents responsive to the Company’s discovery requests.<sup>7</sup>

In its Motion to Dismiss, Duquesne Light requests that its Motion to Dismiss Complainants’ Formal Complaints be granted, with prejudice, due to Complainants failure to comply with the Interim Order entered on October 31, 2025.

Under the circumstances, the following Order will be entered.

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<sup>6</sup> Motion to Dismiss, ¶ 25.

<sup>7</sup> 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; Also see Motion to Dismiss ¶ 26.

THEREFORE,

IT IS ORDERED:

1. That the Complainants shall comply in all respects with the terms of the Interim Order entered on October 31, 2025, and consistent with the ordering paragraphs below.

2. That the deadline for Complainants to comply with the Interim Order entered on October 31, 2025 and to shall serve upon counsel for Respondent, full and complete answers and responses, in their entirety, to all of Duquesne Light Companies Set I discovery requests, as identified in the Motion to Compel filed on October 16, 2025, is hereby extended until 4:00 p.m. on Tuesday, November 25, 2025.

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, which may include dismissal of the formal complaints filed by complainants, upon the filing of an appropriate Motion or request for relief.

4. That Complainants shall file and serve a certificate of service consistent with applicable law and Commission regulations and serve a copy of all filings on opposing counsel and the undersigned presiding officer.

5. That on or before 4:00 p.m. on December 3, 2025, Respondent may supplement or amend its Motion to Dismiss filed on November 10, 2025, based upon Complainants compliance or failure to comply with this Order.

6. That based upon Complainants failure<sup>2025</sup>, serve upon Respondent, full and complete answers and responses, in their entirety, to all of Duquesne Light Companies Set I discovery requests, as identified in the Motion to Compel filed on October 16, 2025,

Respondents deadline of December 3, 2025 to serve its proposed evidence upon Complainants and the undersigned presiding officer, is hereby extended to 4:30 p.m. on December 5, 2025.

Date: November 20, 2025

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/s/  
Jeffrey A. Watson  
Administrative Law Judge

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*Revised: October 16, 2025*

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