

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Linda Slick	:	
	:	
v.	:	C-2025-3057693
	:	
Duquesne Light Company	:	

**INTERIM ORDER
DISMISSING PRELIMINARY OBJECTIONS**

Linda Slick (Complainant) filed a Formal Complaint against Duquesne Light Company (Duquesne Light) on September 26, 2025. The Complainant checked the “other” box on the complaint form alleging that Duquesne Light’s rate structure was unjust and unreasonable because she is billed more for supply and transmission costs than she is for “actual electricity usage.” As relief, among other things, she wants the Commission to direct Duquesne Light to reduce or restructure its fixed distribution service charge and ensure that Duquesne Light’s rate design complies with statutory requirements.

On October 16, 2025, Duquesne Light filed an Answer and New Matter along with Preliminary Objections. Duquesne Light’s preliminary objections included a notice to plead. The Complainant did not file a response to the preliminary objections.

Preliminary objections are permitted under Commission regulations.¹ Preliminary objection practice before the Commission is similar to Pennsylvania civil practice respecting preliminary objections.² The standard for consideration of preliminary objections has been repeated many times. In deciding the preliminary objections, the Commission must

¹ 52 Pa.Code § 5.101.
² *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).

determine whether, based on well-pleaded factual averments of the petitioners, recovery or relief is possible.³ All of the non-moving party's averments in the complaint must be viewed as true for purposes of deciding the preliminary objections, and only those facts specifically admitted may be considered against the non-moving party.⁴ Any doubt must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections.⁵

Duquesne Light seeks dismissal of the complaint because the Complainant failed to allege a violation of the Public Utility Code, and the complaint is barred by the "Filed-Rate Doctrine."

First, it is important to recognize that the Complainant is self-represented. In *In Carlock v. The United Telephone Company of Pennsylvania*,⁶ the Commission held that, in the normal course, the Commission would not dismiss a complaint of a self-represented person without first providing a hearing during which self-represented complainants could further explain their position and the factual basis for their complaint. The Commission expressed the concern that, in general, complainants may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe their basic issue and supporting facts.⁷

Tariff provisions previously approved by the Commission are *prima facie* reasonable.⁸ Commission-approved tariffs have the force of law, and a utility is required to apply its tariff in accordance with the Commission's approval of the tariff. However, a complainant may evade the effect of existing tariff by proving that the "facts and circumstances have changed so drastically as to render the application of the tariff provision unreasonable."⁹ This burden of proving these facts rests upon the Complainant and it is a heavy burden.¹⁰

³ *Dept. of Auditor General, et al v. SERS, et al.*, 836 A.2d 1053, 1064 (Pa. Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105 (Pa. Cmwlth. 1996).

⁴ *Ridge v. State Employees' Retirement Board*, 690 A.2d 1312 (Pa. Cmwlth. 1997).

⁵ *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002).

⁶ Docket No. F-00163617 (Order entered July 14, 1993)(*Carlock*).

⁷ *See also Richmond v. PECO Energy Company*, Docket No. F-2010-2187305 (Opinion and Order entered December 7, 2011).

⁸ *Id.*

⁹ *Shenango Township Board of Supervisors v. Pa. Public Util. Comm'n*, 606 A.2d 910, 913 (Pa. Cmwlth. 1996).

¹⁰ *Id.*

I agree with Duquesne Light that the averments in the complaint seem to suggest that the Complainant is asking the Commission to revisit the Commission’s approval of Duquesne Light’s current tariff.¹¹ However, I will dismiss the preliminary objections to provide the Complainant with an opportunity to explain the allegations in her complaint in greater detail.¹² The Complainant should be provided with an opportunity to prove that “facts and circumstances have changed so drastically as to render the application of the tariff provision unreasonable.” The Complainant also raises issues regarding the transparency of the bill and describes an interaction with a customer service representative, which are service issues that the Commission can consider.

THEREFORE,

IT IS ORDERED:

1. That the preliminary objections of Duquesne Light Company are dismissed.
2. That this matter shall be set for hearing.

Date: November 21, 2025

/s/
Mary D. Long
Administrative Law Judge

¹¹ See *Public Utility Commission v. Duquesne Light Company*, Docket R-2024-3046523 (Order entered November 7, 2024). I would note that the Commission held four public input hearings which provided customers with an opportunity to offer input on the proposed rate filings. See Recommended Decision at 6-9.

¹² Carlock.

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