

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Todd Elliott Koger, Sr. and Elliot-Todd Parker Koger,	:	
	:	
	:	
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 CLOSING THE RECORD AND CANCELLING EVIDENTIARY
HEARING**

On October 16, 2025, an Initial In-Person Hearing Notice, scheduling a two day in-person hearing in this case for December 8 and 10, 2025, in Pittsburgh. Also on October 16, 2025, a Prehearing Order was entered requiring distribution of proposed exhibits and other requirements for the evidentiary hearings, which, among other things, required each party to serve copies of all proposed evidence on the opposing party and the presiding officer on or before December 3, 2025.¹

¹ Respondents December 3, 2025, deadline was extended to December 5, 2025, by Interim Order entered on November 20, 2025.

On October 31, 2025, an Interim Order was entered 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.”² 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.”³

On November 3, 2025, 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. The document included 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. The Complainants failed to serve this filing on the presiding officer.

On November 12, 2025, Duquesne Light filed a Motion to Dismiss the Complainants’ Formal Complaints with prejudice, due to their failure to comply with the Interim Orders entered in this proceeding including the October 31, 2025, Interim Order granting Duquesne Light’s Motion to Compel, as well as the Commission’s discovery regulations.

On November 18, 2025, the Complainants filed their Opposition to the Company’s Motion to Dismiss but did not provide evidence of service of full and complete responses to the discovery requests propounded by Respondent. The Complainants also failed to serve this filing on the presiding officer.

On November 20, 2025, an Interim Order was entered which held the Motion to Dismiss of Duquesne Light Company in abeyance and extended the deadline for Complainants to comply with the October 31, 2025, Order until November 25, 2025. Complainant did not

² Order, p. 23.

³ *Id.*

timely file a certificate of service indicating the service of its full and complete responses to Respondents' discovery requests directed to Complainants.

On November 26, 2025, Respondent filed a Renewed Motion of Duquesne Light Company To Dismiss The Formal Complaints Of Todd Elliot Koger, Sr. And Elliot-Todd Parker Koger (Renewed Motion to Dismiss). In its renewed Motion to Dismiss, Respondent requested that Complainants' Formal Complaints be dismissed with prejudice.

On December 1, 2025, Complainants provided an email to the presiding officer which included attachments and a second email that included an attachment which purports to be a response to the Renewed Motion to Dismiss. The emails do not appear to be copied to counsel for Respondent. The Parties are again instructed to copy the opposing Party with any communication provided to the presiding officer. Any communication provided to the undersigned presiding officer that is not copied to the opposing Party are improper and will not be considered.

Complainants were directed to distribute their proposed hearing exhibits and serve copies of all proposed evidence on the opposing party and the presiding officer on or before December 3, 2025. The undersigned presiding officer did not receive copies of Complainants proposed hearing exhibits and the record does not include a certificate of service from Complainants as of the filing of this Order.

Under the circumstances, and in order to properly address the Renewed Motion to Dismiss filed by Respondent and the responsive pleading to the Renewed Motion to Dismiss filed by Complainants, and under the circumstances in this proceeding, the evidentiary hearing scheduled for December 8 and 10, 2025, will be cancelled and the hearing record will be closed. A decision will be timely issued addressing the Renewed Motion to Dismiss and Complainants responsive pleading to the Renewed Motion to Dismiss.

Under the circumstances, the following Order will be entered.

THEREFORE,

IT IS ORDERED:

1. That the evidentiary hearing scheduled for December 8 and December 10, 2025, is cancelled.
2. That the requirements that Respondent distribute its proposed hearing exhibits on or before December 5, 2025, are suspended.
3. That a decision will be timely issued addressing the Renewed Motion to Dismiss and Complainants responsive pleading to the Renewed Motion to Dismiss.
4. That the record in this proceeding is closed.

Date: December 4, 2025

/s/
Jeffrey A. Watson
Administrative Law Judge

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Revised: October 16, 2025

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