

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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

INITIAL DECISION

Before
Jeffrey A. Watson
Administrative Law Judge

This Initial Decision dismisses the Formal Complaint filed by Todd Elliott Koger, Sr. and Elliott-Todd Parker Koger, for their failure to comply with the interim orders entered on July 11, 2025, October 16, 2025, October 31, 2025 and November 20,

2025, including requiring Complainants to provide discovery responses and witness identification information, and to provide their proposed exhibits to the presiding officer and Respondent prior to the scheduled evidentiary hearing.

HISTORY OF THE PROCEEDING

On June 20, 2024, Todd Elliott Koger, Sr. and Elliott-Todd Parker Koger (Complainants) filed a Formal Complaint (Complaint) against Duquesne Light Company (Duquesne Light, Company or Respondent) docketed at C-2024-3049627 (First Complaint). Respondent filed an Answer and New Matter on July 10, 2024, and a Motion For Leave to File Responsive Pleading to the Complaint on July 23, 2024, which was granted by Interim Order entered on August 13, 2024. No responsive pleading was filed to the New Matter by Complainants.

On March 26, 2025, Todd Elliott Koger, Sr. and Elliott-Todd Parker Koger filed a second Formal Complaint (Second Complaint) against Duquesne Light Company, docketed at C-2025-3054190. Complainants averred, *inter alia*, violations of certain portions of the Pennsylvania Crimes Code, the United States Crimes Code, and other federal law, including 18 Pa.C.S. §§ 4911 and 1911; 18 U.S.C. §§ 3057(a) and 1961-1968; and Title VI of the Civil Rights Act of 1964.1.

Complainants also averred that Duquesne Light and/or its representatives intentionally and/or criminally misrepresented facts during the ongoing Chapter 7 Bankruptcy Petition proceeding of Elliott-Todd Parker Koger before the United States Bankruptcy Court for the Western District of Pennsylvania at Docket No. 24-210801-GLT (Chapter 7 Petition). On April 15, 2025, Duquesne Light filed Preliminary Objections to the Second Complaint and an Answer to the Formal Complaint essentially denying the material averments set forth in the Second Complaint. On April 24, 2025, Complainants filed an Amended Complaint.

On May 15, 2025, Respondent filed an Answer to the Amended Complaint, essentially denying the material averments set forth in the Amended Complaint.

On May 15, 2025, Respondent also filed Preliminary Objections to the Amended Complaint requesting that the Commission dismiss the portions of the Amended Complaint that: (1) allege violations of Title 18 of the Pennsylvania Crimes Code, the Pennsylvania Human Relations Act and Title VI of the Civil Rights Act of 1964 because the Commission lacks subject-matter jurisdiction over those claims; and (2) allege Duquesne Light made false representations during the Chapter 7 Petition proceeding and request damages because they constitute scandalous or impertinent matters. Complainants did not file a response to the Preliminary Objections of Respondent. On July 9, 2025, an Interim Order was entered granting the Preliminary Objections filed by Duquesne Light Company to the Amended Complaint filed at Docket No. C-2025-3054190.

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 asserting both the First and Second Complaints include allegations that a loose neutral discovered at Complainants' service address on October 11, 2023, poses a safety concern and is preventing Complainants' enrollment in the Company's Customer Assistance Program (CAP). Complainants did not file a response or objection to the Company's Motion to Consolidate.

On July 10, 2025, an Interim Order was entered granting the Company's Motion to Consolidate the proceedings.

On July 11, 2025, the undersigned presiding officer 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 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.

On July 11, 2025, 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.

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.

On July 28, 2025, Complainants served a Motion to Compel Production of Discovery (Motion to Compel), arguing that the Company's Objections should be overruled. On August 1, 2025, Duquesne Light timely served its Answers to all but one of the requests contained in Complainants Set I. On August 4, 2025, Duquesne Light timely served its Answer to Complainants' Motion to Compel.

On September 2, 2025, Duquesne Light provided Complainants with a list of the fact witnesses it planned to call at the hearings and summaries of the anticipated testimony of those fact witnesses. Complainants did not provide notice to Duquesne Light or to the undersigned presiding officer of any fact witnesses they planned to call at the evidentiary hearings.

On September 5, 2025, Duquesne Light provided notice to Complainants that the Company does not intend to call any expert witnesses at the evidentiary hearings.

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

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. 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. Complainants did not serve objections to DLC to Complainants Set I by September 19, 2025. Additionally, Complainants did not provide responses to DLC to Complainants Set I by September 29, 2025.

On September 25, 2025, an Interim Order was entered Denying Complainants’ Motion to Compel Discovery Responses in full.

On October 16, 2025, Duquesne Light filed a Motion to Compel responses to DLC Complainants Set I. Complainants did not file an Answer to the Motion to Compel.

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 hearing room. 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.

On October 31, 2025, an Interim Order was entered granting Duquesne Light’s Motion to Compel. The Order specifically directed Complainants to “serve upon

counsel for Respondent, full and complete answers and responses, in their entirety, to Duquesne Light Company’s 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.”¹ 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.”²

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 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 Complainants’ position on each of these issues. 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 October 31, 2025, Interim Order granting Duquesne Light’s Motion to Compel, as well as the Commission’s discovery regulations.

On November 18, 2025, Complainants filed their Opposition to the Company’s Motion to Dismiss. Complainants 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 to November 25, 2025.

¹ Order at 23.

² *Id.*

Complainants did not timely file a certificate of service indicating the service of its full and complete responses to DLC to Complainants Set I discovery requests.

On November 26, 2025, Respondent filed a Renewed Motion Of Duquesne Light Company to Dismiss The Formal Complaints Of Todd Elliott Koger, Sr. And Elliott-Todd Parker Koger (Renewed Motion to Dismiss). Respondent averred that Complainants have failed to comply with various Interim Orders which, *inter alia*, directed them to establish the production of any documents responsive to the Company's discovery requests.³ In its renewed Motion to Dismiss, Respondent requested that Complainants' Formal Complaints be dismissed with prejudice, due to their failure to comply with the Orders of the presiding officer, including the Interim Orders entered on October 31, 2025 Order, the November 20, 2025 Order, and the Commission's discovery regulations. The record closed on December 4, 2025.

FINDINGS OF FACT

1. On June 20, 2024, Todd Elliott Koger, Sr. and Elliott-Todd Parker Koger filed a Formal Complaint against Duquesne Light Company at Docket No. C-2024-3049627 (First Complaint).

2. On March 26, 2025, Todd Elliott Koger, Sr. and Elliott-Todd Parker Koger filed a second Formal Complaint (Second Complaint) against Duquesne Light Company, at Docket No. C-2025-3054190.

³ At various points in these filings, Complainants state that they provided supporting documentation to the Company, including an alleged "supplemental filing" dated November 6, 2025, which the Company averred in its Motion to Dismiss and Renewed Motion to Dismiss, it has never received. Respondent further averred no responsive documents were attached to these filings and no responsive documents have been served on the Company as of the date of filing of the renewed Motion to Dismiss.

3. The Complaints include allegations that a loose neutral discovered at Complainants' service address on October 11, 2023, poses a safety concern and is preventing Complainants' enrollment in the Company's Customer Assistance Program (CAP).

4. On April 17, 2025, Duquesne Light filed a Motion to Consolidate the two Complaint proceedings, given the overlapping issues of fact and law in the First and Second Complaints. Complainants did not file a response or objection to the Company's Motion to Consolidate.

5. On July 10, 2025, an Interim Order was entered granting the Company's Motion to Consolidate the proceedings.

6. On July 11, 2025, the undersigned presiding officer 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 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. On July 11, 2025, Complainants served Complainants' First Set of Requests for Production of Documents and Things and First Set of Interrogatories (Complainants Set I) on Duquesne Light. 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, 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 Complainants' Motion to Compel.

12. Pursuant to the Interim Order entered on July 11, 2025, on September 2, 2025,⁴ Duquesne Light provided Complainants with a list of the fact witnesses it planned to call at the hearings and summaries of the anticipated testimony of its fact witnesses. Complainants did not provide evidence of any notice to Duquesne Light or to the undersigned presiding officer of any fact witness they planned to call at the evidentiary hearings.

13. On September 5, 2025, Duquesne Light timely provided notice to Complainants that the Company did not intend to call any expert witnesses at the evidentiary hearings. Complainants did not provide evidence of notice to Duquesne Light or to the presiding officer of any expert witness they planned 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.

⁴ Commission offices were closed on September 1, 2025 in celebration of Labor Day.

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. Complainants did not serve objections to DLC to Complainants Set I by September 19, 2025.

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

18. On September 25, 2025, an Interim Order was entered Denying Complainants' Motion to Compel Discovery Responses.

19. On October 16, 2025, Duquesne Light filed a Motion to Compel responses to its Complainants Set I discovery requests.

20. Complainants did not file an Answer to the Motion to Compel.

21. On October 16, 2025, the Commission issued an Initial In-Person Hearing Notice, scheduling a two day in-person hearing for the above-captioned Complaints for December 8 and 10, 2025, at the Commission's Pittsburgh hearing room.

22. 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.

23. On October 31, 2025, an Interim Order was entered granting Duquesne Light's Motion to Compel. The Order specifically directed 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.”⁵ 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.”⁶

24. 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 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 Complainants’ position on each of these issues. The filing did not include full and complete responses to the discovery requests propounded by Respondent and Complainants failed to serve this filing on the presiding officer.

25. On November 12, 2025, Duquesne Light filed a Motion to Dismiss Complainants’ Formal Complaints with prejudice, due to their failure to comply with the 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.

26. On November 18, 2025, Complainants filed their Opposition to the Company’s Motion to Dismiss. Complainants failed to serve this filing on the presiding officer.

⁵ Order at 23.

⁶ *Id.*

27. 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 and to provide Respondent with full and complete responses to Respondents discovery requests served on September 9, 2025, until November 25, 2025.

28. The November 20, 2025 Interim Order directed Complainants to comply in all respects with the terms of the Interim Order entered on October 31, 2025; to serve upon counsel for Respondent, full and complete answers and responses, in their entirety, to all of Duquesne Light Company's Set I discovery requests, as identified in the Motion to Compel filed on October 16, 2025, by November 25, 2025; that 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; that Complainants 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; and extended Respondent's deadline of December 3, 2025, to serve its proposed evidence upon Complainants and the undersigned presiding officer to December 5, 2025.

29. Complainants did not timely file a certificate of service indicating the service of its full and complete responses to DLC to Complainants Set I discovery requests.

30. On November 26, 2025, Respondent filed a Renewed Motion of Duquesne Light Company To Dismiss The Formal Complaints Of Todd Elliott Koger, Sr. and Elliott-Todd Parker Koger (Renewed Motion to Dismiss).

31. Complainants failed to comply with various Interim Orders which, *inter alia*, directed them to: (1) establish the production of any documents responsive to the Company's discovery requests; (2) timely identify their witnesses; and, (3) provide a summary of the witnesses' testimony as required by the Interim Order entered on July 11, 2025.⁷

32. In its renewed Motion to Dismiss, Respondent requested that Complainants' Formal Complaints be dismissed with prejudice, due to Complainants failure to comply with the Interim Orders entered in this proceeding, including the October 31, 2025 Order, the November 20, 2025 Order, and the Commission's discovery regulations.

33. Duquesne Light has propounded straightforward requests for Complainants to provide information that is discoverable and relevant to the issues in this proceeding.

34. Complainants have failed or refused to answer any of these interrogatories fully, even after being directed to do so in two Interim Orders by the presiding officer, thereby denying Duquesne Light due process and preventing the full and complete development of the evidentiary record.

35. Complainants filed a document on or about November 3, 2025, purporting to "comply" with the Interim Order granting Respondent's Motion to Compel,

⁷ At various points in these filings, Complainants state that they provided supporting documentation to the Company, including an alleged "supplemental filing" dated November 6, 2025, which the Company averred in its Motion to Dismiss and Renewed Motion to Dismiss, it has never received. Respondent further averred no responsive documents were attached to these filings and no responsive documents have been served on the Company as of the date of filing of the renewed Motion to Dismiss.

and the document does not contain any responsive answers or documentation to Duquesne Light's discovery requests.

36. Instead, Complainants merely included a table grouping the Company's discovery requests into broad categories and providing one sentence summaries of their positions on those issues. This table and its contents are not responsive to the Company's discovery requests, which sought further details on the many and varied claims raised by Complainants in their Complaints filed at the above-referenced dockets.

37. Without full and complete responses to these requests, the Company cannot properly respond to Complainants' claims or prepare for the scheduled hearings.

38. Complainants served discovery requests on Respondent, and Respondent answered all but one of these requests, despite raising valid objections.

39. In addition, Complainants filed pre-hearing motions in this proceeding, including discovery motions seeking sanctions against the Company, and none of which were served upon the presiding officer, despite the directive set forth in the Interim Orders entered on November 27, 2024, July 11, 2025, September 29, 2025, October 16, 2025, October 31, 2025, and November 20, 2025, advising Complainants to serve their pleadings and filings upon the presiding officer.

40. On December 1, 2025, Complainants provided an email to the presiding officer which included attachments and a second email that included an attachment and response to the Renewed Motion to Dismiss. The emails did not indicate they were copied to counsel for Respondent.

41. By Interim Order entered on October 16, 2025, 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 the Order.

42. Complainants failed to provide evidence of service of its evidence upon Respondent by December 3, 2025, and an Interim Order was entered on December 4, 2025 cancelling the evidentiary hearing scheduled to begin on December 8, 2025.

43. The Interim Order granting Respondent's Motion to Compel cautioned Complainants "[t]hat 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."⁸

44. The Interim Order entered on November 25, 2025, advised the Parties that 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

45. The record closed by Interim Order entered on December 4, 2025.

⁸ See Order Granting Duquesne Light's Motion to Compel at 23.

DISCUSSION

On June 20, 2024, Complainants filed their First Complaint and on March 26, 2025, Complainants filed their Second Complaint against Duquesne Light. The First and Second Complaints include allegations that a loose neutral was discovered at Complainants' service address at 515 Kelly Avenue, Pittsburgh, Pennsylvania, on October 11, 2023, which continues to pose a safety concern and is preventing the Complainants' enrollment in the Company's Customer Assistance Program.

On April 17, 2025, Duquesne Light filed a Motion to Consolidate the two Complaint proceedings. Complainants did not file a response or objection to the Company's Motion to Consolidate.

On July 10, 2025, an Interim Order was entered granting the Company's Motion to Consolidate the proceedings. On July 11, 2025, the undersigned presiding officer issued a 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 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. Duquesne Light timely provided Complainants with a list of the fact witnesses it planned to call at the hearings and summaries of the anticipated testimony of its fact witnesses. Respondent timely advised it did not intend to present expert testimony. Complainants did not provide notice to Duquesne Light or to the undersigned presiding officer of any fact or expert witnesses or any summary of proposed evidence they planned to call at the evidentiary hearings.

On July 11, 2025, 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. On July 21, 2025, Duquesne Light timely served its Objections to Complainants' Set I and objected to Requests for Production Nos. 3, 4, and 5 and Interrogatories Nos. 2 and 10. On August 1, 2025, Duquesne Light timely served its Answers to all but one of the requests contained in Complainants Set I. Complainants filed a Motion to Compel on July 28, 2025, Respondent served its response on August 4, 2025, and the Motion was denied by Interim Order entered on September 25, 2025.

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). Pursuant to the Commission's regulations, objections by Complainants were due on or before September 19, 2025, and responses were due on or before September 29, 2025. Complainants did not serve objections to DLC to Complainants Set I by September 19, 2025. Complainants did not provide responses to DLC to Complainants Set I by September 29, 2025.

On October 16, 2025, Duquesne Light filed a Motion to Compel responses to its DLC to Complainants Set I discovery requests. Complainants did not timely file an Answer to the Motion to Compel.

On October 16, 2025, an Initial In-Person Hearing Notice was issued, scheduling a two day in-person hearing for the above-captioned Complaints for December 8 and 10, 2025, at the Commission's Pittsburgh hearing room. 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, 2025.⁹ Complainants did not provide its proposed evidence as required by the Interim Order entered on October 16, 2025.

On October 31, 2025, an Interim Order was entered granting Duquesne Light's Motion to Compel. The Order specifically directed Complainants to serve upon counsel for Respondent, full and complete answers and responses, in their entirety, to Duquesne Light Company's Set I discovery requests, as identified in the Motion to Compel filed on October 16, 2025, on or before November 6, 2025.¹⁰ 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."¹¹

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 Complainants' position on each of these issues. Complainants failed to serve this filing on the presiding officer. The filing did not provide full and complete responses to Respondent's discovery requests.

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

⁹ Respondent's deadline to exchange evidence was extended to December 5, 2025 by Interim Order entered on November 20, 2025.

¹⁰ Order, at 23.

¹¹ *Id.*

granting Duquesne Light's Motion to Compel, as well as the Commission's discovery regulations.

On November 18, 2025, 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. 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 provided an additional opportunity for Complainants to comply with the Motion to Compel by extending the deadline for Complainants to comply with the October 31, 2025 Order to November 25, 2025. Complainants did not timely file a certificate of service indicating the service of its full and complete responses to DLC to Complainants Set I discovery requests.

On November 26, 2025, Respondent filed a Renewed Motion of Duquesne Light Company to Dismiss the Formal Complaints of Todd Elliott Koger, Sr. and Elliott-Todd Parker Koger (Renewed Motion to Dismiss). Respondent averred that Complainants failed to comply with various Interim Orders which, *inter alia*, directed them to establish the production of any documents responsive to the Company's discovery requests.¹² In its renewed Motion to Dismiss, Respondent requested that Complainants' Formal Complaints be dismissed with prejudice, due to their failure to comply with the October 31, 2025 Order, the November 20, 2025 Order, and the Commission's discovery regulations.

¹² At various points in these filings, Complainants state that they provided supporting documentation to the Company, including an alleged "supplemental filing" dated November 6, 2025, which the Company averred in its Motion to Dismiss and Renewed Motion to Dismiss, it has never received. Respondent averred no responsive documents were attached to these filings and no responsive documents have been served on the Company as of the date of filing of the renewed Motion to Dismiss.

Complainants filed various pre-hearing motions including discovery motions seeking sanctions against the Company, and none of which were served upon the presiding officer, despite the directive set forth in the Interim Orders entered on November 27, 2024, July 11, 2025, September 29, 2025, October 16, 2025, October 31, 2025, and November 20, 2025, advising Complainants to serve their pleadings and filings upon the presiding officer.

On December 1, 2025, Complainants provided an email to the presiding officer which included attachments and a second email that included an attachment and response to the Renewed Motion to Dismiss. The emails did not indicate they were copied to counsel for Respondent.¹³

Complainants' filings in this proceeding demonstrate their ability to understand the litigation process, including the consequences of failing to comply with Commission Orders and to properly respond to the discovery requests.¹⁴

In addition, the Interim Order granting Respondent's Motion to Compel cautioned Complainants "[t]hat 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."¹⁵ Furthermore, the Interim Order entered on November 25, 2025 advised the Parties that 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

¹³ The emails were subsequently provided to the Parties upon determining that Complainants may not have provided a copy to counsel for Respondent.

¹⁴ The Company also notes that, despite multiple warnings from the Administrative Law Judge (ALJ), the Complainants have failed to serve any of their motions on the Presiding Officer and have also stopped serving their motions on the Company, despite attaching Certificates of Service suggesting otherwise.

¹⁵ See Order Granting Duquesne Light's Motion to Compel at 23.

dismissal of the formal complaints filed by Complainants, upon the filing of an appropriate Motion or request for relief.

In its Renewed Motion to Dismiss, Respondent requested that Complainants' Formal Complaints be dismissed with prejudice due, in part, to Complainants' failure to comply with the Interim Orders entered in this proceeding, including the October 31, 2025 Order, the November 20, 2025 Order, and the Commission's discovery regulations.

The Discovery requests propounded by Respondent, and which Complainants have failed or refused to answer, include straight forward requests from Duquesne Light seeking details related to the allegations in the Complaints; clarification as to the precise nature of the electrical issues Complainants claim they are experiencing or have experienced; information related to any repairs or investigations into these alleged electrical issues that Complainants have made; and information related to Complainants' allegations that the Company has failed to properly process a damage claim submitted by Complainants.¹⁶ Respondent also sought information and documentation regarding alleged elevated utility bills; information related to Complainants' contacts with Duquesne Light's contractor CLEAResult and the requirement to complete a Smart Comfort visit to enroll in CAP; information in support of their claims that the Company's actions or omissions have caused damage to their property, including what items they claim were damaged and whether any of those items have been replaced or repaired; information related to Complainants' statements made in an April 2, 2025, email to the Company, that their service box was replaced just prior to October 11, 2023, and that their service address had been recently converted to all

¹⁶ Respondent, in its Renewed Motion to Dismiss, avers 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.

electric appliances; and information related to Complainants' statements made in a June 6, 2024, email to the Company, regarding damaged Xfinity equipment and communications with Xfinity technician(s), as well as allegations that the actions of Duquesne Light caused bodily harm; information related to the history of any electrical work performed at their service address since January 1, 2022; and basic information about Complainants' direct case, including that they identify any lay witnesses and expert witnesses they plan to call to testify.

Respondent asserts that, by refusing to answer any of these interrogatories fully, even after being directed to do so by two separate Interim Orders, Complainants are denying Respondents due process rights and preventing the full and complete development of the evidentiary record. Without full and complete responses to these requests, the Company correctly argued it cannot properly respond to Complainants' claims or prepare for the scheduled hearings. In addition, despite the terms set forth in the Interim Order setting a litigation schedule and requiring the Parties to exchange evidence prior to the scheduled hearing, Complainants failed to serve their proposed evidence by the December 3, 2025 deadline.

Complainants' actions demonstrate their complete disregard of the Interim Orders requiring the exchange of discovery responses and the exchange of proposed evidence and exhibits as well as the rules and regulations of the Commission.

The Commission has dismissed customer complaints with prejudice due to the complainants' failure to answer discovery in compliance with the presiding ALJ's orders granting motions to compel.¹⁷ Here, Complainants' filings in this proceeding

¹⁷ See, e.g., *Sojda v. Metro. Ed. Co.*, Docket No. C-2017-2638350, at 7-8 (Initial Decision (I.D.) entered Jan. 9, 2019; *adopted* by Final Order entered Mar. 28, 2019); *Beckmann v. Metro. Ed. Co.*, Docket No. C-2017-2613702, at 7-10 (I.D. entered Jan. 31, 2019; *adopted* by Final Order entered Apr. 11, 2019); *Stanton v. Pa. Elec. Co.*,

evidence their ability to understand the litigation process, including the consequences of failing to comply with the Interim Orders or properly respond to the discovery requests or orders of the presiding officer.¹⁸

Pursuant to Section 5.321(c) of the Commission’s regulations, 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. 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.”¹⁹

Answers to written interrogatories must “[a]nswer each interrogatory fully and completely unless an objection is made.”²⁰

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 refused to obey an order of the presiding officer respecting discovery.²¹

Docket No. C-2018-3001144, at 6-11 (I.D. entered May 10, 2019; *adopted* by Final Order entered July 11, 2019); *Cook v. W. Penn Power Co.*, Docket No. C-2018-3003051, at 6-10 (I.D. entered May 1, 2019; *adopted* by Final Order entered July 11, 2019); *Denlinger v. Duquesne Light Utils. Corp.*, Docket No. C-2018-3005721, at 4-11 (I.D. entered Aug. 16, 2019; *adopted* by Final Order entered Sept. 26, 2019); *Toleno v. Duquesne Light Utils. Corp.*, Docket No. C-2019-3007821, at 4-10 (I.D. entered Sept. 23, 2019; *adopted* by Final Order entered Nov. 7, 2019).

¹⁸ The Company also notes that, despite multiple warnings from the ALJ, as of the filing of the Renewed Motion to Dismiss, Complainants have failed to serve any of their motions on the Presiding Officer and have also stopped serving their motions on the Company, despite attaching Certificates of Service suggesting otherwise.

¹⁹ 52 Pa. Code § 5.321(c).

²⁰ 52 Pa. Code § 5.342(a).

²¹ *See* 52 Pa. Code § 5.371(a).

Among the potential sanctions, an Administrative Law Judge may enter:

(1) An 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 party obtaining the order.

(2) An 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.

(3) An 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.

(4) An order with regard to the failure to make discovery as is just.^[22]

Respondent requests that its Motion to Dismiss be granted, with prejudice, due to the failure of Complainants to comply with the Interim Orders including the Interim Order entered on October 31, 2025, granting Respondent's Motion to Compel and the Commission's discovery regulations.

Respondent argues it propounded straightforward requests for Complainants to provide information that is very relevant to the issues in this proceeding. Without full and complete responses to these discovery requests, the Company contends it cannot properly respond to Complainants' claims or prepare for the scheduled hearings.

It is important to note that on October 16, 2025, the Commission issued an Initial In-Person Hearing Notice, scheduling a two day in-person hearing for the above-

²² 52 Pa. Code § 5.372(a)(1)-(4) (emphasis added).

captioned Complaints for December 8 and 10, 2025, at the Commission's Pittsburgh hearing room. In addition, 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. Complainants did not provide evidence of service of their proposed evidence and did not serve a copy upon the undersigned presiding officer. Accordingly, the hearing scheduled to begin on Monday, December 8, 2025, was cancelled by Interim Order entered on December 4, 2025.

Respondent is entitled to the requested information to enable it to fully investigate and defend against Complainants' allegations. Despite the various efforts to compel the production of appropriate discovery responses, Complainants have failed or refused to comply. In addition, no request was made to seek any appropriate relief or to continue the hearing scheduled for December 8, 2025. Apparently, Respondent was expected to appear at the hearing without the benefit of responses to its discovery requests and Complainants' proposed exhibits, and attempt to defend the claims asserted against it without the ability to prepare a defense. To require Respondent to participate at a hearing under such circumstances would constitute a deprivation of its due process rights and cannot be permitted under the circumstances presented in this case.

The Commission's regulations at Section 5.371 address the consequences of a participant's failure to comply with the Commission's discovery regulations and provide that the Commission or the presiding officer may, on motion, make an appropriate order if a party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests. 52 Pa. Code § 5.371.

Further, Section 5.372 of the Commission's regulations provides that the presiding officer may impose appropriate sanctions upon a party found to be in violation of the obligations set forth in the Commission's regulations.

The Commission has held that the orders of an administrative law judge must be complied with and that a failure to do so is a sufficient basis to support dismissal of the matter.²³ Complainants' conduct in this proceeding involves not just failing to comply with several orders of the presiding officer, but also involves a failure to provide Respondent with responses to discovery requests, identification of Complainants' expert and factual witnesses, and service of Complainants' proposed exhibits and evidence, in order to provide Respondent with an opportunity to prepare a defense to the claims advanced in the Complaints. Here, Complainants have failed to comply with these straightforward orders. In addition, the interim order entered on November 20, 2025, specifically stated that the Motion to Dismiss the Complaints was being held in abeyance in order to provide Complainants with another opportunity to comply with the order granting Respondent's motion to compel and to provide Respondent with full and complete responses to the discovery requests propounded by Respondent. Complainants failed to provide Respondent with the discovery responses.

Well-established Commission precedent tends to afford unrepresented complainants the opportunity to orally set forth their cases on the record, and cautions against dismissing cases on a preliminary basis. In the often-cited case of *Richard Carlock v. The United Telephone Company of Pennsylvania (Carlock)*,²⁴ the Commission determined that unrepresented complainants should have an opportunity to be heard

²³ *Snyderville Cmty. Dev. Corp. v. Phila. Gas Works*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006).

²⁴ *Carlock v. United Tel. Co. of Pa.*, Docket No. F-00163617 (Order entered July 14, 1993) (*Carlock*).

orally, and not have their case dismissed because of a preliminary pleading.²⁵ In many cases unrepresented complainants can explain their dispute orally much better than they can communicate their grievance in written form and to deny unrepresented complainants a meaningful opportunity to be heard in such cases can be viewed as a gross abuse of authority.²⁶

In this case, the parties were permitted to engage in discovery, were ordered to identify expert and factual witnesses and to timely exchange evidence and exhibits. In addition, a two-day in person hearing was scheduled in Pittsburgh, which is where the Complainants list their address and the service location. Complainants did not respond to Respondent's discovery requests, and Complainants did not provide witness information or exchange proposed evidence and exhibits, despite orders requiring such action and an extension of time to comply with the Orders.

While every opportunity has been provided to Complainants to comply with Commission regulations and orders, Respondent also has due process rights that must be protected. As such, a hearing in this matter is not necessary or appropriate and is not in the public interest. Accordingly, the Complaints will be dismissed with prejudice.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of this Complaint. 66 Pa.C.S. § 701.

²⁵ *Id.* at 7

²⁶ See *Halpern v. Bell Tel. Co. of Pa.*, Docket No. C-00923950 (Order entered Oct. 27, 1992) and *Schleisher v. Bell Tel. Co. of Pa.*, Docket No. F-00161252 (Order entered Dec. 17, 1992); see also, *Gera v. PPL Elec. Utils. Corp.*, Docket No. C-20054657 (Opinion and Order entered Nov. 2, 2005).

2. Motions for dismissal of a complaint are governed by Sections 5.371 and 5.372 of the Commission's regulations. 52 Pa. Code §§ 5.371-5.372.

3. The Commission's regulations permit the discovery of "any matter, not privileged, which is relevant to the subject matter involved in the pending action." 52 Pa. Code § 5.321(c).

4. The Commission's regulations at Section 5.371 address the consequences of a participant's failure to comply with the Commission's discovery regulations and provide that the Commission or the presiding officer may, on motion, make an appropriate order if a party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests. 52 Pa. Code § 5.371.

5. Section 5.372 of the Commission's regulations provides that the presiding officer may impose appropriate sanctions upon a party found to be found in violation of the obligations set forth in the Commission's regulations. 52 Pa. Code § 5.372.

6. The Commission has held that the orders of an administrative law judge must be complied with and that a failure to do so is a sufficient basis to support dismissal of the matter. *Snyderville Cmty. Dev. Corp. v. Phila. Gas Works*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006).

7. The Commission's regulations specify certain sanctions that are available when a party fails to comply with an order of the Commission "as is just." 52 Pa. Code § 5.372(a). Under the circumstances, the dismissal of the Complaints for failure to comply with three interim orders requiring Complainants to provide discovery

