
Higinio Mendoza, Jr. and |
Karen A. Feitt |
v. | Docket No.:
Duquesne Light Company | C-2024-3051871
|
Further Call-In |
Telephonic Hearing
Pages 1 - 107

Judge's Chambers
Piatt Place
301 5th Avenue
Suite 220
Pittsburgh, PA

INDEX TO EXHIBITS

Docket No. C-2024-3051871

Hearing Date: January 6, 2026

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DLC EXHIBIT NO. 1



Duquesne Light Company - Statement Of Account

Prepared: December 23, 2025

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Account #:	██████████
Name:	FEITT,KAREN

Paid Deposit Amount:	\$0.00
Disputed Amount:	\$5,216.09

Premise ID	Service Address
██████████	1036 JACKMAN AVE, PITTSBURGH, PA 15202

Residential												
Transaction Date	Prepared Date	Transaction	Premise ID	Bill Due Date	Meter Read Date	Days in Billing Period	Meter Reading	KWh Usage	Bill, Payment, Adjustment Amount	Amount Due	Actual Amount	Account Balance
01/24/23	01/24/23	Bill - Actual	██████████	02/14/23	01/24/23	34	53,924.55	440.37	\$109.00	\$219.37	\$99.95	\$2,334.41
02/20/23	02/22/23	Late Payment Charge							\$2.73	\$222.10	\$2.73	\$2,337.14
02/22/23	02/22/23	Bill - Actual	██████████	03/15/23	02/22/23	29	54,283.21	358.67	\$109.00	\$331.10	\$84.31	\$2,421.45
03/21/23	03/23/23	Late Payment Charge							\$4.09	\$335.19	\$4.09	\$2,425.54
03/23/23	03/23/23	Bill - Actual	██████████	04/13/23	03/23/23	29	54,623.48	340.27	\$109.00	\$444.19	\$80.63	\$2,506.17
04/19/23	04/24/23	Late Payment Charge							\$5.45	\$449.64	\$5.45	\$2,511.62
04/24/23	04/24/23	Bill - Actual	██████████	05/15/23	04/24/23	32	54,963.96	340.48	\$105.00	\$554.64	\$80.72	\$2,592.34
05/22/23	05/23/23	Late Payment Charge							\$6.77	\$561.41	\$6.77	\$2,599.11
05/23/23	05/23/23	Bill - Actual	██████████	06/13/23	05/23/23	29	55,257.26	293.29	\$105.00	\$666.41	\$71.27	\$2,670.38
06/19/23	06/22/23	Late Payment Charge							\$8.08	\$674.49	\$8.08	\$2,678.46
06/23/23	06/22/23	Bill - Actual	██████████	07/13/23	06/22/23	30	55,799.84	542.59	\$105.00	\$779.49	\$121.92	\$2,800.38
07/19/23	07/24/23	Late Payment Charge							\$9.39	\$788.88	\$9.39	\$2,809.77
07/24/23	07/24/23	Bill - Actual	██████████	08/14/23	07/24/23	32	56,787.72	987.88	\$105.00	\$893.88	\$213.56	\$3,023.33
08/10/23	08/22/23	Payment Arrangement							-\$855.88	\$38.00	\$0.00	\$3,023.33
08/10/23	08/22/23	Reconnect Fee							\$20.00	\$58.00	\$20.00	\$3,043.33
08/15/23	08/22/23	Payment							-\$58.00	\$0.00	-\$58.00	\$2,985.33



Duquesne Light Company - Statement Of Account

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Residential												
Transaction Date	Prepared Date	Transaction	Premise ID	Bill Due Date	Meter Read Date	Days in Billing Period	Meter Reading	KWh Usage	Bill, Payment, Adjustment Amount	Amount Due	Actual Amount	Account Balance
08/22/23	08/22/23	Bill - Actual	████████	09/12/23	08/22/23	29	57,758.38	970.66	\$143.00	\$143.00	\$210.07	\$3,195.40
09/18/23	09/21/23	Late Payment Charge							\$1.79	\$144.79	\$1.79	\$3,197.19
09/21/23	09/21/23	Bill - Actual	████████	10/12/23	09/21/23	30	58,611.36	852.98	\$143.00	\$287.79	\$186.13	\$3,383.32
10/18/23	10/22/23	Late Payment Charge							\$3.58	\$291.37	\$3.58	\$3,386.90
10/22/23	10/22/23	Bill - Actual	████████	11/13/23	10/22/23	31	59,071.30	459.94	\$143.00	\$434.37	\$106.98	\$3,493.88
11/20/23	11/20/23	Late Payment Charge							\$5.37	\$439.74	\$5.37	\$3,499.25
11/20/23	11/20/23	Bill - Actual	████████	12/11/23	11/20/23	29	59,393.28	321.98	\$143.00	\$582.74	\$78.75	\$3,578.00
12/07/23	12/20/23	Dispute - Cancel Transaction							\$2,148.62	\$2,731.36	\$0.00	\$3,578.00
12/07/23	12/20/23	Current w/payoff balance							-\$1,713.45	\$1,017.91	\$0.00	\$3,578.00
12/07/23	12/20/23	Payment Arrangement - Cancel Transaction							\$614.20	\$1,632.11	\$0.00	\$3,578.00
12/18/23	12/20/23	Late Payment Charge							\$19.76	\$1,651.87	\$19.76	\$3,597.76
12/20/23	12/20/23	Bill - Actual	████████	01/10/24	12/20/23	30	59,779.53	386.26	\$150.00	\$1,801.87	\$89.49	\$3,687.25
01/16/24	01/23/24	Late Payment Charge							\$21.68	\$1,823.55	\$21.68	\$3,708.93
01/23/24	01/23/24	Bill - Actual	████████	02/13/24	01/23/24	34	60,229.02	449.49	\$150.00	\$1,973.55	\$101.02	\$3,809.95
02/19/24	02/21/24	Late Payment Charge							\$23.56	\$1,997.11	\$23.56	\$3,833.51
02/21/24	02/21/24	Bill - Actual	████████	03/13/24	02/21/24	29	60,605.34	376.32	\$150.00	\$2,147.11	\$86.76	\$3,920.27
03/19/24	03/21/24	Late Payment Charge							\$25.44	\$2,172.55	\$25.44	\$3,945.71
03/21/24	03/21/24	Bill - Actual	████████	04/11/24	03/21/24	29	60,950.09	344.75	\$150.00	\$2,322.55	\$80.57	\$4,026.28



Duquesne Light Company - Statement Of Account

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Residential												
Transaction Date	Prepared Date	Transaction	Premise ID	Bill Due Date	Meter Read Date	Days in Billing Period	Meter Reading	KWh Usage	Bill, Payment, Adjustment Amount	Amount Due	Actual Amount	Account Balance
04/17/24	04/22/24	Late Payment Charge							\$27.30	\$2,349.85	\$27.30	\$4,053.58
04/22/24	04/22/24	Bill - Actual	████████	05/13/24	04/22/24	32	61,320.25	370.17	\$180.00	\$2,529.85	\$85.79	\$4,139.37
05/20/24	05/21/24	Late Payment Charge							\$29.56	\$2,559.41	\$29.56	\$4,168.93
05/21/24	05/21/24	Bill - Actual	████████	06/11/24	05/20/24	28	61,714.43	394.17	\$180.00	\$2,739.41	\$90.52	\$4,259.45
06/17/24	06/20/24	Late Payment Charge							\$31.81	\$2,771.22	\$31.81	\$4,291.26
06/20/24	06/20/24	Bill - Actual	████████	07/11/24	06/20/24	31	62,477.05	762.62	\$180.00	\$2,951.22	\$163.67	\$4,454.93
07/17/24	07/22/24	Late Payment Charge							\$34.06	\$2,985.28	\$34.06	\$4,488.99
07/22/24	07/22/24	Bill - Actual	████████	08/12/24	07/22/24	32	63,774.60	1,297.55	\$180.00	\$3,165.28	\$269.87	\$4,758.86
08/13/24	08/20/24	Dispute							-\$4,758.86	-\$1,593.58	\$0.00	\$4,758.86
08/13/24	08/20/24	Current w/payoff balance							\$1,593.58	\$0.00	\$0.00	\$4,758.86
08/20/24	08/20/24	Bill - Actual	████████	09/10/24	08/20/24	29	64,893.06	1,118.46	\$152.00	\$152.00	\$234.41	\$4,993.27
09/10/24	09/22/24	Payment							-\$12.50	\$139.50	-\$12.50	\$4,980.77
09/16/24	09/22/24	Late Payment Charge							\$1.74	\$141.24	\$1.74	\$4,982.51
09/18/24	09/22/24	Dispute - Cancel Transaction							\$4,758.86	\$4,900.10	\$0.00	\$4,982.51
09/18/24	09/22/24	Current w/payoff balance							-\$1,593.58	\$3,306.52	\$0.00	\$4,982.51
09/22/24	09/22/24	Bill - Actual	████████	10/14/24	09/22/24	33	65,961.04	1,067.98	\$190.00	\$3,496.52	\$224.40	\$5,206.91
10/08/24	10/21/24	Payment							-\$139.50	\$3,357.02	-\$139.50	\$5,067.41
10/21/24	10/21/24	Late Payment Charge							\$38.71	\$3,395.73	\$38.71	\$5,106.12
10/21/24	10/21/24	Bill - Actual	████████	11/11/24	10/21/24	29	66,420.86	459.83	\$190.00	\$3,585.73	\$109.97	\$5,216.09
10/30/24	11/20/24	Dispute							-\$5,216.09	-\$1,630.36	\$0.00	\$5,216.09



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Residential												
Transaction Date	Prepared Date	Transaction	Premise ID	Bill Due Date	Meter Read Date	Days in Billing Period	Meter Reading	KWh Usage	Bill, Payment, Adjustment Amount	Amount Due	Actual Amount	Account Balance
10/30/24	11/20/24	Current w/payoff balance							\$1,630.36	\$0.00	\$0.00	\$5,216.09
11/20/24	11/20/24	Bill - Actual	████████	12/11/24	11/20/24	30	66,780.57	359.71	\$152.00	\$152.00	\$89.37	\$5,305.46
12/17/24	12/22/24	Late Payment Charge							\$1.90	\$153.90	\$1.90	\$5,307.36
12/22/24	12/22/24	Bill - Actual	████████	01/13/25	12/22/24	32	67,194.50	413.93	\$159.00	\$312.90	\$96.04	\$5,403.40
01/21/25	01/23/25	Late Payment Charge							\$3.89	\$316.79	\$3.89	\$5,407.29
01/22/25	01/23/25	Payment							-\$312.90	\$3.89	-\$312.90	\$5,094.39
01/23/25	01/23/25	Bill - Actual	████████	02/13/25	01/23/25	32	67,633.29	438.79	\$159.00	\$162.89	\$104.54	\$5,198.93
02/19/25	02/23/25	Late Payment Charge							\$1.99	\$164.88	\$1.99	\$5,200.92
02/23/25	02/23/25	Bill - Actual	████████	03/17/25	02/23/25	31	68,037.47	404.18	\$159.00	\$323.88	\$97.19	\$5,298.11
03/13/25	03/24/25	Payment							-\$160.99	\$162.89	-\$160.99	\$5,137.12
03/24/25	03/24/25	Late Payment Charge							\$2.01	\$164.90	\$2.01	\$5,139.13
03/24/25	03/24/25	Bill - Actual	████████	04/14/25	03/24/25	29	68,371.16	333.68	\$159.00	\$323.90	\$82.49	\$5,221.62
04/08/25	04/23/25	Payment							-\$323.90	\$0.00	-\$323.90	\$4,897.72
04/23/25	04/23/25	Bill - Actual	████████	05/14/25	04/23/25	30	68,699.79	328.64	\$112.00	\$112.00	\$81.50	\$4,979.22
05/08/25	05/22/25	Payment							-\$112.00	\$0.00	-\$112.00	\$4,867.22
05/22/25	05/22/25	Bill - Actual	████████	06/12/25	05/22/25	29	69,005.30	305.51	\$112.00	\$112.00	\$76.68	\$4,943.90
06/18/25	06/23/25	Payment							-\$112.00	\$0.00	-\$112.00	\$4,831.90
06/23/25	06/23/25	Bill - Actual	████████	07/14/25	06/23/25	32	69,668.41	663.11	\$112.00	\$112.00	\$158.32	\$4,990.22
07/14/25	07/23/25	Payment							-\$112.00	\$0.00	-\$112.00	\$4,878.22
07/23/25	07/23/25	Bill - Actual	████████	08/13/25	07/23/25	30	70,862.70	1,194.29	\$112.00	\$112.00	\$280.56	\$5,158.78
08/06/25	08/21/25	Payment							-\$112.00	\$0.00	-\$112.00	\$5,046.78
08/21/25	08/21/25	Bill - Actual	████████	09/11/25	08/21/25	29	72,046.18	1,183.48	\$111.00	\$111.00	\$278.14	\$5,324.92



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Residential												
Transaction Date	Prepared Date	Transaction	Premise ID	Bill Due Date	Meter Read Date	Days in Billing Period	Meter Reading	KWh Usage	Bill, Payment, Adjustment Amount	Amount Due	Actual Amount	Account Balance
09/11/25	09/22/25	Payment							-\$111.00	\$0.00	-\$111.00	\$5,213.92
09/22/25	09/22/25	Bill - Actual	████████	10/13/25	09/22/25	32	72,880.43	834.25	\$111.00	\$111.00	\$199.90	\$5,413.82
10/10/25	10/21/25	Payment							-\$111.00	\$0.00	-\$111.00	\$5,302.82
10/21/25	10/21/25	Bill - Actual	████████	11/11/25	10/21/25	29	73,366.50	486.07	\$111.00	\$111.00	\$121.87	\$5,424.69
11/12/25	11/19/25	Payment							-\$111.00	\$0.00	-\$111.00	\$5,313.69
11/19/25	11/19/25	Bill - Actual	████████	12/10/25	11/19/25	29	73,677.76	311.26	\$111.00	\$111.00	\$82.72	\$5,396.41
12/08/25	12/22/25	Payment							-\$111.00	\$0.00	-\$111.00	\$5,285.41
12/22/25	12/22/25	Bill - Actual	████████	01/12/26	12/22/25	33	74,066.93	389.17	\$113.00	\$113.00	\$103.44	\$5,388.85

DLC EXHIBIT NO. 4

MEDICAL EMERGENCY NOTICE

Let us know if someone living in your home is seriously ill or has a medical condition. WE WILL NOT SHUT-OFF SERVICE if you:

Have your licensed physician, physician's assistant, or nurse practitioner certify in writing that you or a member of your household has been diagnosed with a medical condition that requires the continuation of electric service. Written certification is needed within seven days. While under medical certificate protection, you are required to pay your monthly electric charges.

IMPORTANT TO KNOW BEFORE WE SHUT-OFF YOUR UTILITY SERVICE-PLEASE READ

You may be eligible for certain protections from shut-off.

Contact Duquesne Light Company immediately at 412-393-7200 to resolve.

¡Atencion! Este es un mensaje muy importante. Si usted no lo entiende, favor de llamar a 412-393-7200.

- If you have questions or need more information, contact Duquesne Light Company at **DuquesneLight.com/contact** or reach us by mail at Dept. 6-1, 411 7th Ave Ste 3, Pittsburgh, PA 15219-1942. If you are not satisfied after you speak with us, you may file a complaint with the Public Utility Commission by calling 1-800-692-7380 or writing to the Pennsylvania Public Utility Commission, Box 3265 Harrisburg, PA 17105-3265. The Public Utility Commission may delay the shut-off if you file the complaint before the shut-off date.
- **If we shut-off your service during the winter months (between December 1 – March 31)**, we will restore your service within 24 hours of your meeting all requirements/conditions to have service reconnected. See Winter Notice Provisions at the bottom of this page.
- If you or someone in your household has a Protection From Abuse Order or a Court Order issued by a Commonwealth of Pennsylvania court which provides clear evidence of domestic violence, there are some additional protections available to you. **Call us immediately.** You will be required to provide us with a copy of the order.
- You may be eligible for a payment arrangement or special assistance programs. **Call us** to provide household income and occupant information or visit **DuquesneLight.com/assistance** to see if you qualify. Documentation of your income may be required.
- You can avoid forgetting to pay your bills by signing up for Duquesne Light Company's free automatic bill payment service- AutoPay. Your monthly payment will be automatically deducted from your specified bank account each month on the due date. Sign-up at **DuquesneLight.com/autopay** or call us.
- If your landlord pays your utility bill, you have certain legal protections. For more information, call us.
- If you have trouble understanding or speaking English or have a disability, please call us for assistance.
- All adult occupants of the premise whose names are on the mortgage, deed, or lease are considered the 'customer' and are responsible for payment of this bill.
- When service is off, you must contact us after your payment has been made to be sure you've met all conditions to have the service turned back on and to arrange access to your premise. After all conditions have been met, it may take up to 3 days to have your service restored.

WINTER NOTICE PROVISIONS (between December 1 – March 31)

- **Contact us BEFORE the shut-off date** to give us household income and occupant information to see if you qualify for any assistance programs.
- If your income is below 250% of the federal poverty guidelines, **you may be protected from shut-off.** Add together the monthly income of the adults in your household. If that number is the same or less than the amount listed in the chart below for your household size, call us immediately. You may need to provide us with proof of your income.

Monthly Income at 250% of Federal Poverty Level: 2024				
Household Size	1	2	3	4
Monthly Income	\$3,138	\$4,258	\$5,379	\$6,500

Add \$1,121 for each additional household member

DLC EXHIBIT NO. 5

KAREN FEITT

Account # [REDACTED]

General Information

Visit us online or call to learn about payment options, or for a copy of our rate schedules. For questions about your bill, please contact us before the bill due date.

Online: www.DuquesneLight.com

Phone: 888-393-7100 TTY Users: 711

Mail: Dept 6-1
411 7th Ave Ste 3
Pittsburgh, PA 15219-1942

Billing and Service Options

Sign up online for any of the following services:

- Phone: 888-393-7100 TTY Users: 711
Budget Billing - Levels out payments across the year
Start/Stop Service - If you're moving and need to have your service turned on or off, you must call Customer Service at 888-393-7100 or visit our website
Double Notice Protection - Sends a payment reminder to you and a person you designate

Dollar Energy Fund

Give to Dollar Energy Fund to help people in our community without heat or light. There are several easy ways to donate and your gift is tax deductible.

Text: Make a one-time donation of \$5 by texting POWER to 50000

Online: Visit www.DuquesneLight.com and select "Payment Options" from the Account & Billing menu

Phone: 888-393-7100

Mail: Make a donation by mailing a check to:

Duquesne Light Hardship Fund Donations
Dept 14-1
411 7th Ave Ste 3
Pittsburgh, PA 15219-1942

Understanding Your Bill

- Customer Charge - A monthly basic service charge that includes costs for meter reading, customer billing, service equipment, and other expenses. These expenses are incurred even in months when customers do not use electricity.
Distribution Charges - Basic service charges for delivering electricity over a distribution system to the home or business from the transmission system.
Distribution System Improvement Charge (DSIC) - A charge for company investment to improve service quality and increase safety by repairing, improving, or replacing eligible infrastructure used to deliver electricity.
DLC Charges - Services necessary for the physical delivery of electricity service, such as supply, including default service, transmissions and distribution.
Kilowatt-Hour (kWh) - The basic unit of electric energy for which most customers are charged. It equals the amount of electricity used by 10, 100-watt light bulbs left on for one hour.
Meter Reading - An actual (Act) reading is a reading taken from the meter. An estimated (Est) reading is used when no actual reading is available and is based on past electric usage.
Non-Basic Service Charges - Any category of service not related to basic service.
Smart Meter Charge - Charges for advanced metering technology and related infrastructure that will provide the ability for features such as two-way communication and interval usage data.
Supply Charges - Basic service charges for generation supply to retail customers.
Transmission Charges - Basic service charges for the cost of transporting electricity over high voltage wires from the generator to the distribution system.

Customer Assistance Program (CAP)

CAP is Duquesne Light Company's discount program for residential customers whose total household income is at or below 150% of the Federal Poverty Guidelines. Customers who enroll in CAP are eligible for a reduced monthly payment based on their verified household income. The CAP Program also includes an opportunity to have existing debt forgiven. Please call a CAP Specialist at 888-393-7600 with any questions or for information on how to enroll in the program.



Understand Your Consumption Habits

Download the DLC Mobile App or use our online tool to review your usage.

Get started at DuquesneLight.com/my-electric-use

SCAN HERE to register for AutoPay.



DuquesneLight.com/autopay



 KAREN FEITT

Account # [REDACTED]

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Account Detail

 1036 JACKMAN AVE

Supplier Agreement ID: [REDACTED]

Meter Reading Usage Information

Meter Number	[REDACTED]
Present 10/21/2024 Act	66,420.8640
Prior 09/22/2024 Act	65,961.0380
Difference	459.8260
Your Meter Multiplier	1
Total kWh Used	459.8260

Current Bill Details

DLC Rate	RS-Residential Service	
Price to Compare	\$0.1185 / kWh	
DLC Charges		\$94.83
Customer Charge		\$12.50
Distribution	459.8260 kWh@ \$0.089463	\$41.14
DSIC Surcharge	5%	\$2.68
Pennsylvania Tax Adjustment		-\$0.20
Late Payment Charge		\$38.71

Supply Charges		\$53.85
Supply	47.5682 kWh@ \$0.081229	\$3.86
Supply	412.2578 kWh@ \$0.094438	\$38.93
Transmission	459.8260 kWh@ \$0.024048	\$11.06

Total kWh Used 459.8260

Service Charges \$148.68

Current Amount Due Detail

Budget Detail		
DLC Budget		\$75.00
Supply Budget		\$77.00
Miscellaneous Charges		\$38.71
Payment Arrangement Detail		
Payment Arrangement Balance	\$1,607.68	
Payment Arrangement Amount		\$38.00

Subtotal		\$228.71

Shopping and Supplier Information

When shopping for electricity with an Electric Generation Supplier, please provide the following information:

Supplier Agreement ID: [REDACTED]
Rate Schedule: RS-Residential Service

The current Price to Compare is listed above in Account Detail and will change every June and December. For more information & supplier offers visit www.PAPowerSwitch.com and www.oca.state.pa.us.

Additional Notifications

- With market changes impacting all regional electric companies, the Default Service Supply rates will increase the monthly bill of an average residential customer using 600 kWh by about \$8 or 6%, effective 9/25/24. DuquesneLight.com/changing-rates
- A change in the Distribution System Improvement Charge, effective October 1, will increase your monthly bill by about \$0.66, or less than 1%.
- Give to Dollar Energy Fund to help people without heat or light. Make a monthly pledge at www.duquesnelight.com or send a check to Duquesne Light Hardship Fund Donations, 411 Seventh Avenue MD 14-1, Pittsburgh, PA 15219. Your gift is tax deductible.
- DLC offers energy efficiency programs to help customers save money by conserving energy and reducing demand. To participate or learn more about these programs, visit WattChoices.com
- **YOUR ACCOUNT IS PAST DUE. TO AVOID POSSIBLE TERMINATION OF ELECTRIC SERVICE, PLEASE PAY THE AMOUNT DUE SHOWN.**
- Sign up for AutoPay and learn about other convenient payment options by visiting DuquesneLight.com

Additional Notifications

- Your bill contains \$7.48 in estimated PA State Taxes, of which \$6.49 is PA Gross Receipts Tax.

DLC EXHIBIT NO. 8

**DUQUESNE LIGHT COMPANY
CHRONOLOGICAL SUMMARY
PUC COMPLAINTS**



KAREN FEITT
ACCOUNT # [REDACTED]

CASE	3507143
DATE FILED:	03/27/17
ACCOUNT BALANCE:	\$371.98
DECISION DATE:	05/10/17 – Dismissed – payment made to stop termination – reset company PA

CASE #	3545710
DATE FILED:	07/19/17
ACCOUNT BALANCE:	\$290.39
DECISION DATE:	10/17/17 - Dismissed – did not provide proof of missing payments

CASE #	3575409
DATE FILED:	11/03/17
ACCOUNT BALANCE:	\$549.82
DECISION DATE:	12/06/17 – Dismissed duplicate of formal and informal complaint

FORMAL DOCKET #	F-2017-2636316
DATE RECEIVED:	12/04/17
ACCOUNT BALANCE:	\$623.84
DECISION DATE:	2/6/20 – Final Order Dismissed

CASE #	3640507
DATE FILED:	08/08/18
ACCOUNT BALANCE:	\$940.93
DECISION	08/08/18 – Dismissed duplicate of formal complaint

CASE #	3655553
DATE FILED:	09/26/18
ACCOUNT BALANCE:	\$992.95
DECISION	03/12/19 - Dismissed failed to contact company prior to filing a complaint - open formal complaint

KAREN FEITT
C-2024-3051871

CASE #	3688289
DATE FILED:	04/05/19
ACCOUNT BALANCE:	\$1,498.11
DECISION	04/08/19 - Dismissed open formal complaint

CASE #	3732410
DATE FILED:	09/06/19
ACCOUNT BALANCE:	\$1,423.65
DECISION	06/17/20 – Dismissed supplier removed dispute addressed in formal complaint

CASE #	3825048
DATE FILED:	03/28/22
ACCOUNT BALANCE:	\$1,668.40
DECISION	03/31/22 – PUC PAR Level 1 BB + \$20 to begin with May 2022 due date

CASE #	3854655
DATE FILED:	08/02/22
ACCOUNT BALANCE:	\$1,752.89
DECISION	09/29/22 - Dismissed

FORMAL DOCKET #	C-2022-3037095
DATE RECEIVED:	12/05/22
ACCOUNT BALANCE:	\$2,148.62
DECISION DATE:	8/1/24 – Final Order Dismissed

CASE #	4010039
DATE FILED:	08/13/24
ACCOUNT BALANCE:	\$4,758.86
DECISION	09/18/24 - Dismissed

CASE #	C-2024-3051871
DATE FILED:	10/30/24
ACCOUNT BALANCE:	\$5,216.09
DECISION	

DLC EXHIBIT NO. 9

(w_mediation_complaint_sheet) Mediation Complaint For: Customer: FEITT, KAREN - BCS #: 3507143 - ACCT #: [REDACTED]

General/Open Information | Payment Information | Prior Agreements | Final Report Information
Dispute, Holds, Notices and PUC Audit | Investigative Contacts | Closing Information

Date(s) Sent: 03/27/17 DUQ_03272017_154400.xml Double-click on file name to view...

Status: Receipt of PUC Decision Date Closed: 05/10/17 Closing Data Received: 5/10/17 14:50:01

Justified: Internal Justification: No Reason Justified: Error Code:

Decision: Written Oral Decision Balance: \$240.98 Balance Date: 05/10/17

Lump
Requested: Awarded: \$0.00 Difference: Date Awarded: 00/00/00 Service Restored: \$0.00

Budget Payments
Regular: \$0.00 Arrears Plus: \$0.00 Special: \$0.00

Monthly Payments
Current: \$0.00 Final: \$0.00 End: \$0.00

Decision Type: EGW DN/COMPANY OFFER BETTER

Terms:

Resolution: DISMISSAL LETTER-CUSTOMER PAID \$131.00 TO AVOID TERMINATION-CUSTOMER WILL GO BACK ON COMPANY PAR-INFORMAL COMPLAINT DISMISSED.

(w_informal_complaint_sheet) Informal Complaint For Customer: FEITT, KAREN - BCS #: 3545710 - ACCT #: [REDACTED]

General/Open | Final Report | Departments | Disputes, Holds, Notices & PUC Audit | Investigative Contacts | Attachments | Closing

Date(s) Sent: 08/16/17 DUQ_08162017_154700.xml Double-click on file name to view...

Status: Receipt of PUC Decision Date Closed: 10/17/17 Closing Data Received: 10/17/17 12:50:00

Justified: Internal Justification: No Reason Justified: Error Code:

Decision: Written Oral Decision Balance: \$290.39 Balance Date: 08/16/17

Lump
Requested: Awarded: \$0.00 Difference: Date Awarded: 00/00/00

Budget Payments
Regular: \$0.00 Arrears Plus: \$0.00 Special: \$0.00

Monthly Payments
Current: \$0.00 Final: \$0.00 End: \$0.00

Decision Type:

Terms:

Resolution: DECISION ISSUED- THE CUSTOMER HAS NOT PROVIDED THE PUC PROOF CONTRARY TO THE COMPANY'S RECORDS. THE CUSTOMER BELIEVES HIS PAYMENTS HAVE BEEN MISAPPLIED SINCE 2010. THE CUSTOMER WAS INFORMED THE COMPANY IS NOT REQUIRED TO MAINTAIN RECORDS PAST FOUR YEARS.

(w_informal_complaint_sheet) Informal Complaint For Customer: FEITT, KAREN - BCS #: 3575409 - ACCT #: [REDACTED]

General/Open | Final Report | Departments | Disputes, Holds, Notices & PUC Audit | Investigative Contacts | Attachments | Closing

Date(s) Sent: 11/15/17 DUQ_11152017_164700.xml Double-click on file name to view...

Status: Receipt of PUC Decision Date Closed: 12/06/17 Closing Data Received: 12/6/17 10:50:00

Justified: Internal Justification: No Reason Justified: Error Code:

Decision: Written Oral Decision Balance: \$549.82 Balance Date: 11/15/17

Lump
Requested: Awarded: \$0.00 Difference: Date Awarded: 00/00/00

Budget Payments
Regular: \$0.00 Arrears Plus: \$0.00 Special: \$0.00

Monthly Payments
Current: \$0.00 Final: \$0.00 End: \$0.00

Decision Type: SHORT BLANK LETTER

Terms:

Resolution: CLOSED NO DECISION. LETTER SENT. CLOSED THIS CASE AS DUPLICATE OF PENDING FORMAL. T/ INFO MAP VERIFIED ACTIVE FORMAL, DOCKET #F-2017-2636316, FILED ON 10.28.17 AS APPEAL OF PRIOR INFORMAL CASE 3545710 CLOSED BY INVEST BLAIRE P ON 10.17.17. NOTE ALSO FOUND PRIOR CASE, CASE3507143 CLOSED ON 5.10.17 BY INVESTIGATOR STEVE R. CLOSED THIS CASE AS DUPLICATE OF PENDING FORMAL WITHOUT FURTHER ACTION AT THIS TIME.

(w_mediation_complaint_sheet) Mediation Complaint For Customer: FEITT, KAREN - BCS #: 3640507 - ACCT #: [REDACTED]

General/Open Information | Payment Information | Prior Agreements | Final Report Information

Dispute, Holds, Notices and PUC Audit | Investigative Contacts | Closing Information

Date(s) Sent: Double-click on file name to view...

Status: PUC Decision Pending (DISCuS) Date Closed: 08/08/18 Closing Data Received: 8/8/18 14:50:22

Justified: Internal Justification: No Reason Justified: Error Code:

Decision: Written Oral Decision Balance: \$0.00 Balance Date: 08/08/18

Lump
Requested: Awarded: \$0.00 Difference: Date Awarded: 00/00/00 Service Restored: \$0.00

Budget Payments
Regular: \$0.00 Arrears Plus: \$0.00 Special: \$0.00

Monthly Payments
Current: \$0.00 Final: \$0.00 End: \$0.00

Decision Type: SHORT BLANK LETTER

Terms:

Resolution: CLOSED. SEE F-2017-2633616. DISMISSED.

(w_informal_complaint_sheet) Informal Complaint For Customer: FEITT, KAREN - BCS #: 3655553 - ACCT #: [REDACTED]

General/Open | Final Report | Departments | Disputes, Holds, Notices & PUC Audit | Investigative Contacts | Attachments | Closing

Date(s) Sent: 10/08/18 DUD_10082018_174700.xml Double-click on file name to view...

Status: Receipt of PUC Decision Date Closed: 03/12/19 Closing Data Received: 3/12/19 09:50:22

Justified: Internal Justification: No Reason Justified: Error Code:

Decision: Written Oral Decision Balance: \$992.95 Balance Date: 10/08/18

Lump
Requested: Awarded: \$0.00 Difference: Date Awarded: 00/00/00

Budget Payments
Regular: \$0.00 Arrears Plus: \$0.00 Special: \$0.00

Monthly Payments
Current: \$0.00 Final: \$0.00 End: \$0.00

Decision Type:
Terms:

Resolution: DISMISSAL LETTER. THE COMPANY REQUESTS THIS COMPLAINT BE DISMISSED PER 56.166 BECAUSE THE CUSTOMER FAILED TO CONTACT THE COMPANY PRIOR TO FILING THIS COMPLAINT. CUSTOMER ALSO HAS ACTIVE FORMAL COMPLAINT F-2017-2636316. CASE DISMISSED.

(w_mediation_complaint_sheet) Mediation Complaint For: Customer: FEITT, KAREN - BCS #: 3688289 - ACCT #: [REDACTED]

General/Open Information | Payment Information | Prior Agreements | Final Report Information

Dispute, Holds, Notices and PUC Audit | Investigative Contacts | Closing Information

Date(s) Sent: Double-click on file name to view...

Status: PUC Decision Pending (DISCuS) Date Closed: 04/08/19 Closing Data Received: 4/8/19 12:50:24

Justified: Internal Justification: No Reason Justified: Error Code:

Decision: Written Oral Decision Balance: \$0.00 Balance Date: 04/08/19

Lump
Requested: Awarded: \$0.00 Difference: Date Awarded: 00/00/00 Service Restored: \$0.00

Budget Payments
Regular: \$0.00 Arrears Plus: \$0.00 Special: \$0.00

Monthly Payments
Current: \$0.00 Final: \$0.00 End: \$0.00

Decision Type: SHORT BLANK LETTER
Terms:

Resolution: CLOSED. ACTIVE F-2017-2633616. DISMISSED

(w_informal_complaint_sheet) Informal Complaint For Customer: FEITT, KAREN - BCS #: 3732410 - ACCT #: [REDACTED]

General/Open Final Report Departments Disputes, Holds, Notices & PUC Audit Investigative Contacts Attachments Closing

Date(s) Sent: 09/16/19 DUQ_09162019_124700.xml Double-click on file name to view...

Status: Receipt of PUC Decision Date Closed: 06/17/20 Closing Data Received: 6/17/20 13:50:05

Justified: Internal Justification: No Reason Justified: Error Code:

Decision: Written Oral Decision Balance: \$1,423.65 Balance Date: 06/03/20

Lump
Requested: Awarded: \$0.00 Difference: Date Awarded: 00/00/00

Budget Payments
Regular: \$86.00 Arrears Plus: \$0.00 Special: \$0.00 Monthly Payments
Current: \$0.00 Final: \$0.00 End: \$0.00

Decision Type: CHAPTER 14 EGW DISMISS/CONTACT COMP LETTER

Terms:

Resolution: DISMISSAL LETTER ISSUED; SUPPLIER REMOVED FROM THE ACCOUNT. FORMAL COMPLAINT FILED; BCS WILL NOT ISSUE AN INFORMAL DECISION CONCERNING A COMPLAINT THAT IS CURRENTLY BEING ADDRESSED IN A FORMAL COMPLAINT. CASE CLOSED.

(w_mediation_complaint_sheet) Mediation Complaint For Customer: FEITT, KAREN - BCS #: 3825048 - ACCT #: [REDACTED]

General/Open Information Payment Information Prior Agreements Final Report Information

Dispute, Holds, Notices and PUC Audit Investigative Contacts Closing Information

Date(s) Sent: 03/29/22 DUQ_03292022_094101.xml Double-click on file name to view...

Status: Receipt of PUC Decision Date Closed: 03/30/22 Closing Data Received: 3/30/22 14:50:04

Justified: Internal Justification: No Reason Justified: Error Code:

Decision: Written Oral Decision Balance: \$1,668.40 Balance Date: 03/29/22

Lump
Requested: Awarded: \$0.00 Difference: Date Awarded: 00/00/00 Service Restored: \$0.00

Budget Payments
Regular: \$91.00 Arrears Plus: \$28.00 Special: \$119.00 Monthly Payments
Current: \$0.00 Final: \$0.00 End: \$0.00

Decision Type:

Terms: WITH THE MAY 2022 DUE DATE

Resolution: DECISION ISSUED - LEVEL 1, BUDGET 91.00 + 28.00 = 119.00 BEGINNING WITH THE MAY 2022 DUE DATE. WAIVE LPCS.

(w_informal_complaint_sheet) Informal Complaint For Customer: FEITT, KAREN - BCS #: 3854655 - ACCT#:

General/Open Final Report Departments Disputes, Holds, Notices & PUC Audit Investigative Contacts Attachments Closing

Date(s) Sent: 08/15/22 DUQ_08152022_144700.xml Double-click on file name to view...

Status: Receipt of PUC Decision Date Closed: 09/29/22 Closing Data Received: 9/29/22 08:50:02

Justified: Internal Justification: No Reason Justified: Error Code:

Decision: Written Oral Decision Balance: \$1,752.89 Balance Date: 08/15/22

Lump
Requested: Awarded: \$0.00 Difference: Date Awarded: 00/00/00

Budget Payments
Regular: \$103.00 Arrears Plus: \$0.00 Special: \$0.00

Monthly Payments
Current: \$0.00 Final: \$0.00 End: \$0.00

Decision Type:
Terms:

Resolution: **DECISION ISSUED: THE COMPANY PROPERLY NOTIFIED THE CUSTOMER OF PENDING TERMINATION FOR NONPAYMENT. THE COMPANY PROPERLY BILLED THE CUSTOMER BASED ON ACTUAL READINGS OBTAINED AND THOSE BILLS ARE CORRECT AS RENDERED. THE BILLING ERROR THAT OCCURRED WHEN THE PUC PAYMENT ARRANGEMENT WAS ESTABLISHED HAS BEEN ADDRESSED BY THE COMPANY. (TO RESOLVE THIS ISSUE, THE COMPANY WILL REMOVE \$51.08 FROM THE AMOUNT DUE ON THE PUC PAYMENT ARRANGEMENT AND ADD IT TO THE BALANCE OWED ON THE PAYMENT ARRANGEMENT. ADDITIONALLY, AS A CUSTOMER COURTESY, THE COMPANY REVERSED THE TWO LATE PAYMENT CHARGES, TOTALING \$4.47). A REVIEW OF THE CUSTOMER-S ACCOUNT HISTORY DOES NOT REVEAL AN OVERPAYMENTS OR CREDIT AMOUNT DUE TO THE CUSTOMER. THIS INFORMAL COMPLAINT IS DISMISSED. THE CUSTOMER MUST CONTINUE TO PAY THE BILLS ON TIME AND IN FULL AS DETERMINED BY BCS CASE # 3825048.**

(w_mediation_complaint_sheet) Mediation Complaint For Customer: FEITT, KAREN - BCS #: 4010039 - ACCT#:

General/Open Information Payment Information Prior Agreements Final Report Information

Dispute, Holds, Notices and PUC Audit Investigative Contacts Closing Information

Date(s) Sent: 08/14/24 DUQ_08142024_084401.xml Double-click on file name to view...

Status: Receipt of PUC Decision Date Closed: 09/17/24 Closing Data Received: 9/17/24 16:50:02

Justified: Internal Justification: No Reason Justified: Error Code:

Decision: Written Oral Decision Balance: \$4,758.86 Balance Date: 09/17/24

Lump
Requested: Awarded: \$3,304.78 Difference: Date Awarded: 00/00/00 Service Restored: \$0.00

Budget Payments
Regular: \$0.00 Arrears Plus: \$0.00 Special: \$0.00

Monthly Payments
Current: \$0.00 Final: \$0.00 End: \$0.00

Decision Type:
Terms:

Resolution: **DISMISSAL LETTER ISSUED: CASE DISMISSED PER 1405(D). THE CUSTOMER HAS A PRIOR PUC PAR #3825048 THAT IS NOT SATISFIED.**

DLC EXHIBIT NO. 10

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 6, 2020

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
David W. Sweet, Vice Chairman
Andrew G. Place
John F. Coleman, Jr.
Ralph V. Yanora

Karen Feitt and H. Mendoza, Jr.

F-2017-2636316

v.

Duquesne Light Company

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a letter Petition (Petition) filed by Karen A. Feitt and Higinio Mendoza, Jr. (Complainants) on July 29, 2019, relative to the above-captioned proceeding. The Petition was filed in response to the Commission's Opinion and Order,

entered on June 13, 2019 (*June 2019 Order*).¹ No Answer to the Petition has been filed. For the reasons that follow, we will deny the Petition.

I. History of the Proceeding

On November 28, 2017, the Complainants filed a Formal Complaint (Complaint) requesting a payment arrangement.² The Complainants also alleged that Duquesne Light Company (Duquesne Light or Company) failed to honor a “payment agreement” and to “discharge the debts.” The Complainants contended that the Company’s actions were crimes, including theft by deception, extortion, and embezzlement of public money. The Complainants cited to various federal criminal statutes in support of their position.

On December 21, 2017, Duquesne Light filed an Answer and Preliminary Objections. In its Answer, the Company: (1) denied that the Complainants were entitled to a payment arrangement that was different from the Company payment arrangement granted to them on March 22, 2016, on which the Complainants defaulted, and (2) averred that the Complainants were responsible for an outstanding account balance of \$623.84. In its Preliminary Objections, Duquesne Light argued that the Commission lacked jurisdiction over the Complainants’ claims because they invoked criminal statutes and potentially Pennsylvania laws pertaining to contracts, debt collection, unfair trade practices, or damages. Duquesne Light requested that the ALJ sustain its Preliminary Objections and dismiss the Complaint with prejudice and/or strike the Complainants’ request for relief as impertinent.

¹ We shall treat the filing as a Petition for Rescission or Amendment of the *June 2019 Order* as will be explained later.

² The Complaint was a timely appeal of the Commission’s Bureau of Consumer Services’ (BCS) informal decision at BCS Case No. 3545710.

On March 13, 2018, Administrative Law Judge (ALJ) Conrad A. Johnson issued an interim order, sustaining Duquesne Light's Preliminary Objections on the grounds that the Commission lacked jurisdiction over the Complainants' allegations invoking federal crimes and banking laws and asserting debt collection and damages under the Pennsylvania Unfair Trade Practices Consumer Protection Law, 73 P.S. § 201-1, *et seq.* The ALJ, however, denied Duquesne Light's request for dismissal of the Complaint in its entirety, reasoning that the Complainants requested a payment arrangement and "the return of arrears, billing refunds and considerations," and these requests raised questions of fact on matters within the Commission's jurisdiction that could not be resolved on a preliminary motion.

A telephonic hearing was held on April 25, 2018. The Complainants appeared *pro se* and testified. The Complainants did not sponsor any exhibits. The Company was represented by counsel who presented one witness that sponsored six exhibits which were admitted into the record. The ALJ also took official notice of Duquesne Light's Exhibit N, a March 14, 2018 electric bill that the Complainants signed and mailed to the Company. The hearing generated a ninety-seven-page transcript. The record was closed by an interim order issued on May 29, 2018.

By Initial Decision served on August 7, 2018, ALJ Johnson denied the Complainants' request for a payment arrangement and dismissed the Complaint due to the Complainants' failure to satisfy their burden of proof.

The Complainants filed Exceptions on August 20, 2018. The Company filed a Motion to Quash on September 6, 2018.

By Order entered June 13, 2019, we denied the Exceptions, adopted the Initial Decision, and granted, in part, the Company's Motion to Quash, to the extent that we dismissed the Complaint.

On July 12, 2019, Mr. Mendoza filed a timely *pro se* letter with the Commonwealth Court, indicating his intent to appeal the *June 2019 Order*. On August 9, 2019, Mr. Mendoza filed a Petition for Review with the Commonwealth Court, arguing that he did not receive a fair hearing before the Commission. On September 11, 2019, the Commission filed an Application seeking dismissal of the Petition for Review as frivolous. In an unreported decision, the Commonwealth Court granted the Commission's Application and dismissed Mr. Mendoza's Petition for Review. The Court held that Mr. Mendoza failed to preserve any issues for the Court's review because he did not raise the fair hearing issue before the Commission. The Court further determined, notwithstanding, that if the Court reviewed the only issue presented to the Commission – whether the Constitution permits only gold and silver as payment for debt – the Court would uphold the Commission's decision in the *June 2019 Order*. The Court found no merit in Mr. Mendoza's position that the Complainants are foreclosed from paying Duquesne Light because only gold and silver may be used to satisfy debt and those currencies have been removed from circulation. *Higinio Mendoza, Jr. v. Pa. PUC*, No. 1095 C.D. 2019 (Pa. Cmwlt. Dec. 18, 2019).

As previously noted, the Complainants filed the instant Petition on July 29, 2019. No Answer to the Petition has been filed.

II. Discussion

A. Legal Standards

We note that any issue that we do not specifically address herein has been duly considered and will be denied without further discussion. It is well settled that we are not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corporation v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlt.

1993); *also see, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

We begin by considering the nature of the instant Petition, because the analysis to be applied depends on the type of filing before us. The Petition is a letter challenging the determination in our *June 2019 Order*. The Petition was filed more than fifteen days after the entry of the *June 2019 Order* (the deadline for filing a petition for reconsideration, pursuant to 52 Pa. Code § 5.572(c)). Under these circumstances, we shall regard the Petition as a Petition for Rescission or Amendment of the *June 2019 Order* pursuant to 52 Pa. Code § 5.572(d).

The Code establishes a party's right to seek relief following the issuance of our final decisions pursuant to Subsections 703(f) and (g), 66 Pa. C.S. § 703(f) and § 703(g), relating to rehearings, as well as the rescission and amendment of orders. Such requests for relief must be consistent with Section 5.572 of our Regulations, 52 Pa. Code § 5.572, relating to petitions for relief following the issuance of a final decision.

A petition to modify or rescind a final Commission decision may only be granted judiciously and under appropriate circumstances, because such an action results in the disturbance of final orders. *City of Pittsburgh v. Pennsylvania Department of Transportation*, 416 A.2d 461 (Pa.1980). Additionally, we recognize that while a petition under Section 703(g) may raise any matter designed to convince us that we should exercise our discretion to amend or rescind a prior decision, at the same time “[p]arties . . . , cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them.” *Duick v. Pennsylvania Gas and Water Company*, 56 Pa. P.U.C. 553 (Order entered December 17, 1982) (quoting *Pennsylvania Railroad Co. v. Pennsylvania Public Service Commission*, 179 A. 850, 854 (Pa. Super. 1935)). Such petitions are likely to succeed only

when they raise “new and novel arguments” not previously heard or considerations which appear to have been overlooked or not addressed by the Commission. *Duick* at 559.

B. *June 2019 Order*

In the *June 2019 Order*, we addressed the Complainants’ Exceptions, in which they averred that under federal law and the United States Constitution, it is impossible for them to make payments in United States currency because the Constitution permits only silver and gold currency which has been removed from circulation. The Complainants argued that their “signature is now a security and has value to it” and “the payment of debt is now against Congressional and public policy.” In ruling on the Exceptions, we agreed with the ALJ’s determination that Duquesne Light’s requirement that the Complainants pay their bills in United States currency was a reasonable manner of payment. *June 2019 Order* at 9.

We based our decision on prior Commission Orders addressing similar arguments, our Regulations, and the Company’s tariff. *Id.* See *James Coppedge v. PECO Energy Company (Coppedge)*, Docket No. F-2014-2406180 (Order entered January 29, 2015) (finding that the complainant failed to satisfy his burden of proving that PECO provided unreasonable or unreliable service by declining to accept as payment Mr. Coppedge’s self-styled and self-proclaimed negotiable instruments under the Uniform Commercial Code).³ We stated that while our Regulations do not specify the forms of payment a utility must accept from a customer, our Regulation concerning service termination states that a customer may avoid termination if “payment in full is tendered in any reasonable manner.” 52 Pa. Code § 56.94. *June 2019 Order* at 9-10.

³ In that case, the complainant argued that cash has no value and averred that the portion of his bill which he detached and returned with his payment comprised a coupon, bond, or money order that had a value he set in accordance with the amount due and which he then forwarded to the Internal Revenue Service to be discharged.

Additionally, we noted that Section 20.3 of Duquesne Light's Tariff Electric – Pa. P.U.C. No. 24 provides that bills for electric service may be paid with a check or money order or in the manner explained under the “Billing and Payment Conveniences” on the customer's bill, which includes online payment options. All methods of payment must be in United States currency. Under the circumstances, we found the Company's required payment methods to be reasonable and in compliance with Section 1501 of the Code, 66 Pa. C.S. § 1501. *June 2019 Order* at 10.

C. The Complainants' Petition and Disposition

In their Petition, the Complainants request that the Commission reconsider the decision in the *June 2019 Order*, contending that the Order is unconstitutional and illegal on the basis that they did not receive a fair hearing before the ALJ. Petition at 1. Throughout their Petition, the Complainants generally refer to the Supreme Court of the United States cases in support of their position. The Complainants aver that the Commission's decision resulted in the Company sending them bills and threatening to terminate their service. Petition at 3.

Upon review, we conclude that the Complainants have not presented us with any compelling reasons to rescind our decision in the *June 2019 Order*. While the Complainants had an opportunity to do so, they failed to raise in their Exceptions their argument that they were not provided with a fair hearing before the ALJ. By failing to raise this argument at an earlier stage of the proceeding, the Complainants have waived this argument. The Pennsylvania Supreme Court has explained the waiver doctrine, noting that issues not raised or presented at the trial stage will not be considered on appellate review. *DeMarco v. Jones & Laughlin Steel Corp.*, 522 A.2d 26, 28 (Pa. 1987). The Supreme Court additionally explained that the waiver doctrine applies to administrative proceedings. *Id.* at 29. The Commission has also applied the principle of waiver when a party has failed to raise an argument earlier in a proceeding. *See Pa. PUC*

v. Uber Technologies, Inc., Docket No. C-2014-2422723 (Order entered September 1, 2016); *Ruth Matieu-Alce v. Philadelphia Gas Works*, Docket No. F-2015-2473661 (Order entered April 7, 2016). Similarly, we do not find it appropriate in this case to consider the Complainants' fair hearing argument raised for the first time in their Petition for Rescission or Amendment.

Moreover, while we do not have any evidence before us concerning the Complainants' averment that the Company has been sending them bills and threatening to terminate their service for failure to pay the bills since our *June 2019 Order* was served, there is no law that would have prevented the Company from doing so. The filing of a petition for reconsideration with the Commission or a petition for review with an appellate court does not act to stay a final Commission Order. A final Commission Order may be stayed if the Commission grants a party's petition requesting a stay of a final Commission Order or if an appellate court grants a party's application for stay of a final Commission Order. *See, e.g.*, 52 Pa. Code § 5.572(c); *Petition of the Borough of Cornwall*, Docket No. P-2015-2476211 (Order entered December 8, 2016); 42 Pa. C.S. § 702(c); Pa. R.A.P. 1313. Because the Complainants did not file any requests to stay the *June 2019 Order*, in accordance with the Commission's decision, the Company would have been permitted to bill the Complainants and require payment from them in the form of United States currency.

III. Conclusion

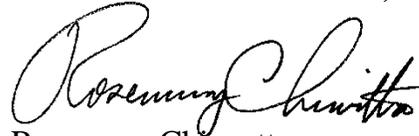
For the reasons set forth above, we shall deny the Petition, consistent with this Opinion and Order; **THEREFORE**,

IT IS ORDERED:

1. That the Petition for Rescission or Amendment filed by Karen A. Feitt and Higinio Mendoza, Jr. on July 29, 2019, is denied, consistent with this Opinion and Order.

2. That this proceeding shall be marked closed.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: February 6, 2020

ORDER ENTERED: February 6, 2020

DLC EXHIBIT NO. 11

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 1, 2024

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Ralph V. Yanora
Kathryn L. Zerfuss
John F. Coleman, Jr.

Karen Feitt & Higinio Mendoza Jr.

C-2022-3037095

v.

Duquesne Light Company

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a Petition for Rehearing or Reconsideration (Petition) filed by Karen Feitt and Higinio Mendoza Jr. (Petitioners or Complainants) on December 15, 2023, seeking reconsideration of the final Commission Opinion and Order entered on December 7, 2023 (*December 7, 2023 Order*) in the above-captioned

proceeding. On consideration of the Petition,¹ it shall be denied. We shall, hereby, relinquish jurisdiction of this matter and request the Secretary mark this docket closed.

Background

This proceeding is a formal complaint (Complaint) brought by the Petitioners naming Duquesne Light Company (Duquesne or Respondent) as Respondent. By Order entered December 21, 2023, we granted reconsideration of the Petition, within the meaning of Pa. R.A.P. 1701(b)(3), pending review of, and consideration on, the merits. No Answer to the Petition is noted on the Commission dockets.²

On December 5, 2022, Karen Feitt and Higinio Mendoza Jr. filed a Complaint against Duquesne. The Complaint was filed subsequent to a Commission, Bureau of Consumer Services (BCS), Informal Complaint closed on September 29, 2022. *See BCS # 3854655; December 7, 2023 Order at 2.*

In the Complaint, the Petitioners asserted vague and unsubstantiated legal theories under which they, *inter alia*, took the position that indebtedness incurred by them to Duquesne for past due utility bills rendered for electric utility service provided to their Service Address were not due and payable. The bills for electric utility service from

¹ Subsequent to the final Commission Order in this matter, the Petitioners submitted to the Commission documents styled, “Motion . . . to Dismiss and Reconsider New Hearing” (December 22, 2023), an “Answer . . .” to the Petition (January 18, 2024) and “Executor Letter” (January 25, 2024). These submittals are non-permitted pleadings under the Commission’s Rules of Practice and Procedure. We shall not consider these documents in the instant, Opinion and Order.

² By Commission Secretarial Letter dated January 3, 2024, a copy of the Petition was served on the participants to the proceeding as no Certificate of Service evidencing service of the Petition was attached. We also note that Commission dockets indicate that on January 10, 2024, counsel for Duquesne filed a Notice of Withdrawal of Appearance.

Duquesne were issued pursuant to a Commission-approved tariff. Petitioners, in reliance on the vague and unsubstantiated legal theories raised in the Complaint and expressed in pleadings, appeared to take the position, in pertinent part, that the utility bills at issue were contestable as a result of these theories and that they were entitled to withhold payment pending, *inter alia*, some form of accounting. *December 7, 2023 Order* at 3.

Duquesne filed an Answer to the Complaint. Duquesne admitted to issuing a service termination notice to the Complainants for past due utility bills. However, Duquesne denied that there were any incorrect charges on the said bills. Duquesne also filed Preliminary Objections seeking the dismissal of the Complaint. *December 7, 2023 Order* at 4.

The matter was assigned to Administrative Law Judge (ALJ) Mary D. Long as presiding officer. By order entered January 9, 2023, ALJ Long sustained Duquesne's Preliminary Objections in part. The ALJ concluded that the Petitioners conceded that the Commission did not have jurisdiction to adjudicate certain of their claims which arose pursuant to federal law. However, the ALJ also held that the Complainants could proceed with their claim(s) that there were incorrect charges on their bill(s). *See, e.g. Alkhatib v. EPOC Energy Co.*, Docket No. C-2011-2242125 (Opinion and Order entered January 12, 2012) (*Alkhatib*). *December 7, 2023 Order* at 4.

On March 21, 2023, a hearing was convened as mediation between the Parties proved unsuccessful. Higinio Mendoza, Jr. appeared, *pro se*, and testified on his own behalf. Mr. Mendoza sponsored two exhibits that were admitted into the record. Duquesne was represented by counsel and presented the testimony of one witness. Duquesne further moved for the admission of three exhibits. Additionally, the ALJ directed the admission of one of Duquesne's proposed exhibits (exhibit D). Duquesne Exhibits A, C, D and K were admitted into the record. *December 7, 2023 Order* at 5.

An evidentiary hearing was held which generated a transcript of 55 pages. At the conclusion of the hearing the Parties were given the opportunity to file written statements to clearly explain their respective positions. Both the Petitioners and Duquesne served written statements. The record was closed by order entered April 26, 2023. *December 7, 2023 Order* at 5.

On July 20, 2023, the Initial Decision of ALJ Long was issued. The ALJ concluded that the Complaint should be dismissed. Exceptions and Replies to Exceptions were filed by the participants. By Opinion and Order entered December 7, 2023, we denied the Exceptions of the Petitioners, adopted the Initial Decision, and dismissed the Complaint. *December 7, 2023 Order*.

On December 15, 2023, the Complainants' Petition was filed. No Answer has been received.

Discussion

A. Legal Standards

With respect to petitions for rehearing, reconsideration, rescission and amendment of Commission orders, the Public Utility Code (Code), 66 Pa.C.S. §§ 101, *et seq.* establishes a party's right to seek relief within fifteen days following the service of a Commission order pursuant to Subsections 703(f). 66 Pa.C.S. § 703(f) (relating to rehearing).³ Upon the filing of a petition for relief pursuant to Section 703(f), the Commission may affirm, rescind, or modify its original order. 66 Pa.C.S. § 703(f).

³ Petitions under this section which do not allege new evidence are typically treated as petitions for reconsideration. Petitions for rehearing pursuant to Section 703(f) of the Code, typically include an allegation of new evidence. 66 Pa.C.S. § 703(f); *see, West Penn Power Co. v. Pa. PUC*, 659 A. 2d 1055 (Cmwlth. 1995).

The Code further provides that the Commission may, at any time, after notice and opportunity to be heard by all affected parties, rescind or amend any order made by the Commission, pursuant to Section 703(g). 66 Pa.C.S. § 703(g) (relating to rescission and amendment of orders). A request for relief pursuant to § 703(f) or § 703(g) must be brought as a petition for relief consistent with Section 5.572 of Commission Regulations. 52 Pa. Code § 5.572 (relating to petitions for relief).

Petitions for relief predicated upon Sections 703(f) and 703(g) of the Code, whether brought under Section 5.572(c) of Commission Regulations as a petition for reconsideration, rehearing, reargument, clarification, supersedeas or others within fifteen days of the service of a Commission order, or under Section 5.572(d) as a petition for rescission or amendment filed at any time following service of a Commission order, are reviewed by the Commission as matters seeking relief falling within the agency's discretion.

The Commission's application of the standard for granting a petition for amendment, reconsideration, or rescission is set forth in *Philip Duick, et al v Pennsylvania Gas and Water Company*, 56 Pa. PUC 553 (1982) (*Duick*) as follows:

A petition for reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part on the grounds that the decision or ruling of the Commission on a matter or issue was either unwise or in error.

In this regard we agree with the Court in the Pennsylvania Railroad Company case, wherein the Court said,

[b]ut the grounds for reconsideration should be restricted to the new matters and new or changed conditions set up in the joint petition, which had arisen since and were not presented in the several petitions of

these appellants ... and dismissed by the Commission ... and not appealed from. Parties, ..., cannot be permitted, by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them and not appealed from. ...

Pennsylvania Railroad Co. v. Public Service Commission, 118 Pa. Super. 380 (1935).

What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission. Absent such matters being presented, we consider it unlikely that a party will succeed in persuading us that our initial decision on a matter or issue was either unwise or in error.

Duick at 559; *see also*, *AT&T v Pa. PUC*, 568 A.2d 1362 (Pa. Cmwlth. 1990).

The Commission utilizes a two-step analysis in determining whether to exercise its discretion to grant relief under *Duick*. *See, e.g., SBG Management Services, Inc./Colonial Garden Realty Co., L.P. v. Philadelphia Gas Works*, Docket No. C-2012-2304183 (Opinion and Order entered May 19, 2019) (SBG Order)⁴ (discussing *Application of La Mexicana Express Service, LLC, to transport persons in paratransit service, between points within Berks County*, Docket No. A-2012-2329717; A-6415209 (Opinion and Order entered September 11, 2014)).

The first step is to determine whether a party has offered any basis to persuade the Commission to exercise its discretion, including but not limited to, new and novel arguments or identified considerations that appear to have been overlooked or not addressed by the Commission in its previous order. This initial step examines whether a

⁴ *Affirmed, Phila. Gas Works v. Pa. PUC*, 249 A.3d 963 (2021); No. 14 EAP 2020 (April 29, 2021); 2021 WL 1681311; *remand granted, in part* (June 15, 2021); 2021 WL 2697432 (Table).

party raises the same questions which were specifically considered and decided against them by the prior Order of the Commission. If so, it is unlikely that the Commission will be persuaded to exercise its discretion to grant relief. *Duick* at 559 (citing *Pennsylvania Railroad Co. v. Public Service Commission*, 118 Pa. Super. 380 (1935)). The second step of the *Duick* analysis is to evaluate any matter the Commission has deemed worthy of consideration, to determine whether to grant any relief.

B. Petition

The Petition raises the following as the basis for rehearing and/or reconsideration:

The PENNSYLVANIA PUBLIC UTILITY COMMISSION court shall Reconsider, Rehearing, (52 Pa. Code § 5.572, Pa. Code § 35.241) for the reasons and evidence set forth in this Petition. All proceedings enacted in this case after decisions made by Administrative Law Judge Mary D. Long, OPINION, ORDER, and the [PENNSYLVANIA PUBLIC UTILITY] Commissioners public hearing dated December 7th, 2023, are OPINION, and not the facts. Decisions based on opinions deny the claimant's credible new evidence because opinions, orders are not factual, therefore based on violations of Claimants right to be heard in person at (Commissioners public hearing dated December 7th, 2023) said hearings. Opinions, orders are not the Facts, and claimant due process allows the factual aspects of the case to be based on facts presented against the Respondent knowingly deprive Claimant fundamental rights, liberties as afforded by the PENNSYLVANIA PUBLIC UTILITY COMMISSION authority, the state constitution, the Constitution, and Bill of Rights.

Petition at 1.

C. Disposition

On consideration of the Petition, it is denied. On review, the Petition alleges neither any new evidence, new or novel arguments or matters overlooked, nor any reasons in support of a request that the Complaint be reconsidered and/or the subject of a rehearing. The Petition alludes to “new evidence.” However, the Petitioners do not state such new evidence with any specificity. Also, Petitioners appear to erroneously conclude that the use of the term “opinion” as used in the Commission’s Opinion and Order, renders the Commission’s orders invalid, as based upon “opinion” rather than facts and legal conclusions. However, pursuant to statute, the specific findings of fact and conclusions of law reached by the presiding ALJ have been independently reviewed by the Commission as the ultimate fact finder. 66 Pa.C.S. § 335 (a). Further, Commission orders must be based on substantial evidence. 2 Pa.C.S. § 704; *Popowsky v. Pa. PUC*, 164 Pa. Commw. 338, 642 A.2d 648(1994).

The charges billed to Petitioners for electric utility service have accrued pursuant to, and have been issued in accordance with, a Commission-approved tariff. *See* Pa.C.S. § 1302; 1303. On issuance of the bills by Duquesne to the Petitioners in accordance with the Respondent’s duly filed tariff and Commission Regulations, the Petitioners, as ratepayers, are obligated to pay for the receipt of such service and the Respondent is entitled to be compensated for the provision of service. *See Scaccia v. West Penn Power Company*, 55 Pa.P.U.C. 637 (1982).

Based on the forgoing we conclude that the Petition fails to meet the standard for either rehearing or reconsideration. The Petition fails to raise any considerations based upon which to provide relief. A petition to amend or rescind a final Commission order may be granted only judiciously and under appropriate circumstances because such an action results in the disturbance of final Commission orders. *City of Pittsburgh v. Pennsylvania Department of Transportation*, 416 A.2d 461 (Pa. 1980). We

conclude that it would be improvident for this Commission to further entertain the merits of the Complaint.

Conclusion

Consistent with the discussion in this Opinion and Order, we will deny the Petition; **THEREFORE;**

IT IS ORDERED:

1. That the Petition for Rehearing and Reconsideration of the Opinion and Order entered December 7, 2023, of Karen Feitt and Higinio Mendoza Jr. at Docket No. C-2022-3037095 is denied, consistent with the discussion in this Opinion and Order.
2. That the Commission Secretary shall mark this matter closed.

BY THE COMMISSION:



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: August 1, 2024

ORDER ENTERED: August 1, 2024