

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Moorefield	:	
	:	
v.	:	C-2025-3057998
	:	
Duquesne Light Company	:	

FIRST INTERIM ORDER

Before
Katrina L. Dunderdale
Administrative Law Judge

INTRODUCTION

This Interim Order grants in part and denies in part the Preliminary Objections filed by Duquesne Light Company and dismisses portions of the Formal Complaint on the grounds the Commission lacks subject matter jurisdiction and statutory authority to grant the relief requested. This Interim Order refers the proceeding to the Mediation Unit of the Office of Administrative Law Judge to mediate the remaining claim in the Formal Complaint alleging incorrect charges on Complainant’s monthly bills.

HISTORY OF THE PROCEEDING

Michael Moorefield (Mr. Moorefield or Complainant) filed two Formal Complaints with the Pennsylvania Public Utility Commission (Commission) docketed together at Docket No. C-2025-3057998.¹

First, in the Complaint filed on October 16, 2025, Mr. Moorefield alleged

¹ The two Formal Complaints will be referenced herein as “Complaint” because there is one docket number and the issues listed in both Formal Complaints are identical in essence.

Duquesne Light Company (Duquesne Light or Respondent) threatened to shut off electric service or had already shut off service, and there were incorrect charges on the bills. In addition, Mr. Moorefield alleged Respondent monetized bearer bond securities and did not apply credits properly to his electric service account, which Complainant contended was a violation of 15 U.S. Code § 1666 provisions concerning billing and accounting. For relief, Mr. Moorefield requested the Commission order Duquesne Light to credit his account immediately for all monetized securities processed through Mellon Bank and all interest accrued monthly to be returned to the principal account for the purpose of extinguishing debt. Complainant indicated in the Complaint that service of all documents should be accomplished through his eService account which he set up with the Commission. Complaint ¶ 9.

Second, in the Complaint filed on November 6, 2025, Mr. Moorefield alleged the Complaint filed on October 16, 2025, had been resolved but he alleged “Other” as the reason for the second filing. In explanation, Complainant alleged Respondent had not credited his account for billing and accounting errors. Further, Complainant asserted Duquesne Light terminated service in 2023 while still accepting and sending the bearer bonds to Bank of New York Mellon, forcing Complainant to pay Federal reserve notes to restore electric service. For relief, Mr. Moorefield requested the Commission order Duquesne Light to correct the billing and accounting errors, and he asserted he would continue to send in the endorsed bear bond coupon portions from Respondent’s monthly statements. Similar to his request in the first Complaint, Complainant indicated that service of all documents should be accomplished through his eService account which he set up with the Commission. Complaint ¶ 9.

On November 6, 2025, Duquesne Light filed an Answer in which Duquesne Light generally denied the allegations. Duquesne Light noted it issued a termination notice on September 30, 2025, but denied there were incorrect charges on the bills, credit was not applied properly to his account or that Duquesne Light attempted to extort Complainant. Duquesne Light requested the Commission deny the Complaint in its entirety and dismiss the Complaint with prejudice.

Also, on November 6, 2025, Duquesne Light filed Preliminary Objections (P.O.'s), with a Notice to Plead within ten days. Duquesne Light asserted the allegations do not concern any matter over which the Commission has jurisdiction and the Commission does not have the statutory authority to grant the relief requested in the Complaint. Specifically, Respondent alleged the Commission does not have jurisdiction over a complaint filed pursuant to federal provisions in 15 United States Code § 1666 (concerning billing and accounting), and the Commission also lacks authority over any request by Complainant for money damages, pursuant to previous case law.² Duquesne Light requested the Commission dismiss the Formal Complaint, pursuant to 52 Pa.Code § 5.101(a) or, in the alternative, dismiss those portions of the Complaint alleging violations outside the Commission's jurisdiction.

On November 13, 2025, Complainant filed Complainant's Response and Affidavit of Truth to Respondent's Answer (Response). In a section identified as Response and Conversion of Denials into Interrogatories, Complainant purports to respond to the Answer of Duquesne Light by converting Respondent's denials of his allegations into interrogatories. In a section identified as an Affidavit of Truth, Complainant makes seven assertions about the truth in the instant proceeding.

Also, on November 13, 2025, Complainant filed the Response in Opposition to Preliminary Objections and Affidavit of Truth (Response Opposing P.O.'s). Complainant contended the Commission has jurisdiction over billing and accounting violations pursuant to 66 Pa.C.S. § 1501. Mr. Moorefield denied he seeks monetary damages and asserted the relief he seeks is remittance credits which he claimed were unlawfully withheld by Respondent. Complainant asserted Respondent failed to provide an accounting of remittance coupon disposition or application of funds through the Bank of New York Mellon, as Respondent's indenture trustee. Lastly, Complainant argued Respondent's Preliminary Objections were false and misleading.

On November 27, 2025, Complainant filed the Notice of Evidentiary Misrepresentation by Defendant's Counsel (Notice of Misrepresentation) which purported to

² *Horowitz v. PECO*, Docket No. C-2013-2382740 (Dec. 30, 2013).

identify to the Commission material and demonstrably false statements allegedly made by Respondent. Complainant asserted he filed the Notice of Misrepresentation to preserve his rights. Complainant requested the presiding officer acknowledge Respondents responses were contradicted by public regulatory filings, direct Respondent to amend or clarify its responses and take judicial notice of records with the Commission and with the Securities Exchange Commission.

On December 3, 2025, Respondent filed the Answer to the Amended Complaint and asserted Complainant was billed properly and in accordance with its Commission-approved tariff. Respondent asserted it did not terminate electric service in 2023, did not fail to credit the account properly and denied any accounting or billing errors on the account.

On December 8, 2025, the Commission's Office of Administrative Law Judge assigned this matter to the undersigned presiding officer for a ruling on the Preliminary Objections and to resolve any issues which might arise during the preliminary phase of the proceeding. The Preliminary Objections are ready for decision. For the reasons set forth below, I will grant the Preliminary Objections.

DISCUSSION

The Commission regulation at 52 Pa. Code § 5.21(a) states that a person may file a formal complaint claiming violation of a statute that the Commission has jurisdiction to administer; however, under the regulation at 52 Pa. Code § 5.21(d), the Commission is authorized to dismiss a complaint if a hearing is not necessary. Under the Commission's regulation at 52 Pa. Code § 5.101(a)(1), a party may file a preliminary objection to dismiss a pleading for lack of Commission jurisdiction, because judicial economy is served by avoiding a hearing where no factual dispute exists. If there exists no factual issue pertinent to the resolution of a case, a hearing is unnecessary.³

³ See 66 Pa.C.S. § 703(a); *Lehigh Valley Power Committee v. Pa. Pub. Util. Comm'n*, 563 A.2d 557 (Pa.Cmwlth. 1989); *Lehigh Valley Power Committee v. Pa. Pub. Util. Comm'n*, 563 A.2d 548 (Pa.Cmwlth. 1989); *S.M.E. Bessemer Cement, Inc. v. Pa. Pub. Util. Comm'n*, 540 A.2d 1006 (Pa.Cmwlth. 1988); *White Oak Borough Authority v. Pa. Pub. Util. Comm'n*, 103 A.2d 502 (Pa. Super. 1954).

Preliminary Objections

The Commission's Rules of Practice and Procedure permit parties to file preliminary objections. The grounds for preliminary objections are limited to those set forth in 52 Pa. Code § 5.101(a) as follows:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

Duquesne Light asserted in its Preliminary Objections that the Commission lacks jurisdiction, pursuant to 52 Pa. Code § 5.101(a)(1), in that Complainant failed to allege Duquesne Light violated the Public Utility Code, Commission regulations or Commission orders. In addition, Duquesne Light contended the Complaint specified a violation of federal law (at 15 U.S.C. § 1666), over which federal law the Commission does not have authority.

Commission preliminary objection practice is analogous to Pennsylvania civil practice regarding preliminary objections.⁴ A preliminary objection asserting lack of Commission jurisdiction, pursuant to the Commission's Rules of Practice and Procedure, is

⁴ *Equitable Small Transportation Intervenors v. Equitable Gas Company*, 1994 Pa. PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994) (*Equitable*).

analogous to preliminary objections allowed by Rule 1028 of the Pennsylvania Rules of Civil Procedure. The Commission ruled in *Montague v. Philadelphia Electric Company*, 66 Pa. PUC 24 (1988), that it would follow the standard stated therein, specifically that preliminary objections requesting dismissal of a pleading will be granted only where the right to relief is warranted clearly and free from doubt.⁵

The Commission may not rely upon the factual assertions of the moving party, which herein is Duquesne Light. Instead, the Commission must accept as true for purposes of disposing of the Motion all well pleaded, material facts of the nonmoving Party, as well as every inference from those facts.⁶ The Commission must view the factual assertions contained within the Complaint in the light most favorable to Complainant, as the non-moving Party, and should dismiss the Complaint only if it appears Complainant would not be entitled to relief under any circumstances as a matter of law.⁷ Viewing the factual assertions in the light most favorable to Complainant for purposes of disposing of the Preliminary Objections, it is clear these Preliminary Objections must be granted and the Complaint herein must be dismissed for the following reasons.

Commission Jurisdiction

The Commission, as a creation of the Pennsylvania General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Public Utility Code.⁸ Accordingly, the Commission must act within, and cannot exceed, its jurisdiction.⁹ A party to a proceeding cannot confer jurisdiction upon the Commission where jurisdiction does

⁵ *Interstate Traveller Services, Inc. v. Pa. Dept. of Environment Resources*, 406 A.2d 1020 (Pa. 1979); *Rivera v. Philadelphia Theological Seminary of St. Charles Borromeo, Inc.*, 595 A.2d 172 (Pa.Super. 1991).

⁶ *County of Allegheny v. Commonwealth of Pennsylvania*, 490 A.2d 402 (Pa. 1985); *Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa.*, 551 A.2d 602 (Pa.Cmwth. 1988).

⁷ *Equitable, supra.*

⁸ *Shedlosky v. Pennsylvania Electric Co.*, Docket No. C-20066937 (Opinion and Order entered May 28, 2008); *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977).

⁹ *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 43 A.2d 348 (Pa.Super. 1945).

not exist.¹⁰ The Commission must have subject matter jurisdiction as a prerequisite to the exercise of its power before it can decide a controversy.¹¹

Duquesne Light contended the Complaint raised issues that are outside the subject matter jurisdiction of the Commission because the Complaint alleges violation of federal law, specifically Title 15 of the U.S. Code. Resolution of the Complaint will require interpretation and application of federal law. The Commission only possesses the authority specifically delegated and granted to it by the Pennsylvania Legislature and as outlined in the state's Public Utility Code, and the Pennsylvania Commission's regulations and orders. Nowhere is the Commission authorized to resolve a dispute by analyzing the respective rights and duties of individuals and entities pursuant to the law of the United States.

The Complaint contains no allegations concerning any violation of the Pennsylvania Public Utility Code, or any Commission regulation or order by the utility. However, as previously noted, the Commission only possesses authority to preside over alleged violations of the Pennsylvania Public Utility Code, or any Commission regulation or order. Accordingly, Duquesne Light is correct in its assertion that the subject matter is outside the jurisdiction of the Commission. Since the Formal Complaint fails to state a claim which the Commission is authorized to rule on, Duquesne Light's Preliminary Objections - alleging that the Complaint is outside the jurisdiction of the Commission - are correct. Accordingly, for all the foregoing reasons, I will grant the Preliminary Objections of Duquesne Light and will dismiss the Complaint.

Monetary Damages

Duquesne Light asserted Complainant requested monetary damages which the Commission lacks the authority to order. Herein, Complainant did not request monetary damages. Complainant requested repayment of monies received by Respondent, in addition to

¹⁰ *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967).

¹¹ *Hughes v. Pa. State Police*, 619 A.2d 390 (Pa.Cmwlt. 1992).

bearer bonds, which monies Complainant alleged were not due or owing to Respondent because, as alleged by Complainant in the Complaint, Respondent was paid through the bearer bonds. In addition, Complainant requested a payment of interest on the funds that, according to Complainant, were incorrectly paid to Respondent. Complainant contends these funds were paid to Respondent as a result of poor customer service by Respondent.

Complainant's request involves a request for repayment because Respondent allegedly received more payment than Respondent was entitled to receive. Complainant requested a return of the overage. In addition, Complainant requested payment of interest for sums received by Respondent in error. This request constitutes a request for damages because Complainant asserts he did not have the benefit of using the overcharged funds.

The Commission lacks jurisdiction over payment for damages suffered. To the extent Complainant requests monetary damages, Respondent's Preliminary Objections will be granted and Complainant's request for money damages in the form of interest will be dismissed in part without a hearing because this request is beyond the scope of the Commission's jurisdiction.

Duquesne Light avers the Complaint does not specify a cause of action upon which the Commission can grant relief because Complainant requests reimbursement for payments made and for interest which accrued. Duquesne Light filed these preliminary objections because the regulations permit it to request dismissal of a pleading for lack of jurisdiction.¹² Respondent is correct when it states the Commission cannot exceed its jurisdiction and must act within it.¹³ Jurisdiction may not be conferred by the parties where none exists.¹⁴ The Commission has initial jurisdiction over "matters involving the reasonableness, adequacy or sufficiency of a public utility's service, facilities or rates."¹⁵

¹² 52 Pa. Code § 5.101(a)(1).

¹³ *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 43 A.2d 348 (Pa.Super. 1945).

¹⁴ *Roberts v. Martorano*, 235 A.2d 602 (1967).

¹⁵ *DeFrancesco et al. v. Western Pennsylvania Water Company*, 435 A.2d 614, 616 (Pa.Super. 1981).

Subject matter jurisdiction is a prerequisite to the exercise of the power to decide a controversy.¹⁶

Here, the Commission lacks jurisdiction over payment of monetary damages and payment of interest. To the extent the Complaint asserts a right to these remunerations, Respondent's Preliminary Objections will be granted and Complainant's request for money damages and interest will be dismissed in part without a hearing because this request is beyond the scope of the Commission's jurisdiction.

However, the Commission retains jurisdiction over any allegation concerning the adequate and reasonable provision of customer service provided by the utility. This allegation was made in the first Complaint filed on October 16, 2026, and that portion of the Complaint – which alleges Respondent's bill contained incorrect charges – remains a valid subject matter for consideration by the Commission. The facts which Mr. Moorefield allege are sufficient to show, if proven, that Duquesne Light failed to provide reasonable and adequate customer service by failing to provide correct charges on the monthly bills. Whether Complainant can prove these allegations is not material to the disposition of these Preliminary Objections.

Accordingly, accepting as true all well-pleaded facts in the Complaint, I find Complainant alleged sufficient facts that, if proven, would justify the issuance of an Initial Decision which finds Duquesne Light failed to provide reasonable and adequate customer service in the issuance of its bills, in contravention to 66 Pa.C.S. § 1501. Therefore, there is a sufficient basis to provide Complainant with the opportunity to proceed with the Complaint.

The preliminary objections will be granted in part and denied in part in the Ordering Paragraphs below. Following the issuance of this Interim Order, the proceeding will be referred to the Mediation Unit of the Office of Administrative Judge for mediation.

¹⁶ *Hughes v. Pa. State Police*, 619 A.2d 390 (1992).

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to this dispute.
2. The Commission has jurisdiction over the subject matter of this dispute to the extent the complaint involves an allegation Respondent failed to provide Complainant with a correct bill, pursuant to Respondent's responsibilities to provide reasonable and adequate customer service, pursuant to 66 Pa.C.S. § 1501.
3. The Formal Complaint raises a claim that, if proven, would show Respondent failed to furnish and maintain adequate, and reasonable service when it issued bills to Complainant, pursuant to 66 Pa.C.S. § 1501.
4. A preliminary objection in civil practice seeking dismissal of a pleading will be granted only where relief is clearly warranted and free from doubt and only if the moving party prevails as a matter of law. *Interstate Traveller Services, Inc. v. Pa. Dept. of Environmental Resources*, 406 A.2d 1020 (Pa. 1979); and *Roc v. Flaherty*, 527 A.2d 211 (Pa.Cmwlth. 1985).
5. The Commission does not have jurisdiction over the subject matter of this dispute, concerning a claim brought pursuant to provisions at Title 15 of the United States Code, because it does not involve a matter over which the Commission has authority. 52 Pa. Code §§ 5.21 and 5.101(a)(1), and 15 U.S. Code § 1666.
6. The Commission does not have jurisdiction over claims for damages. 66 Pa.C.S. § 101, et seq.; *Behrend v. Bell Telephone Co.*, 363 A.2d 1152 (1976).
7. The Commission may dismiss any complaint without conducting a hearing if, in its opinion, a hearing is not necessary or in the public interest. 66 Pa.C.S. § 703(b).

8. The Complaint does raise a claim concerning incorrect charges on the bills that, if proven, would show Respondent failed in any way to furnish adequate and reasonable service. 52 Pa. Code § 5.101(a)(4), and 66 Pa.C.S. § 1501.

9. A hearing in this matter is necessary and in the public interest. 52 Pa. Code § 5.21(d).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objections filed by Duquesne Light Company in the matter of Michael Moorefield v. Duquesne Light Company at Docket No. C-2025-3057998 are granted in part and denied in part.

2. That the claim, alleging Duquesne Light Company violated federal provisions concerning Billing and Accounting in 15 U.S.Code § 1666, in the Formal Complaint of Michael Moorefield v. Duquesne Light Company at Docket No. C-2025-3057998 will be dismissed as outside the subject matter jurisdiction of the Pennsylvania Public Utility Commission.

3. That the request for monetary damages and interest in the Formal Complaint of Michael Moorefield v. Duquesne Light Company at Docket No. C-2025-3057998 will be dismissed as outside the authority of the Pennsylvania Public Utility Commission.

4. That the claim, alleging there are incorrect charges on Duquesne Light Company's bills, in the Formal Complaint of Michael Moorefield v. Duquesne Light Company

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