



Sophia Al Rasheed
Regulatory Counsel IV,
Regulatory Law

411 Seventh Avenue
Mail drop 15-7
Pittsburgh, PA 15219

Tel: 412-925-9123
salrasheed@duqlight.com

April 16, 2026

VIA ELECTRONIC FILING

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Daniel Brudy v. Duquesne Light
Docket No. C-2026-3061378**

Dear Secretary Homsher:

Attached for filing please find the Preliminary Objections of Duquesne Light Company in response to the Complaint of Daniel Brudy in the above-referenced proceeding. Copies are being provided as indicated in the Certificate of Service. Should you have any questions please contact me.

A handwritten signature in black ink that reads "Sophia Al Rasheed". The signature is written in a cursive, flowing style.

Sophia Al Rasheed

PA ID #325196

SAR/clk

Enclosure[s]
CC: Certificate of Service

CERTIFICATE OF SERVICE

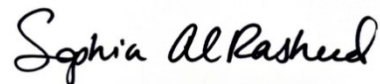
I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

VIA ELECTRONIC MAIL

Daniel Brudy
5801 State Road
Bibsonia, PA 15044
Complainant
Served via email on 4/16/26 to bdrudy@zoominternet.net

Ryan Morden, Esq.
Assistant Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Counsel for Darryl A. Lawrence, Consumer Advocate
served via email on 4/16/26 to RMorden@paocal.org

Date: April 16, 2026



Sophia Al Rasheed

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Daniel Brudy,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2026-3061378
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE § 5.101, YOU MAY FILE AN ANSWER TO THE ENCLOSED PRELIMINARY OBJECTIONS WITHIN TEN (10) DAYS OF THE DATE OF SERVICE HEREOF. YOUR ANSWER TO THE PRELIMINARY OBJECTION MUST BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG, PA 17105-3265. A COPY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

Sophia Al Rasheed

Sophia Al Rasheed
ID # 325196
Regulatory Counsel, IV
Duquesne Light Company
411 Seventh Ave
Mail Drop 15-7
Pittsburgh, PA 15219
Phone: 412-393-6505
salrasheed@duqlight.com

Date: April 16, 2026

Attorney for Duquesne Light Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Daniel Brudy,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2026-3061378
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

**PRELIMINARY OBJECTIONS OF
DUQUESNE LIGHT COMPANY TO THE COMPLAINT OF
DANIEL BRUDY**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § 5.101, Duquesne Light Company files the following Preliminary Objections to the Formal Complaint (“Complaint”) of Daniel Brudy (“Complainant”). Pursuant to §§ 5.61, 5.62, and 5.101(d) of the Pennsylvania Public Utility Commission (“Commission” or “PUC”) regulations, Duquesne Light Company (“Duquesne Light” or the “Company”) filed an Answer and New Matter on this same date. The Company respectfully requests that the Formal Complaint of Daniel Brudy be dismissed.

In support thereof, Duquesne Light states as follows:

I. BACKGROUND

1. Duquesne Light is a “public utility,” an “electric distribution company,” and a “default service provider” as defined in Sections 102 and 2803 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 102, 2803.

2. On March 27, 2026, Duquesne Light was served with the above-captioned Formal Complaint filed by the Complainant.

3. The issues raised in the Complaint relate entirely to the Complainant's underground service, which is owned by the Complainant, and a pole owned by Consolidated Communications. (Complaint ¶ 4).

4. The Complaint does not relate to a billing, reliability, or electric service provided by Duquesne Light Company. *Id.*

5. The relief requested solely involves the Complainant's underground service, which the Complainant owns. (Complaint ¶ 5).

6. Duquesne Light herein files these Preliminary Objections to the Complaint. For the reasons explained below, Duquesne Light respectfully requests that the Commission summarily dismiss the Complaint because the Complaint fails to set forth a claim for which relief can be granted, and because the allegations contained within the Complaint are outside the scope of the Commission's jurisdiction.

II. LEGAL STANDARD.

7. Pursuant to the Commission's regulations, preliminary objections in response to a pleading may be filed on several grounds, including:

- (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.

52 Pa. Code § 5.101(a) (emphasis added).

8. In ruling on preliminary objections, the Presiding Officer must accept as true all well-pled allegations of material facts as well as all inferences reasonably deducible therefrom. *Stilp v. Cmwlth.*, 910 A.2d 775, 781 (Pa. Cmwlth. 2006) (citing *Dep't of Gen. Servs. v. Bd. of Claims*, 881 A.2d 14 (Pa. Cmwlth. 2005)). However, the Presiding Officer need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations, or expressions of opinion. *Stanton-Negley Drug Co. v. Dep't of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Cmwlth. 2007). For preliminary objections to be sustained, it must appear with certainty that the law will permit no recovery, and any doubt must be resolved in favor of the non-moving party. *Stilp*, 910 A.2d at 781. The moving party may not rely on its own factual assertions, but must accept for the purpose of disposition of the motion, all well-pleaded material facts of the other party, as well as every inference fairly deducible from those facts. *County of Allegheny v. Commonwealth of Pa. (County of Allegheny)*, 507 Pa. 360, 490 A.2d 402 (1985).

III. PRELIMINARY OBJECTIONS

A. **Legal Insufficiency. The Complaint Should Be Dismissed Because it Fails to State a Claim Upon Which Relief May Be Granted.**

9. Duquesne Light incorporates by reference Paragraphs 1 through 8, *supra*, as though fully set forth herein.

10. The Commission's duty is "to enforce, execute and carry out, by its regulations, orders or otherwise" all the provisions of the Code. *Langeloth Townsite Co. v. Pennsylvania-*

American Water Co., Docket No. C-2009-2117744, 2009 Pa. PUC LEXIS at 10 (Oct. 16, 2009) citing 66 Pa. C.S. § 501.

11. Title 52 Section 57.1 defines “customer’s installation” as “Wiring and equipment on the premises of a customer, and poles, wires or cables and other facilities necessary to bring the terminus of the wiring of a customer to a location where it may be connected to the service line.” 52 § 57.1.

12. Furthermore, Title 52 of the Pennsylvania Code, Section § 57.19 (g) states:

Wiring and equipment on the premises of the customer shall be installed to conform with the rules and standards established by the public utility. The customer shall provide poles, wires and other construction necessary to bring the terminus of the customer’s installation to a location where it may be connected to a line extension by means of a service line.

52 § 57.1 (g).

13. By the Complainant’s own admission, the customer’s underground service is customer owned. (Complaint ¶ 4).

14. Complainant’s sole request for relief is to “Move the existing underground service to the new pole to put us back into compliance.” (Complaint ¶ 5).

15. The Complaint does not allege any malfunctioning of Company equipment or property of Duquesne Light Company.

16. The Complaint failed to state a claim upon which relief may be granted.

17. The Complaint should be dismissed as it fails to allege that the Company has violated any Commission law, rule or order.

18. The Company respectfully requests that the portions of the complaint requesting the Company to move the underground service be dismissed from the Complaint.

B. Lack of Commission Jurisdiction. The Commission Does Not Have Jurisdiction Over Private Property Disputes.

19. Duquesne Light incorporates by reference Paragraphs 1 through 18 as if fully set forth herein.

20. Section 701 of the Public Utility Codes, 66 Pa. C.S. § 701 provides, in relevant part:

“any person... having an interest in the subject matter... may complain in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.

66 Pa. C.S. § 701.

21. As a creature of statute, the Commission has only those powers which are expressly conferred upon it by the Legislature and those powers which arise by necessary implication. *Feingold v. Bell of Pennsylvania.*, 477 Pa. 1, 383 A.2d 791, 794 (1977) (internal citations omitted).

22. The Commission has determined that it is not the proper forum for resolving property rights controversies. *Ronald A. Demorest; v. Columbia Gas of Pennsylvania, Inc.*, Docket No. C-2011-2246848, 2011 Pa. PUC LEXIS at 9-10 (July 25, 2011) (*internal citations omitted*).

23. As previously stated, by Complainant’s own admission, Complainant’s underground service is owned by the Complainant. (Complaint ¶ 4).

24. Furthermore, by Complainant’s own admission, the pole in question is not owned by Duquesne Light Company, but by Consolidated Communications. *Id.*

25. The Complaint is fundamentally a private property dispute.

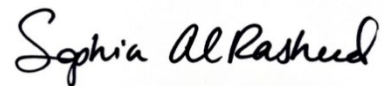
26. The Complaint should be dismissed because it solely relates to the Complainant’s own underground service and a pole not owned by the Company.

27. Accordingly, the Complaint should be dismissed in its entirety because its subject matter is outside of the scope of the jurisdiction of the Commission.

IV. CONCLUSION

WHEREFORE, Duquesne Light Company respectfully requests that the Pennsylvania Public Utility Commission grant these Preliminary Objections.

Respectfully submitted,



Sophia Al Rasheed
ID # 325196
Regulatory Counsel, IV
Duquesne Light Company
411 Seventh Ave
Mail Drop 15-7
Pittsburgh, PA 15219

Date: April 16, 2026

Attorney for Duquesne Light Company