

COMMONWEALTH OF PENNSYLVANIA



DARRYL A. LAWRENCE
Consumer Advocate

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April 27, 2026

Via Electronic Filing

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Daniel Brudy
v.
Duquesne Light Company

Docket No. C-2026-3061378

Dear Secretary Homsher:

Attached for electronic filing, please find the Office of Consumer Advocate's Answer to the Preliminary Objections of Duquesne Light Company in this proceeding.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Ryan Morden
Ryan Morden, Esq.
Assistant Consumer Advocate
PA Attorney I.D. # 335679
Email: RMorden@paoca.org

Enclosures

cc: The Honorable Charles E. Rainey, Jr. (email only: crainey@pa.gov)
Office of Special Assistants (email only: ra-OSA@pa.gov)
Certificate of Service

CERTIFICATE OF SERVICE

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

I hereby certify that I have this day filed electronically on the Commission’s electronic filing system and served a true copy of the following document, the Office of Consumer Advocate’s Answer to Preliminary Objections, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 27th day of April, 2026.

SERVICE BY EMAIL ONLY

Aron Beatty, Esq.
Michael Brechlin, Esq.
Duquesne Light Company
800 North Third Street, Suite 203
Harrisburg, PA 17102
abeatty@duqlight.com
mbrechlin@duqlight.com
Counsel for DLC

Daniel Brudy
5801 State Road
Gibsonia, PA 15044
dbrudy@zoominternet.net

Sophia Al Rasheed, Esq.
Duquesne Light Company
411 Seventh Ave
Mail Drop 15-7
Pittsburgh, PA 15219
salrasheed@duqlight.com
Counsel for DLC

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: 717-783-5048
Fax: 717-783-7152

Dated: April 27, 2026

/s/ Ryan Morden
Ryan Morden, Esq.
Assistant Consumer Advocate
PA Attorney I.D. # 335679
Email: RMorden@paoca.org

Counsel for:
Darryl A. Lawrence
Consumer Advocate

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**ANSWER OF THE OFFICE OF CONSUMER ADVOCATE
TO DUQUESNE LIGHT COMPANY’S PRELIMINARY OBJECTIONS TO THE
COMPLAINT OF DANIEL BRUDY**

Pursuant to 52 Pa. Code Sec. 5.101(f), the Office of Consumer Advocate (OCA) submits this Answer to Duquesne Light Company’s (Duquesne or DLC or Company) Preliminary Objections to the Complaint of Daniel Brudy filed on April 16, 2026. The OCA requests that the Pennsylvania Public Utility Commission (Commission or PUC) deny Duquesne’s request to dismiss Mr. Brudy’s Complaint. OCA further requests that the Commission assign this matter to the Office of Administrative Law Judge (OALJ) to be assigned to an Administrative Law Judge (ALJ) for formal litigation and evidentiary hearings. In support of its Answer, the OCA provides the following information:

I. INTRODUCTION

On March 27, 2026, DLC customer Daniel Brudy filed a Formal Complaint with the Commission against the Company. In it, Mr. Brudy stated that a construction project to install new line poles in front of his house put his underground service lines out of code compliance.

On April 14, 2026, the OCA filed a Notice of Intervention and Public Statement. On April 16, 2026, DLC filed Preliminary Objections to Mr. Brudy's Complaint and a Notice to Plead.

II. BACKGROUND

The OCA became aware of Mr. Brudy's situation on November 19, 2025. The Office of Attorney General received an inquiry from State Representative Jeremy Shaffer's office on Mr. Brudy's behalf. The Office of Attorney General then referred the matter to Consumer Advocate Darryl Lawrence. See Exhibit A.

The OCA avers that the pole replacement project was initiated, in part or in whole, by DLC. *Id.* The inquiry from Rep. Shaffer included a statement from Mr. Brudy regarding the pole that impacted his underground lines: *"One was replaced in front of my house and due to a gas line, it had to be set 8 feet from the original pole. I have underground electric service that I own to my house. This puts me out of code, and I was told by Duquesne light they were going to shut off my power unless repaired."* *Id.*

Based upon a preliminary analysis of the matter, the OCA has determined that issues related to Section 1501 merit further investigation. Section 1501 of the Code provides, in pertinent part, as follows:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission. Subject to the provisions of this part and the regulations or orders of the commission, every public utility may have reasonable rules and regulations governing the conditions under which it shall be required to render service.

66 Pa. C.S. § 1501.

OCA avers that issues of safety, adequacy, and service continuity all fall under the jurisdiction of the Commission and furthermore, Mr. Brudy's matter raises questions under the broad and inclusive definition of "Service" as stated by Section 102. 66 Pa. C.S. § 102.

As stated by Mr. Brudy, he is in a position where the Company could discontinue service due to his underground lines being out of code compliance, which is not a position he put himself in. Exhibit A. Rather DLC and its pole upgrade project unfurnished and disrupted his ability to receive adequate, efficient, safe, and reasonable electric service. *Id.*

Therefore, contrary to the Preliminary Objections filed by DLC, this matter relates to safety, reliability, and continuity of electric service, which fall within the Commission's jurisdiction. The OCA supports Mr. Brudy's request for a resolution to this matter as stated in his Formal Complaint. The Commission should set aside the Preliminary Objections raised by DLC and assign the matter to OALJ for further litigation.

III. LEGAL STANDARDS

The Commission's Rules of Administrative Practice and Procedure permit the filing of preliminary objections. 52 Pa. Code §§ 5.101 (a)(1)-(7). The grounds for preliminary objections are limited to the following:

- (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).

In deciding whether to grant or deny a preliminary objection, the truth of all facts averred in the objected-to pleading must be assumed, and it must be determined whether, based on the well-pleaded factual averments of the nonmovant, recovery or relief is possible. *Feingold v. Bell of Pa.*, 383 A.2d 791, 792 (Pa. 1977); *Equitable Small Transp. Interveners v. Equitable Gas Co.*, Docket No. C-00935435, 1994 Pa PUC LEXIS 69, *3 (Order entered July 18, 1994) (“Commission preliminary objection practice is analogous to civil practice regarding preliminary objections”). Further, any inferences fairly deducible from the facts must be accepted for purposes of the disposition of the preliminary objections. *Commonwealth v. Bell Tel. Co.*, 551 A.2d 602, 604 (Pa. Cmwlth. 1988); *Raynor v. D’Annunzio*, 243 A.3d 41, 52 (Pa. 2020). The Commission shall deny a preliminary objection, in favor of the non-moving party, if there are any doubts that must be resolved. *Garcia v. Am. Eagle Outfitters, Inc.*, 331 A.3d 541, 547 (Pa. 2025); *Smiles v. PPL Electric Util. Corp.*, Docket No. C-2021-3026268 (Order entered Dec. 19, 2024)¹ at 11.

Preliminary objections in the form of a demurrer, where the movant claims that the nonmovant failed to assert a claim upon which relief can be granted, can only be sustained where the law makes clear that the nonmovant *cannot* succeed on their claims. *Thomas v. Corbett*, 90 A.3d 789, 794 (Pa. Cmwlth. 2014) (citing *Meier v. Maleski*, 648 A.2d 595, 600 (Pa. Cmwlth.

¹ Available at: <https://www.puc.pa.gov/pcdocs/1860078.pdf>.

1994); *Unique Limousine Service, Inc. Objection to the General Assessment For the July 1, 2009 to June 30, 2010 Fiscal Year*, Docket No. M-2010-2171343 (Initial Decision issued May 12, 2011) at 3-4, *aff'd*, (Order entered June 29, 2011).

IV. ANSWER TO DUQUESNE LIGHT COMPANY'S PRELIMINARY OBJECTIONS

A. BACKGROUND

1. This paragraph is introductory in nature. DLC provides purported facts in this paragraph that are based on information in the possession of DLC and are, therefore, denied. To the extent that this paragraph includes conclusions of law, no response is required.

2. Admitted

3. Admitted in part, denied in part. Admitted that Mr. Brudy's underground service is a component of his Complaint. OCA denies that the issues raised relate "entirely" to the Mr. Brudy's underground service. By way of further answer, the OCA is without knowledge or information sufficient to determine the ownership of the pole referenced in Paragraph 3 of DLC's preliminary objection.

4. Denied.

5. Denied.

6. Paragraph 6 states a legal conclusion to which no response is required.

B. LEGAL STANDARD

7-8. Denied as stated. These paragraphs state conclusions of law to which no response is required. By way of further response, the OCA incorporates Section III above herein.

C. PRELIMINARY OBJECTIONS

1. Answer to Preliminary Objection No. 1—Mr. Brudy's Complaint is legally sufficient because it stated a claim on the basis of which the Commission may grant relief.

9. This paragraph incorporates prior statements by reference of Paragraphs 1 through 8 to which the OCA has already responded, therefore no additional response is required.

10-12. Denied as stated. These paragraphs state conclusions of law to which no response is required. By way of further response, the OCA incorporates Section III above herein.

13. Denied as stated. By way of further response, the ownership of the customer's underground service lines is not at issue.

14. Denied as stated. By way of further response, Mr. Brudy's requested relief speaks for itself.

15-18. Denied.

2. Answer to Preliminary Objection No. 2—Mr. Brudy's claim demonstrates DLC is in violation of Sections 102 and 1501 and therefore are within the Commission's jurisdiction.

19. This paragraph incorporates prior statements by reference of Paragraphs 1 through 18 to which the OCA has already responded, therefore no additional response is required.

20-22. Denied as stated. These paragraphs state conclusions of law to which no response is required. By way of further response, the OCA incorporates Section III above herein

23. Denied as stated. By way of further response, the ownership of the customer's underground service lines is not at issue.

24. Denied as stated. By way of further response, the ownership of the utility pole in front of the customer's property is not at issue.

25-27. Denied.

V. CONCLUSION

The OCA respectfully request that the Commission deny Duquesne Light Company's Preliminary Objections to the Complaint of Daniel Brudy as a matter of law. The issues set forth above by the OCA and by Mr. Brudy in his outreach and Formal Complaint are substantial. As a party in this matter, the OCA respectfully requests that the Commission assign this matter to OALJ for further litigation.

Respectfully submitted,

/s/ Ryan Morden

Ryan Morden

Assistant Consumer Advocate

PA Bar ID # 335679

RMorden@paoca.org

Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
(717) 783-5048

DATED: April 27, 2026

Counsel for:

Darryl A. Lawrence

Consumer Advocate

From: [Doyle, Taylor](#)
To: [Graham, Joseph A.](#)
Subject: FW: [EXTERNAL]: RE: D. Brudy | Utility Pole issue
Date: Wednesday, November 19, 2025 12:08:36 PM
Attachments: [image002.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

See phone number below.

From: Deborah Eyer <Deyer@pahousegop.com>
Sent: Wednesday, November 19, 2025 12:07 PM
To: Doyle, Taylor <TDoyle@paoca.org>; Livingston, JJ <jerlivings@pa.gov>; Lawrence, Darryl A. <DLawrence@paoca.org>; Quinn, Marguerite <mquinn@attorneygeneral.gov>; Government Affairs Mailbox - Calendar <governmentaffairs@attorneygeneral.gov>; Murphy, Kaitlin <kmurphy@attorneygeneral.gov>; Dougherty, James <jamesdough@pa.gov>; Sheriff, Carrie <csheriff@pa.gov>; Consumer <Consumer@paoca.org>
Subject: Re: [EXTERNAL]: RE: D. Brudy | Utility Pole issue

Here is Mr. Brudy's best phone number: 724-713-8250

Thank you for reaching out!

Deborah Eyer | District Legislative Aide/Communications Specialist
State Representative Jeremy Shaffer | PA House District 28
4411 Gibsonia Road Ste 2 | Gibsonia PA 15044 | 724.939.6265

From: Doyle, Taylor <TDoyle@paoca.org>
Sent: Wednesday, November 19, 2025 11:59 AM
To: Livingston, JJ <jerlivings@pa.gov>; Deborah Eyer <Deyer@pahousegop.com>; Lawrence, Darryl A. <DLawrence@paoca.org>; Quinn, Marguerite <mquinn@attorneygeneral.gov>; Government Affairs Mailbox - Calendar <governmentaffairs@attorneygeneral.gov>; Murphy, Kaitlin <kmurphy@attorneygeneral.gov>; Dougherty, James <jamesdough@pa.gov>; Sheriff, Carrie <csheriff@pa.gov>; Consumer <Consumer@paoca.org>
Subject: RE: [EXTERNAL]: RE: D. Brudy | Utility Pole issue

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Good afternoon,

Thank you for sharing this consumer's story with us. We will reach out to Mr. Brudy about

the situation. I am seeing the customer's address but no telephone number. Would you be able to share that with us?



Taylor Doyle
she/her/hers
Consumer Liaison I
PA Office of Consumer Advocate
555 Walnut Street, 5Th Floor, Forum Place
Harrisburg, PA 17101-1923
1-800-684-6560



From: Livingston, JJ <jerlivings@pa.gov>
Sent: Wednesday, November 19, 2025 11:12 AM
To: Deborah Eyer <Deyer@pahousegop.com>; Lawrence, Darryl A. <DLawrence@paoca.org>; Quinn, Marguerite <mquinn@attorneygeneral.gov>; Government Affairs Mailbox - Calendar <governmentaffairs@attorneygeneral.gov>; Murphy, Kaitlin <kmurphy@attorneygeneral.gov>; Dougherty, James <jamesdough@pa.gov>; Sheriff, Carrie <csheriff@pa.gov>; Consumer <Consumer@paoca.org>
Subject: RE: [EXTERNAL]: RE: D. Brudy | Utility Pole issue

They're in good hands with Darryl and his team, but for what its worth he *could* file an informal complaint with the Commission. The option, depending on that outcome, to take it to a formal complaint would be his call. While it's accurate that formal complainants may have legal counsel represent them during the proceeding, residential customers are afforded the option to represent themselves pro se.

-JJ



www.puc.pa.gov



JJ Livingston
Legislative Director &
Director, Office of Legislative Affairs

Phone: 717-787-3256

Cell: 717-599-4051

Email: jerlivings@pa.gov

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From: Deborah Eyer <Deyer@pahousegop.com>
Sent: Wednesday, November 19, 2025 10:29 AM
To: Lawrence, Darryl A. <DLawrence@paoca.org>; Quinn, Marguerite

<mquinn@attorneygeneral.gov>; Government Affairs Mailbox - Calendar
<governmentaffairs@attorneygeneral.gov>; Murphy, Kaitlin <kmurphy@attorneygeneral.gov>;
Livingston, JJ <jerlivings@pa.gov>; Dougherty, James <jamesdough@pa.gov>; Sheriff, Carrie
<csheriff@pa.gov>; Consumer <Consumer@paoca.org>
Subject: Re: [EXTERNAL]: RE: D. Brudy | Utility Pole issue

Thank you Marguerite and Darryl. I appreciate your time.

Deborah Eyer | District Legislative Aide/Communications Specialist

State Representative Jeremy Shaffer | PA House District 28

4411 Gibsonia Road Ste 2 | Gibsonia PA 15044 | 724.939.6265

From: Lawrence, Darryl A. <DLawrence@paoca.org>
Sent: Wednesday, November 19, 2025 10:16 AM
To: Quinn, Marguerite <mquinn@attorneygeneral.gov>; Deborah Eyer <Dever@pahousegop.com>;
Government Affairs Mailbox - Calendar <governmentaffairs@attorneygeneral.gov>; Murphy, Kaitlin
<kmurphy@attorneygeneral.gov>; jerlivings@pa.gov <jerlivings@pa.gov>; jamesdough@pa.gov
<jamesdough@pa.gov>; csheriff@pa.gov <csheriff@pa.gov>; Consumer <Consumer@paoca.org>
Subject: [EXTERNAL]: RE: D. Brudy | Utility Pole issue

You don't often get email from dlawrence@paoca.org. [Learn why this is important](#)

Deborah,

I am forwarding this message to the OCA's Consumer inbox. Someone from our call center will reach out to you for any further information.

Best,



Darryl Lawrence
Consumer Advocate
PA Office of Consumer Advocate
555 Walnut Street, 5th Floor, Forum Place
Harrisburg, PA 17101-1923
717-783-5048
DLawrence@paoca.org



From: Quinn, Marguerite <mquinn@attorneygeneral.gov>
Sent: Wednesday, November 19, 2025 10:07 AM
To: Deborah Eyer <Deyer@pahousegop.com>; Government Affairs Mailbox - Calendar <governmentaffairs@attorneygeneral.gov>; Murphy, Kaitlin <kmurphy@attorneygeneral.gov>; jerlivings@pa.gov; jamesdough@pa.gov; csheriff@pa.gov
Cc: Lawrence, Darryl A. <DLawrence@paoca.org>
Subject: RE: D. Brudy | Utility Pole issue

Hello Deborah,

This is not a situation that the Office of Attorney General would be directly involved in.

I have cc'd Darryl Lawrence, who is Pennsylvania's Consumer Advocate.

His office may be able to help the Brudys.

I hope the situation gets resolved soon.

Regards,

Marguerite

From: Deborah Eyer <Deyer@pahousegop.com>
Sent: Wednesday, November 19, 2025 9:54 AM
To: Government Affairs Mailbox - Calendar <governmentaffairs@attorneygeneral.gov>; Murphy, Kaitlin <kmurphy@attorneygeneral.gov>; Quinn, Marguerite <mquinn@attorneygeneral.gov>; jerlivings@pa.gov; jamesdough@pa.gov; csheriff@pa.gov
Subject: Fw: D. Brudy | Utility Pole issue

Some people who received this message don't often get email from deyer@pahousegop.com. [Learn why this is important](#)

Good morning,

I contacted the Attorney General's office a few weeks ago with the email below and am reaching out again on behalf of our constituent in case it was overlooked. I've added the PUC office to my original email.

Other than the informal complaint, is there anything else either of your offices might be able to help with or suggest for the Brudys?

Regards,
Debbie

Deborah Eyer | District Legislative Aide/Communications Specialist
State Representative Jeremy Shaffer | PA House District 28
4411 Gibsonia Road Ste 2 | Gibsonia PA 15044 | 724.939.6265

From: Deborah Eyer

Sent: Wednesday, October 22, 2025 2:49 PM

To: GovernmentAffairs@attorneygeneral.gov <governmentaffairs@attorneygeneral.gov>

Subject: D. Brudy | Utility Pole issue

Good afternoon,

We received the following email from constituent Dan Brudy (5801 State Rd, Gibsonia PA 15044) in late February after a phone call he made to our office:

"The issue is that new telephone poles were needed to supply the new plan "TRADITIONS OF AMERICA". Along Bakerstown Road. At the request of Duquesne light Consolidated Communications replaced the poles going down Bakerstown Road. One was replaced in front of my house and due to a gas line, it had to be set 8 feet from the original pole. I have underground electric service that I own to my house. This puts me out of code, and I was told by Duquesne light they were going to shut off my power unless repaired. I do not have any names from Duquesne light. I did speak to two people from Consolidated Communications James Calise and Gabe White 724-443-5917, they stated that the pole replacement was the request of DQU light and the placement away from the original pole was due to a gas line. And that new poles were needed because of the new housing plan TRADITIONS OF AMERICA. They both stated that they agree it should not be the homeowner's responsibility.

I think there should have been a contingency plan between DQU light and the developer to allow repairs to be made as work was performed (if necessary) how can the need for new poles to supply a new housing plan fall on the property owner not associated with the new plan??

I would like to discuss further; this is just wrong in every way."

On March 31, Representative Shaffer and I met onsite at the Brudy residence along with a Duquesne Light legal representative, a government affairs representative and a supervisor to better understand the issue. Duquesne Light did some research after that meeting and concluded they were not responsible and suggested we reach out to Consolidated Communications. Their letter is attached.

Mr. Brudy received an estimate for relocating the line (attached) during this time and requested a meeting with Consolidated Communications. The Vice President of Regulatory & Public Policy at CCI was contacted. He explained that he didn't see the need to meet with Mr. Brudy due to the facilities or assets in question were not Consolidated's. (His note is also attached.)

It was suggested that Mr. Brudy file an informal complaint with the PUC but he doesn't want to go down that path for fear of it leading to a formal complaint, requiring a lawyer and potentially costing more than the quote for repairs.

The Brudys are well past frustrated that neither utility is taking responsibility and he remains with an electric service that's out of code.

Is there anything else you might suggest the Brudys do to get a resolution to this situation?

Very kindly,
Debbie

Deborah Eyer | District Legislative Aide/Communications Specialist

State Representative Jeremy Shaffer | PA House District 28

4411 Gibsonia Road Ste 2 | Gibsonia PA 15044 | 724.939.6265

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Daniel Brudy

v.

Duquesne Light Company

:
:
:
:
:
:

Docket No. C-2026-3061378

VERIFICATION

I, Darryl A. Lawrence, hereby state that the facts above set forth the Answer of the Office of Consumer Advocate to Duquesne Light Company's Preliminary Objections to the Complaint of Daniel Brudy are true and correct to the best of my knowledge, information, belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: April 27, 2026

Signature: /s/ Darryl A. Lawrence
Darryl A. Lawrence
Consumer Advocate

Address: 555 Walnut St.,
Harrisburg, PA 17101