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April 29, 2026

**VIA ELECTRONIC FILING**

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

**Re: James Defoggi v. Duquesne Light Company**  
**Docket No. C-2026-3061661**

Dear Secretary Homsher:

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

Respectfully submitted,

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/sar

Enclosures  
CC: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

James Defoggi,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2026-3061661
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

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**NOTICE TO PLEAD**

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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*

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Sophia Al Rasheed  
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Pittsburgh, PA 15219  
Phone: 412-925-9123  
salrasheed@duqlight.com

Date: April 29, 2026

Attorney for Duquesne Light Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

James Defoggi,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2026-3061661
	:	
Duquesne Light Company,	:	
	:	
Respondent.	:	

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**PRELIMINARY OBJECTIONS OF  
DUQUESNE LIGHT COMPANY TO THE COMPLAINT OF  
JAMES DEFOGGI**

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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 James Defoggi (“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 James Defoggi 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 April 6, 2026, Duquesne Light was served with the above-captioned Formal Complaint filed by the Complainant.

3. Duquesne Light Company herein files these Preliminary Objections to the Complaint. For the reasons set forth below, Duquesne Light Company respectfully requests that the Complaint be dismissed in its entirety pursuant to 52 Pa. Code §5.101(a).

## II. LEGAL STANDARD.

4. 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).

5. 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 779 (Pa. Commw. Ct. 2006).

### III. PRELIMINARY OBJECTIONS

#### A. LACK OF COMMISSION JURISDICTION. The Complaint should be dismissed because it alleges violations of the Uniform Commercial Code.

6. Duquesne Light incorporates by reference Paragraphs 1 through 5, *supra*, as though fully set forth herein.

7. According to Paragraph 4 of the Complaint, the Complainant's stated reason for the Complaint is an allegation of a "Formal commercial dispute involving a Perfected Security Interest in Trust assets" and an alleged violation of the violations of Uniform Commercial Code (UCC), § 9-210. (Complaint ¶ 4).

8. Furthermore, the Complainant's requested relief, in part, requests that the Commission "...order the Respondent to provide a verified accounting and the original contract pursuant to UCC § 9-210." (Complaint ¶ 5)

9. As a creature of statute, the PUC 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).

10. The Complainant's requested relief requesting enforcement of the UCC is outside of the jurisdiction of the PUC.

11. Accordingly, the Company respectfully requests that the portions of the Complaint alleging violations of the UCC be dismissed.

**B. Impertinent Matter. The Complainant's requested relief referencing the Complainant's "Trust" should be stricken from the Complaint.**

12. Duquesne Light incorporates by reference Paragraphs 1 through 11, *supra*, as though fully set forth herein.

13. The Complainant's request for relief, in part, requests "an Emergency Stay... to protect Trust assets." (Complaint ¶ 5)

14. The Complaint further requests "all collection activity must be stayed until the Respondent provides a point-by-point rebuttal to the Forensic Audit served via Certified Mail..." and "enforcement of the Administrative Fee Schedule for any unauthorized interference with the Trust's perfected security interest." *Id.*

15. The entirety of Complainant's requested relief in Paragraph 5 of the Complaint is scandalous and impertinent matter.

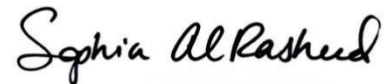
16. Accordingly, the Company respectfully requests that Paragraph 5 of the Complaint be stricken from the Complaint.

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I. **CONCLUSION**

WHEREFORE, Duquesne Light Company respectfully requests that the Pennsylvania Public Utility Commission grant these Preliminary Objections and dismiss the Complaint against the Company with prejudice.

Respectfully submitted,



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

Date: April 29, 2026

Attorney for Duquesne Light Company

**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 CLASS MAIL**

James Defoggi  
103 Shanor Drive  
New Brighton, PA 15066  
Jcdefoggi1@comcast.net

Date: April 29, 2026

*Sophia Al Rasheed*

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Sophia Al Rasheed