

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

JAMES SAMUEL DEFOGGI,

Trustee for the Defoggi Family

Irrevocable Living Trust,

Complainant,

v.

Docket No. C-2026-3061661

DUQUESNE LIGHT COMPANY,

Respondent.

COMPLAINANT'S FORMAL NOTICE OF ADMINISTRATIVE DEFAULT

(FAILURE TO COMPLY WITH MANDATORY STATEMENT OF ACCOUNT UNDER
13 Pa. C.S. § 9210)

NOTICE TO AGENT IS NOTICE TO PRINCIPAL; NOTICE TO PRINCIPAL IS
NOTICE TO AGENT.

NOW COMES Complainant, James Samuel Defoggi, Lawful Trustee for the Defoggi Family Irrevocable Living Trust (the "Trustee"), appearing specially in his fiduciary capacity and not individually, to place this Formal Notice of Administrative Default on the face of the public record against Respondent, Duquesne Light Company. In support thereof, the Trustee states the following administrative facts:

1. **Authenticated Record Served:** On April 24, 2026, the Trustee served a formal *Request Regarding a Statement of Account* upon Respondent's Chief Financial Officer via verified administrative channels. This Request constituted an authenticated record explicitly governed by Pennsylvania's Commercial Code under **13 Pa. C.S. § 9210**.
2. **Mandatory 14-Day Statutory Window:** Pursuant to **13 Pa. C.S. § 9210(d)**, Respondent had a mandatory statutory duty to comply with and respond to said accounting request within fourteen (14) days of receipt, making Respondent's absolute deadline to dispute, correct, or respond to the record **May 8, 2026**.
3. **Failure to Respond / Total Default:** Respondent completely failed to provide the requested accounting, failed to timely object, and failed to dispute the verified balance of \$0.00 stated therein on or before the May 8, 2026 statutory deadline.

4. **Operation of Law as an Admission:** Pursuant to the explicit terms of the served Administrative Record and established Pennsylvania commercial law, Respondent's failure to timely respond within the statutory window constitutes an irreversible administrative default and a binding admission of the facts presented.
5. **Mutual Operation of Accrual Accounting Method:** By virtue of this default under Pennsylvania Commercial Code, Respondent has legally admitted that under the mandatory **accrual accounting method** governing both the Trust estate and large-scale corporate utilities, the subject account ledger was recognized as zeroed out at its inception, establishing that the true and verified balance of Account No. _____ is **\$0.00**. Consequently, Respondent's attempts to split the ledger or apply transaction-based cash consumer collection scripts are completely moot, factually bankrupt, and a fraud upon this tribunal.
6. **Defiance of Higher Judicial Record:** Respondent's continuous failure to update its internal accounts stems from a deliberate refusal to recognize the Complainant's true fiduciary capacity as Lawful Trustee. This refusal is maintained in direct defiance of the public record, as the Complainant's status as Trustee has already been formally recognized and established on the public docket by the **Commonwealth Court of Pennsylvania**. Respondent completely lacks the administrative or corporate authority to disregard a higher judicial determination.
7. **Lawful Assignment to the Trust Estate:** Respondent's insistence on executing consumer collection scripts ignores the definitive chain of title regarding the subject account. The account has been formally, legally assigned directly to the Defoggi Family Irrevocable Living Trust via a **notarized assignment**. Respondent has no legal standing

to bypass the Trust, ignore the assignment, or enforce individual consumer collection rules against property belonging strictly to a private trust estate.

WHEREFORE, the Trustee respectfully requests that the presiding Administrative Law Judge recognize the absolute statutory default of the Respondent under **13 Pa. C.S. § 9210(d)**, recognize the lawful status and assignment of the Trust estate, strike Respondent's obsolete accounting ledgers, and enter an Order finalizing the account balance at \$0.00 in accordance with the perfected administrative record.

Respectfully submitted,

Date: May 27, 2026

By:  Trustee

James Samuel Defoggi, Trustee

Defoggi Family Irrevocable Living Trust

103 Shanor Drive

New Brighton, Pennsylvania 15066

VERIFICATION

I, James Samuel Defoggi, Trustee, hereby state under penalty of perjury under the laws of the United States of America and the Commonwealth of Pennsylvania that the facts set forth in the foregoing Formal Notice of Administrative Default are true and correct to the best of my personal knowledge, information, and belief.

Date: May 27, 2026

By:  TRUSTEE

James Samuel Defoggi, Trustee

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* and the rules of the Pennsylvania Public Utility Commission (52 Pa. Code § 1.36) that require governing the protection of confidential or sensitive information.

The document does not contain information requiring confidentiality or specialized sealing under the policy, and is submitted strictly in accordance with the public filing regulations of the Commonwealth of Pennsylvania.

Date: May 27, 2026

By:  TRUSTEE

James Samuel Defoggi, Trustee

Defoggi Family Irrevocable Living Trust

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Formal Notice of Administrative Default has been served upon the Respondent via the PA PUC electronic filing portal, and additionally served via direct electronic mail to the designated legal counsel of record for Duquesne Light Company as follows:

Sophia Al Rasheed, Esq.

Regulatory Counsel IV, Regulatory Law

Duquesne Light Company

411 Seventh Ave., Mail Drop 15-7

Pittsburgh, Pennsylvania 15219

Counsel Electronic Mail: salrasheed@duqlight.com

Date: May 27, 2026

By:

 TRUSTEE

James Samuel Defoggi, Trustee