Via electronic service only due to Emergency Order at M-2020-3019262

**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, Bureau :

Of Investigation & Enforcement : :

v. : C-2019-3011675

:

Metropolitan Edison Company :

**SECOND CORRECTED INTERIM ORDER**

**SETTING LITIGATION SCHEDULE**

On July 22, 2019, the Bureau of Investigation and Enforcement (BIE) filed a Formal Complaint against Metropolitan-Edison Company (Met-Ed), alleging that Met-Ed violated certain provisions of the Public Utility Code, regulations and National Electric Safety Code related to the company’s installation and/or maintenance of certain facilities. BIE alleges that Met-Ed’s failure to properly maintain its facilities caused an electricity line to fall to the ground and resulted in a fatal electrocution and property damage on July 26, 2016, in Easton, Pennsylvania. As relief BIE seeks civil penalties in the amount of $4,533,000 and numerous corrective measures.

Met-Ed filed an Answer and New Matter along with Preliminary Objections on October 31, 2019.[[1]](#footnote-1) Met-Ed denies the material allegations of the Complaint and raises affirmative defenses in its New Matter. BIE filed a response to the Preliminary Objections and Answer to the New Matter on November 20, 2019.[[2]](#footnote-2)

By notice dated January 9, 2020, this matter was assigned to me and scheduled for a prehearing conference on March 3, 2020. An Interim Order dismissing the Preliminary Objections was issued on January 16, 2020.

By letter dated February 26, 2020, Met-Ed requested a 60-day continuance of the March 3, 2020 prehearing conference. A further continuance was jointly requested by the parties on April 27, 2020. By notice dated April 27, 2020, the prehearing conference was rescheduled for June 10, 2020. Both parties timely filed prehearing memoranda.

A prehearing conference convened as scheduled on June 10, 2020. Attorneys Kourtney Myers and Kayla Rost appeared on behalf of BIE. Attorneys Tori Giesler and Garrett Lent appeared on behalf of Met-Ed. The parties reported that although settlement discussions were ongoing, they were unable to agree on a litigation schedule. The parties were directed to provide a Status Report and proposed litigation schedule on or before July 3, 2020.

THEREFORE,

IT IS ORDERED

1. That the parties shall file a joint updated Status Report regarding the status of their settlement discussions on or before August 3, 2020.

2. That discovery shall be **completed** no later than **December 15, 2020**. **All motions to compel must contain a certification of counsel of the informal discovery undertaken and their efforts to resolve their discovery disputes informally.**

3. The parties have agreed to the following litigation schedule:

|  |  |
| --- | --- |
| Date | Event |
| October 9, 2020 | Written Direct Testimony Due In-Hand |
| November 13, 2020 | Written Rebuttal Testimony Due In-Hand |
| December 9, 2020 | Written Surrebuttal Testimony Due In-Hand |
| **December 15-17, 2020** | **Telephonic Evidentiary Hearings and oral rejoinder** |

The parties are reminded of the Commission’s requirements for the preparation and filing of written testimony. 52 Pa.Code §§ 5.412 and 5.412a. Written testimony must be accompanied by all exhibits to which it relates. Technical terms and concepts are to be clearly defined and explained in the testimonies and briefs. **No written testimony will be admitted into evidence unless accompanied by a verification or affidavit of the witness**.

Parties serving prepared testimony in proceedings pending before the Commission pursuant to 52 Pa.Code § 5.412(f) shall be required, within thirty (30) days after the final hearing in an adjudicatory proceeding to either eFile with or provide to the Secretary’s Bureau a Compact Disc (CD) containing all testimony furnished to the court reporter during the proceeding, consistent 52 Pa.Code § 5.412a.

The above-stated dates are in-hand dates for service on the parties and the presiding Administrative Law Judge (ALJ). All service of documents shall be in electronic form so long as the subject email is received by the date due. **Until further notice, there is no requirement to follow electronic service by sending a hard copy of the same material via first-class mail postage prepaid to the parties designated on the Service List or by express mail service.** The email addresses of the presiding ALJ is: [malong@pa.gov](mailto:malong@pa.gov).

4. That any provisions of this prehearing order may be modified upon motion and good cause shown by any party.

Date: July 7, 2020 /s/

Mary D. Long

Administrative Law Judge

**C-2019-3011675 - PA PUC, BUREAU of INVESTIGATION & ENFORCEMENT V. METROPOLITAN EDISON COMPANY**

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1. By Secretarial Letter dated August 16, 2019, Met-Ed was granted an extension of time to file its answer.  
    [↑](#footnote-ref-1)
2. By Secretarial Letter dated November 12, 2019, BIE was granted an extension of time to file its response. [↑](#footnote-ref-2)