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 :

**INTERIM ORDER**

**SUSPENDING 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 denied the material allegations of the Complaint and raised 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.

After further discussion, the parties agreed to a litigation schedule which provided for the filing of written testimony and evidentiary hearings to be held December 15-17, 2020. The proposed schedule was approved by Interim Order dated July 7, 2020.

By email dated September 14, 2020, the parties notified me that they had reached an agreement in principle and requested the suspension of the litigation schedule and the cancellation of the December hearings. The parties proposed to file a joint petition for settlement no later than October 23, 2020.

THEREFORE,

IT IS ORDERED

1. That the parties request to suspend the litigation schedule set forth in the Interim Order dated July 7, 2020 is granted.

2. That the evidentiary hearings scheduled for December 15-17, 2020, shall be cancelled.

3. That the parties shall file a joint petition for settlement and statements in support of the settlement on or before October 23, 2020.

4. That the joint petition for settlement shall include a stipulation of facts in support of the agreed upon settlement terms.

5. That the statements in support of the settlement shall include a discussion of the civil penalty factors set forth in 52 Pa.Code § 69.1201. If the settlement agreement does not provide for the payment of a civil penalty, the parties shall explain why a penalty is not recommended or appropriate. The statements in support should also include a detailed discussion of why the settlement terms are in the public interest beyond the saving of litigation costs and conservation of judicial resources.

Date: September 16, 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)