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September 25, 2009

VIA Electronic Filing

James J. McNulty, Secretary
PA Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Eugene Kist v. Pennsylvania Electric Company
Docket No. C-2009- 2112761

Dear Secretary McNulty:

Enclosed for filing is the original Motion to Permit Appearance of Parties at Evidentiary Hearing via Telephone, on behalf of Pennsylvania Electric Company for filing in the referenced docket. A copy has been e-filed at the Commission web-site. Copies have been served in accordance with the enclosed Certificate of Service.

If you have any questions, please feel free to contact me.

Very truly yours,

STEVENS & LEE



Judith D. Cassel

Enclosures

cc: Mark A. Hoyer, Administrative Law Judge
Certificate of Service

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster • Scranton
Williamsport • Wilkes-Barre • Princeton • Cherry Hill • New York • Wilmington

A PROFESSIONAL CORPORATION

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EUGENE KIST	:	
Complainant	:	
	:	
v.	:	Case No. C-2009-2112761
	:	
PENNSYLVANIA ELECTRIC COMPANY	:	
Respondent	:	

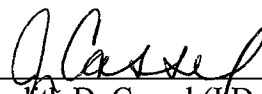
NOTICE TO PLEAD

To: *Eugene Kist.*

You are hereby notified to file a written response to the attached Motion to Permit Appearance of Parties at Evidentiary Hearing Via Telephone, of the Pennsylvania Electric Company, within twenty (20) days from service. All pleadings, such as answers to motions, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel for Pennsylvania Electric Company.

Respectfully submitted,

STEVENS & LEE



Judith D. Cassel (I.D. No. 20939)
Michael A. Gruin (I.D. No. 78625)
17 N. 2nd St., 16th Floor
Harrisburg, PA 17101
Tel. (717) 255-7382
Fax (610) 371-1238

COUNSEL FOR:
Pennsylvania Electric Company

DATE: September 25, 2009

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EUGENE KIST	:	
Complainant	:	
	:	
v.	:	Docket No. C-2009-2112761
	:	
PENNSYLVANIA ELECTRIC COMPANY	:	
Respondent	:	

**MOTION TO PERMIT APPEARANCE OF PARTIES AT EVIDENTIARY
HEARING VIA TELEPHONE**

1. Pennsylvania Electric Company (“PENELEC”) was served with a formal Complaint (“Complaint”) from Eugene Kist (“Complainant”), at Docket No. C-2009-2112761.

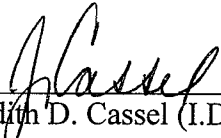
2. In the Complaint the Complainant raised the following issues: that PENELEC did not immediately terminate electric service at Complainant’s rental property upon notice, given by Complainant on October 29, 2007 and that PENELEC transferred the charge, for usage during the following seven day period between notice and termination, to the Complainant’s account.

3. PENELEC filed an Answer and New Matter to the Complaint whereby PENELEC states that due to a service contract between Complainant and PENELEC, service was established in Complainant’s name, October 24, 2007, when the Complainant’s renter moved out, and that PENELEC acted in accordance with 52 Pa. Code § 56.16.

4. An In-person hearing has been scheduled in this matter before Administrative Law Judge Mark A. Hoyer for Thursday, October 8, 2009.
5. The various allegations raised by the Complainant, will require at least three (3) separate PENELEC witnesses to provide responses.
6. All three (3) witnesses work out of the First Energy offices in Reading Pennsylvania.
7. The drive time from Reading Pennsylvania to Pittsburgh is approximately four and one half (4 ½) hours.
8. It is expected that each witness' testimony will last no more than ten (10) to fifteen (15) minutes.
9. The Commission routinely conducts consumer complaint hearings by telephone.
10. Pursuant to 52 Pa. Code § 5.81 a "presiding officer may make orders concerning the conduct of the proceeding as may avoid unnecessary costs or delay."
11. Therefore, to avoid undue burden and expense, PENELEC requests permission to appear at the evidentiary hearing via telephone.
12. If PENELEC is permitted to appear at the hearing via telephone, PENELEC will provide copies of all exhibits to the ALJ and Complainant, one week prior to the hearing.

WHEREFORE, for all of the reasons stated herein, PENELEC respectfully requests permission to appear at the evidentiary hearing via telephone.

Respectfully submitted,



Judith D. Cassel (I.D. No. 209393)
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Counsel for Pennsylvania Electric Company

Dated: September 25, 2009

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

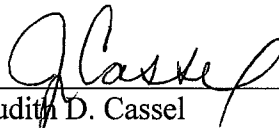
EUGENE KIST	:	
Complainant	:	
	:	
v.	:	Docket No. C-2009-2112761
	:	
PENNSYLVANIA ELECTRIC COMPANY	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Via Federal Express

Eugene Kist
332 Chickoree Hill Road
Vintondale, PA 15961



Judith D. Cassel

DATED: September 25, 2009