

RYAN, RUSSELL, OGDEN & SELTZER
A PROFESSIONAL CORPORATION

SUITE 101
800 NORTH THIRD STREET
HARRISBURG, PENNSYLVANIA 17102-2025

TELEPHONE: 717-236-7714
FACSIMILE: 717-236-7816
WWW.RYANRUSSELL.COM

WYOMISSING OFFICE

SUITE 210
1150 BERKSHIRE BOULEVARD
WYOMISSING, PENNSYLVANIA
19610-1208
TELEPHONE: 610-372-4761
FACSIMILE: 610-372-4177

July 13, 2010

VIA E-FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Robert Van Orden

v.

Metropolitan Edison Company, Docket No. C-2010-2183122

Dear Secretary Chiavetta:

Attached are the Preliminary Objections of Metropolitan Edison Company to the Complaint of Robert Van Orden in the above-captioned proceeding. Copies have been served in accordance with the attached Certificate of Service.

Very truly yours,



Matthew A. Totino

Enclosures

MAT:ck

c: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ROBERT VAN ORDEN

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2010-2183122

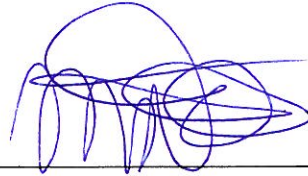
NOTICE TO PLEAD

TO: Robert Van Orden
5038 Lincoln Highway
Thomasville, Pennsylvania 17364

You are hereby notified that Metropolitan Edison Company has filed Preliminary Objections to the above-captioned Complaint. Pursuant to 52 Pa. Code §§ 5.61 and 5.101, you are hereby notified that if the Preliminary Objections are granted, your Complaint may be dismissed, in whole or in part.

All pleadings such as an Answer to Preliminary Objections or an Amended Complaint must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served on the undersigned counsel.

Dated: July 13, 2010



Matthew A. Totino
RYAN, RUSSELL, OGDEN & SELTZER P.C.
800 North Third Street, Suite 101
Harrisburg, Pennsylvania 17102-2025
(717) 236-7714

Attorneys for Metropolitan Edison Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ROBERT VAN ORDEN

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2010-2183122

**PRELIMINARY OBJECTIONS OF METROPOLITAN EDISON COMPANY TO
DISMISS THE COMPLAINT OF ROBERT VAN ORDEN**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Metropolitan Edison Company (“Met-Ed” or the “Company”), by and through its counsel, Matthew A. Totino, John F. Povilaitis and Ryan, Russell, Ogden & Seltzer P.C., files these Preliminary Objections, pursuant to Section 5.101(a)(3) of this Commission’s regulations, 52 Pa. Code § 5.101(a). In support, Met-Ed avers as follows:

I. Introduction

1. Complainant has not plead with sufficient specificity as to the alleged incorrect charges appearing on his electric bill and has not made a request for relief related to such charges. Neither has Complainant plead with sufficient specificity regarding the termination notice that is a subject of the Complaint. As a result, Met-Ed does not have sufficient notice as to the nature of the allegations against it related to the alleged improper billing and proposed termination and cannot adequately respond. Therefore, the Preliminary Objections should be granted dismissing any allegations regarding the proposed termination and any allegations that there are improper charges on Complainant's electric bill, unless Complainant files an amended Complaint that is plead with sufficient specificity on these issues within 20 days of the date of any order adjudicating these Preliminary Objections.

2. The sole prayer for the relief contained in the Complaint – a request for a payment agreement – should be dismissed as legally insufficient because the Commission does not have the authority to grant the requested relief. As an enrollee in Met-Ed's Pennsylvania Customer Assistance Program, Complainant is not eligible under the Public Utility Code for another payment agreement. Therefore, Complainant's request for another payment agreement should be dismissed as a matter of law with prejudice.

II. Factual Background

3. Met-Ed is an Electric Distribution Company that is certificated as a public utility in Pennsylvania.

4. On or about June 21, 2010, Complainant filed a Formal Complaint against Met-Ed at the above-captioned docket. The Complaint contains three broad general allegations: (i) that there are incorrect charges on Complainant's electric bill; (ii) that Complainant has received a notice his electric service is being terminated and (iii) that Complainant is entitled to a payment agreement. The Complaint does not contain any prayer for relief related to the termination or billing issues.

5. On or about June 23, 2010, the Complaint was served on Met-Ed.

6. Met-Ed has filed its Answer and New Matter simultaneously with this pleading.

III. Discussion

- A. **The allegations in the Complaint concerning proposed termination of service and regarding incorrect charges on Complainant's bill are not plead with sufficient specificity and should be dismissed as a matter of law.**

7. The Commission's regulations require that a Complaint must, at a minimum, contain a clear and concise statement of the act or omission being complained of and must contain a clear and concise statement of the relief being sought. 52 Pa. Code §§ 5.22(a)(5),(6).

8. Moreover, it is fundamental under Pennsylvania law that where allegations in a complaint are unclear and unspecific and do not allow a party to adequately prepare a defense, a more specific pleading is necessary.

9. Here, Complainant has failed to plead a clear statement of the specific acts or omissions being complained of and serving as the basis of the alleged incorrect charges. For example, Complainant has failed to specify the exact bills that are in dispute or specific billing amounts that are in dispute. Rather, upon review of paragraphs 4 and 5, all the Complaint contains is a vague, general allegation that there are incorrect charges on Complainant's electric bill without any supporting facts or details that would enable Met-Ed to provide a meaningful response.

10. Complainant also has failed to plead a clear statement of the specific acts or omissions being complained of in relation to the termination notice that Complainant alleges was issued to him. For example, Complainant has failed to identify a specific notice and has failed to identify any amounts in dispute related to any such notice. Rather, upon review of paragraphs 4 and 5, all the Complaint contains is a vague, general

allegation that Complainant received a termination notice without any supporting facts or details that would enable Met-Ed to provide a meaningful response.

11. Neither does the Complaint contain a clear and concise prayer for relief related to the alleged improper billing and proposed termination.

12. Indeed, the Complaint lacks sufficient specificity to apprise Met-Ed of the issues to be litigated against it regarding the alleged improper billing and proposed termination and to allow the Company to adequately prepare and assert defenses. Without a more specific pleading, Met-Ed cannot adequately respond to these allegations and will be prejudiced and limited in its ability to defend itself in this action.

13. Accordingly, Complainant should be ordered to file a more specific pleading within no more than 20 days of any order adjudicating these Preliminary Objections, or the allegations surrounding the proposed termination of service and alleged incorrect charges on Complainant's bill should be dismissed with prejudice.

B. Complainant's request for a payment agreement should be dismissed as a matter of law.

14. Complainant is enrolled in Met-Ed's Pennsylvania Customer Assistance Program ("PCAP"), which provides financial assistance to the Company's low-income, payment-troubled customers.

15. Section 1405(c) of the Public Utility Code, 66 Pa. C.S. § 1405(c) provides the following restriction applicable to PCAP enrollees relative to payment agreements:

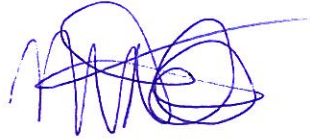
"(c) Customer assistance programs.-- Customer assistance program rates shall be timely paid and shall not be the subject of payment agreements negotiated or approved by the commission."

16. Thus, as a PCAP enrollee, Complainant is not entitled to a payment agreement, and the Commission does not have the authority to grant the requested relief. Hence, the sole prayer for the relief in the Complaint – a request for a payment agreement – is legally insufficient in that it cannot be granted by the Commission and should be dismissed with prejudice.

IV. Conclusion

WHEREFORE, for the foregoing reasons, the Metropolitan Edison Company respectfully requests that the Commission grant its Preliminary Objections and grant any other relief as may be lawful, just and reasonable under the circumstances.

Respectfully Submitted,



Dated: July 13, 2010

Matthew A. Totino
John F. Povilaitis
RYAN, RUSSELL, OGDEN & SELTZER P.C.
800 North Third Street, Suite 101
Harrisburg, Pennsylvania 17102-2025
(717) 236-7714
(717) 236-7816 (fax)

Attorneys for Metropolitan Edison Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ROBERT VAN ORDEN :
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 v. : Docket No. C-2010-2183122
 :
 METROPOLITAN EDISON COMPANY :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the relevant document(s) on behalf of Metropolitan Edison Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by First Class Mail, postage prepaid, addressed as follows:

Robert Van Orden
5038 Lincoln Highway
Thomasville, Pennsylvania 17364

Bradley A. Bingaman, Esquire
Pennsylvania Electric Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001

Dated: July 13, 2010



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John F. Povilaitis
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