

Bridgid M. Good
610 372 4761
bridgid.good@bipc.com

1150 Berkshire Blvd., Suite 210
Wyomissing, PA 19610-1208
T 610 372 4761
www.buchananingersoll.com

May 16, 2011

VIA UPS

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

Re: Albert Brown v. Metropolitan Edison Company
Docket No. F-2010-2174621
Zondra Spence v. Metropolitan Edison Company
Docket No. C-2011-2237566

Dear Secretary Chiavetta:

Enclosed please find an original and three (3) copies of an Answer and New Matter, Motion to Consolidate Proceedings, and Notices to Plead on behalf of Metropolitan Edison Company in the above-captioned proceeding. Copies have been served in accordance with the attached Certificate of Service.

Very truly yours,



Bridgid M. Good

BMG/lds
0078977-000040
Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ALBERT BROWN :
Complainant :
v. : Docket No. F-2010-2174621
METROPOLITAN EDISON COMPANY :
Respondent :

ZONDRA SPENCE :
Complainant :
v. : Docket No. C-2011-2237566
METROPOLITAN EDISON COMPANY :
Respondent :

TO: Zondra Spence :
251 Wickes Road :
Bushkill, Pennsylvania 18324 :

Albert Brown :
3208 Windermere Drive :
Bushkill, Pennsylvania 18324 :

RECEIVED

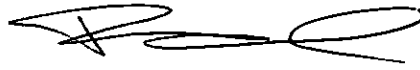
MAY 16 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

NOTICE TO PLEAD

You are hereby notified that, if you do not file a written response to the enclosed Motion to Consolidate Proceedings within twenty (20) days from service of this notice, the facts set forth by Metropolitan Edison Company in the Motion to Consolidate Proceedings may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Response to the enclosed Motion to Consolidate Proceedings, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with copies served on all other parties to this proceeding. Failure to respond to the Motion to Consolidate Proceedings could result in the dismissal of your case.

Dated: May 16, 2011



Bridgid M. Good
Jeffrey A. Franklin
BUCHANAN INGERSOLL & ROONEY PC
(formerly Ryan, Russell, Ogden & Seltzer P.C.)
1150 Berkshire Boulevard, Suite 210
Wyomissing, PA 19610-1208
(610) 372-4761

Counsel for Metropolitan Edison Company

RECEIVED

MAY 10 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ALBERT BROWN	:	
Complainant	:	
v.	:	Docket No. F-2010-2174621
	:	
METROPOLITAN EDISON COMPANY	:	
Respondent	:	

ZONDRA SPENCE	:	
Complainant	:	
v.	:	Docket No. C-2011-2237566
	:	
METROPOLITAN EDISON COMPANY	:	
Respondent	:	

MOTION OF METROPOLITAN EDISON COMPANY TO CONSOLIDATE PROCEEDINGS

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, Metropolitan Edison Company ("Met-Ed" or the "Company"), by and through its counsel, Bridgid M. Good, Jeffrey A. Franklin, and Buchanan Ingersoll & Rooney PC, hereby files the following Motion to Consolidate Proceedings, pursuant to this Commission's regulations at 52 Pa. Code § 5.81, and in connection therewith states as follows:

INTRODUCTION

1. On or about May 7, 2010, Met-Ed was served with the Formal Complaint of Albert Brown ("Mr. Brown") at Docket Number, F-2010-2174621 ("Brown Complaint") regarding the service location of 3208 Windermere Drive, Bushkill, Pennsylvania ("Service Location"), Account No. 100055327934 ("Account").

2. On or about April 25, 2011, Met-Ed was served with the Formal Complaint of Zondra Spence ("Mr. Spence") at Docket No. C-2011-2237566 ("Spence Complaint") regarding the Service Location.

3. Met-Ed requests that this Commission (i) grant Met-Ed's Motion to Consolidate the two above-referenced docket numbers into one proceeding for hearing and further disposition and (ii) change the currently scheduled hearing date of June 2, 2011 for the Brown Complaint into a telephonic prehearing conference to discuss how to address the litigation of these complaints¹.

FACTUAL BACKGROUND

4. The Brown Complaint was served on Met-Ed on or about May 7, 2010 alleging (i) unusually high bills at the Service Location for the past several years and (ii) unreasonable service to the Service Location during an electric service outage on March 16, 2010. Please note that Zondra Spence is listed in this Complaint related to the May 16, 2010 outage.

5. On May 27, 2010, Met-Ed filed a timely Answer and New Matter to the Brown Complaint.

6. The Spence Complaint was served on Met-Ed on or about April 25, 2011 alleging that Ms. Spence (i) wants electric service at the Service Location in her name; (ii) does not want to pay the security deposit requested by the Company; and (iii) is willing to assume \$2,500.00 of the outstanding account arrearage on the Account for the Service Location since she has lived at the Service Location for the past few years.

¹ The Brown Complaint is currently scheduled for an in-person hearing in Scranton before Administrative Law Judge Ember S. Jandebaur on June 2, 2011.

7. Met-Ed is filing its Answer and New Matter to the Spence Complaint, denying the material allegations therein, contemporaneously with this Motion.

8. Ms. Spence filed an Informal Complaint with the Commission's Bureau of Consumer Services ("BCS"), Case No. 2784682, on January 12, 2011. The BCS issued a decision on March 3, 2011 dismissing the Informal Complaint and finding that (i) the Complainant is equally responsible for the outstanding balance on the Account at the Service Location because she benefited from it; (ii) the Company is authorized to collect a security deposit; (iii) a prior Commission payment arrangement was not satisfied; and (iv) the Complainant may be eligible for the Pennsylvania Customer Assistance Program. A copy of the BCS decision is attached to Met-Ed's Answer and New Matter as Exhibit 1.

ARGUMENT

A. **Consolidation of the Brown Complaint and the Spence Complaint is Reasonable and Appropriate.**

9. Met-Ed believes that it is appropriate for the Commission to consolidate the above-referenced proceedings for hearing and decision.

10. The regulations at 52 Pa. Code § 5.81 allow this Commission or the presiding officer to order the consolidation of proceedings "involving a common question of law or fact." Consolidation of proceedings furthers judicial economy and avoids needless duplication of litigation or contrary decisions.

11. The Brown Complaint and the Spence Complaint deal with the outstanding balance on the same Account and electric service to the same Service Location. Indeed, Ms. Spence is (i) named in the Brown Complaint; (ii) her financial information has been attached to this Account since July 2008; and (iii) she has been listed in the Company records as a contact on the Account since July 2008.

12. The Commission has significant discretion in deciding a Motion to Consolidate Proceedings. Consolidation of these proceedings will avoid the need for two separate Administrative Law Judges, separate hearings, participation of counsel in two separate proceedings, and duplication of witnesses, discovery, testimony and cross-examination. Moreover, consolidation of these proceedings will avoid potentially inconsistent decisions as a result of their separate treatment in different proceedings, which ultimately may require Commission resolution. Basic principles of judicial economy, the avoidance of needless duplication of litigation, and a desire to save resources all support consolidation of these proceedings.

13. Since the Brown Complaint and the Spence Complaint deal with the outstanding balance on the same Account and electric service to the same Service Location, it promotes judicial economy and needless duplication of proceedings to consolidate these matters.

CONCLUSION

14. For the foregoing reasons, Met-Ed requests this Commission to (i) consolidate the above-referenced proceedings for hearing and decision and (ii) change the currently scheduled hearing date of June 2, 2011 for the Brown Complaint into a telephonic prehearing conference to discuss how to address the litigation of these complaints

WHEREFORE, Metropolitan Edison Company hereby requests that this Commission grant the foregoing Motion to Consolidate Proceedings and grant the Company such other relief as may be just and reasonable under the circumstances.

Respectfully submitted,

Dated: May 16, 2011



Bridgid M. Good, Esquire
Jeffrey A. Franklin, Esquire
BUCHANAN INGERSOLL & ROONEY PC
1150 Berkshire Boulevard, Suite 210
Wyomissing, Pennsylvania 19610-1208
(610) 372-4761

Attorneys for
Metropolitan Edison Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ALBERT BROWN :
Complainant :
v. : Docket No. F-2010-2174621
:
METROPOLITAN EDISON COMPANY :
Respondent :

ZONDRA SPENCE :
Complainant :
v. : Docket No. C-2011-2237566
:
METROPOLITAN EDISON COMPANY :
Respondent :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Answer and New Matter, Motion to Consolidate Proceedings, and Notices to Plead 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:

Albert Brown
3208 Windermere Drive
Bushkill, Pennsylvania 18324

Zondra Spence
251 Wickes Road
Bushkill, Pennsylvania 18324

Judge Ember S. Jandebaur
Pennsylvania Public Utility Commission
317 State Office Building
100 Lackawanna Ave.
Scranton, PA 18503

Dated: May 16, 2011



Bridgid M. Good
BUCHANAN INGERSOLL & ROONEY PC
1150 Berkshire Boulevard, Suite 210
Wyomissing, PA 19610-1208
Telephone: (610) 372-4761

Attorneys for
Metropolitan Edison Company