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March 14, 2014

Rosemary Chiavetta, Secretary  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg PA 17105-3265

Re: Martin P. Baronner (represented by Utility  
Workers Union of America Branch 180 - System  
Local 102 v. Pennsylvania Electric Company  
Docket No. C-2014-2404307

Dear Secretary Chiavetta:

Enclosed for filing please find the Answer of Complainant to New Matter in the above-referenced proceeding. The document was served on all parties of record as shown on the attached Certificate of Service.

The document was filed electronically with the Commission on this date.

Sincerely,



Enclosure

cc: All parties of record  
Katrina L. Dunderdale, Administrative Law Judge

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Martin P. Baronner (represented by Utility	:	
Workers Union of America Branch 180 -	:	
System Local 102), Complainant	:	
	:	
v.	:	Docket No. C-2014-2404307
	:	
Pennsylvania Electric Company,	:	
Respondent	:	

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ANSWER OF COMPLAINANT TO NEW MATTER

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Pursuant to 52 Pa. Code § 5.63, Martin P. Baronner (represented by Utility Workers Union of America Branch 180 - System Local 102) (“Complainant”) hereby provides the following Answer to New Matter filed by Pennsylvania Electric Company ("Company") on February 26, 2014.

25-37. These paragraphs improperly plead lack of standing as new matter. Lack of standing is properly raised in preliminary objections. 52 Pa. Code § 5.101(a)(7). Company has raised this issue in its Preliminary Objections to which Complainant responded on March 10, 2014.

38-44. These paragraphs allege that Complainant is attempting to represent other customers in a class action. This is improperly pleading the legal insufficiency of the complaint and the lack of Complainant's capacity to sue as new matter. Legal insufficiency and lack of capacity to sue are properly raised in preliminary objections. 52 Pa. Code §§ 5.101(a)(4) and 5.101(a)(5). Company has raised this issue in its Preliminary Objections to which Complainant responded on March 10, 2014.

45-56. These paragraphs improperly plead lack of standing as new matter. Lack of standing is properly raised in preliminary objections. 52 Pa. Code § 5.101(a)(7). Company has raised this issue in its Preliminary Objections to which Complainant responded on March 10, 2014.

57-63. These paragraphs improperly plead lack of Commission jurisdiction as to the requested relief as new matter. Lack of jurisdiction is properly raised in preliminary objections. 52 Pa. Code § 5.101(a)(1). Company has raised this issue in its Preliminary Objections to which Complainant responded on March 10, 2014.

WHEREFORE, for the reasons set forth above and in Complainant's Answer to Preliminary Objections, Complaint respectfully requests the Commission to dismiss Company's objections and permit this proceeding to move forward to discovery and hearings.

Respectfully submitted,



Scott J. Rubin  
Counsel for Complainant

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Dated: March 14, 2014

**CERTIFICATE OF SERVICE**

I hereby certify that I have caused to be served this day a true copy of Answer of Complainant to New Matter upon the parties listed below by electronic mail and U.S. mail, first-class, postage prepaid, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

John F. Povilaitis / Alan Michael Seltzer  
Brian C. Wauhop  
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brian.wauhop@bipc.com

Dated: March 14, 2014

  
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Scott J. Rubin  
*Counsel for Complainant*