

May 13, 2014

Via Electronic Filing

Rosemary Chiavetta, Esquire
Secretary
PA Public Utility Commission
Commonwealth Keystone Building, 2 North
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Docket No. C-2014-2417835
E. McCauley v. Pennsylvania Electric Company
Preliminary Objections of Penelec**

Dear Secretary Chiavetta:

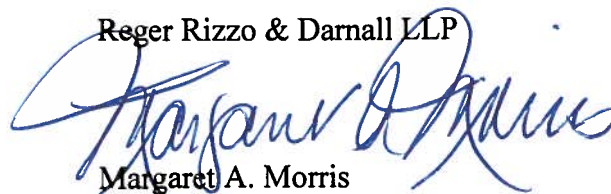
Enclosed for filing, please find the Preliminary Objections of Pennsylvania Electric Company ("Penelec") to the Complaint filed by E. McCauley in the above-captioned proceeding.

As indicated on the Certificate of Service, a copy of the Preliminary Objections has been provided to the Complainant in the manner indicated.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/mdh
Enclosure

cc: Lauren Lepkoski, Esquire, FirstEnergy Service Company [w/enc.]
E. McCauley [w/enc.]

**Re: Docket No. C-2014-2417835
E. McCauley v. Pennsylvania Electric Company
Preliminary Objections of Penelec**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

Via First Class Mail

E. McCauley
2550 State Route 49
Westfield, PA 16950

Dated: May 13, 2014



Margaret A. Morris, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

E. MC CAULEY, :
 :
 :
 v. :
 : **Docket No. C-2014-2417835**
PENNSYLVANIA ELECTRIC COMPANY :

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.63, you are hereby notified that if you do not file a written response answering the enclosed Preliminary Objections of Pennsylvania Electric Company within ten (10) days from service of this notice, the facts set forth by Pennsylvania Electric Company in the Preliminary Objections may be deemed to be true, whereby requiring no other proof. All pleadings, such as a Reply to Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Pennsylvania Electric Company, Margaret A. Morris, Esq., and where applicable, the Administrative Law Judge presiding over the issue.

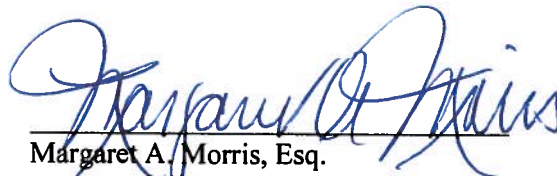
File with:

Rosemary Chiavetta, Esq.
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building – 2 North
P.O. Box 3265
Harrisburg, PA 17105

With a copy to:

Margaret A. Morris, Esq.
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

Date: May 13, 2014



Margaret A. Morris, Esq.
Attorney ID No. 75048
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

(215) 495-6524 tel.
(215) 495-6600 fax

mmorris@regerlaw.com

Counsel for Pennsylvania Electric Company

reliability problem with Respondent's service. No Exceptions were filed and a Final Order, adopting the Initial Decision, was entered on June 19, 2013.

3. In Docket No. C-20 3-2369789 (*2013 Complaint*), the Complainant once again alleged a reliability problem experienced "over the past 18 years" and that the Company does not take appropriate actions to restore service or to perform maintenance to prevent service interruptions. Administrative Law Judge Mark A. Hoyer dismissed the *2013 Complaint* for Complainant's failure to carry her burden of proof that there was a reliability problem with Respondent's service.

4. The Complainant attempted to file a new formal complaint on December 27, 2013 (*December 2013 Filing*). A copy of the *December 2013 Filing* is provided as Attachment 2. The Commission treated the *December 2013 Filing* as Exceptions to the Initial Decision since the *December 2013 Filing* was filed within the time permitted for the filing of exceptions.

5. By Opinion and Order entered April 3, 2014, the Commission denied the Complainant's Exceptions and adopted the Initial Decision (*2013 Order*). The Commission found that the Complainant's "evidence" on the allegedly unreliable service over a lengthy period of time, presented in her Exceptions, consisted of unsupported assertions and opinions. The Commission stated, "[i]n sum, the Code does not mandate perfect service nor must a utility provide the best possible service." *2013 Order* at 6.

6. The present Complaint is a reiteration of the *December 2013 Filing*. There is no substantive difference in the two pleadings.¹ The *2013 Order* specifically addressed and rejected the Complainant's allegations regarding the reliability of her service and found that the Company's actions did not violate the Code.

7. The only issues raised in the present Complaint that were not raised in the *2013 Complaint* are the incidents alleged on October 14, 2013 and December 20, 2013 and the manner in which the Company handled the matter. The Commission did not address, however, the two instances stated in the *December 2013 Filing* since those allegations occurred after the record was closed.

8. A preliminary objection in civil practice seeking dismissal of a pleading will be granted only where relief is clearly warranted and free from doubt. *Interstate Traveller Services, Inc. v. Pa. Dept. of Environmental Resources*, 406 A.2d 1020 (Pa. 1979); *Rivera v. Philadelphia Theological Seminary of St. Charles Borromeo, Inc.*, 595 A.2d 172 (Pa. Super. 1991). The Commission has adopted this standard. *Montague v. Philadelphia Electric Company*, 66 Pa. PUC 24 (1988).

9. In deciding the preliminary objections, the Commission must determine whether, based on well-pled factual averments of the complainant, recovery or relief is possible. *Dep't of Auditor General, et al v. SERS, et al.*, 836 A.2d 1053 (Pa. Cmwlth. 2003); *P.J.S. v. Pa. State Ethics Comm'n*, 669 A.2d 1105 (Pa. Cmwlth. 1996). Any doubt

¹ The *December 2013 Filing* is the 2007 version of the Commission's Formal Complaint Form; the present Complaint contains the first two pages from the 2012 version and the narrative on the remaining pages is a copy of the *December 2013 Filing*.

must be resolved in favor of the non-moving party by refusing to sustain the preliminary objections. *Boyd v. Ward*, 802 A.2d 705 (Pa. Cmwlth. 2002). All of the non-moving party's averments in the complaint must be viewed as true for purposes of deciding the preliminary objections, and only those facts specifically admitted may be considered against the non-moving party. *Ridge v. State Employees' Retirement Bd.*, 690 A.2d 1312 (Pa. Cmwlth. 1997). Therefore, the primary focus is on the complainant's pleadings. Here, however, the Preliminary Objections is based on a legal question to which no facts are necessary. First, was the same dispute previously decided and determined and if so, does *res judicata* prevent Complainant's attempt to re-litigate the matter? The answer is that legal question is "yes" and the *2014 Complaint* should be dismissed to the extent that it seeks to re-litigate those issues dismissed in the *2013 Complaint* so the Complainant does not waste any more time or resources of the Commission and the Respondent.

10. When a final decision has been rendered in a proceeding, it is binding, under the doctrine of claim preclusion, on any case brought subsequent to that time which involves the same parties and issues as raised previously. *Cannon v. Verizon Pennsylvania Inc.*, Docket No. C-20043729, Opinion and Order entered June 29, 2005.

11. Claim preclusion, or *res judicata*, provides that matters which were actually litigated in a prior action, as well as those which should have been litigated in that prior action, will not be litigated in a subsequent action.

13. For the doctrine to prevail, four conditions must be met: (1) identity of issues; (2) identity of causes of action; (3) identity of persons and parties to the action; and (4) identity of the quality and capacity of the parties suing or sued. *Safeguard Mutual Insurance Co. v. Williams*, 345 A.2d 664 (1975) and *Day v. Volkswagenwerk Aktiengesellschaft*, 464 A.2d 1313 (1983); *Northwestern Lehigh School District v. Commonwealth of Pennsylvania, Agricultural Lands Condemnation Approval Board*, 578 A. 2d 614 (1990). The Commonwealth Court stated that, “for the purposes of *res judicata*, there is identity of causes of action when in both the old and new proceedings, the subject matter and the ultimate issues are the same.” *Howard v. Department of Public Welfare*, 529 A.2d 1231 (1987).

14. Although the Commission's procedural rules do not specifically address the issue, the Commission has adopted this well-settled legal principle. *Simms v. Philadelphia Electric Company*, Docket No. F-889246 (1988). The Commission has recognized the applicability of the doctrine of *res judicata* in proceedings before it. *O'Toole v. Bell Telephone Company of Pennsylvania*, 77 Pa. PUC 98 (1992). The Pennsylvania courts have affirmed the Commission's application of the doctrine in the context of utility rate proceedings. *Philadelphia Electric Company v. Pennsylvania Public Utility Commission*, 433 A.2d 620 (Pa. Cmwlth. 1981); see also, *Kentucky West Virginia Gas Co. v. Pennsylvania Public Utility Commission*, 721 F. Supp. 710 (M.D. Pa. 1989) (acknowledging the role of *res judicata* and collateral estoppel in administrative proceedings), *affd.*, 899 F.2d 1217.

15. A final valid judgment on the merits by a court of competent jurisdiction bars any future suit between the same parties on the same cause of action. *McCarthy, et al. v. Township of McCandless*, 300 A.2d 815 (1973); *Martin v. Poole*, 177 A.2d 339 (1975).

16. All four conditions required for a finding of *res judicata* have been met in this case: (1) the issues are identical (the 2013 Complaint and the 2014 Complaint alleges reliability and quality problems with her electric service); (2) the causes of action are identical (the Complainant argues in both Complaints that Respondent has failed to provide her with adequate, safe, efficient and reasonable service in violation of Section 1051 of the Public Utility Code, 66 Pa. C.S. § 1501); (3) the persons and parties to the action are identical (both Complaints involve the Complainant and the Respondent); and 4) the quality and capacity of the parties suing or sued are also identical.

17. Application of the claim preclusion helps to prevent vexatious litigation, to conserve the parties' and the tribunal resources by eliminating redundant lawsuits and to establish certainty by bringing finality to the resolution of a controversy. *McArdle v. Tronetti*, 627 A.2d 1219 (Pa. Super. 1993), appeal denied, 537 Pa. 622, 641 A.2d 587 (1004); *Pa. Publ. Util. Comm'n v Katrina Waddington t/d/b/a Waddington Tours*, Docket No. A-00108279, Opinion and Order entered May 20, 2002.

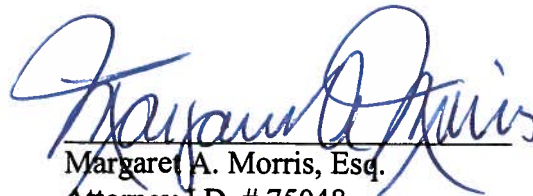
18. The Complainant fully participated in the 2013 Complaint proceeding. She now seeks to re-litigate the same issues/requested relief in the instant complaint proceeding. The doctrine of *res judicata* bars the same allegations and issues that she

presented, or had a full and fair opportunity to present, in the previous proceeding. The Commission should not condone such a blatant attempt to re-litigate the identical issues/relief.

WHEREFORE, Respondent, Pennsylvania Electric Company, requests that the Commission grant its Preliminary Objections and dismiss the Complaint of E. McCauley to the extent that it attempts to re-litigate the issues previously dismissed.

Respectfully submitted,

Dated: May 13, 2014



Margaret A. Morris, Esq.
Attorney I.D. # 75048
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
(215) 495-6524 (voice)
(215) 495-6600 (fax)
mmorris@regerlaw.com

Counsel for Pennsylvania Electric Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

E. MCCAULEY	:	
Complainant	:	
	:	
v.	:	Case No. C-2014-2417835
	:	
PENNSYLVANIA ELECTRIC COMPANY:	:	
Respondent	:	

VERIFICATION

I, Pamela T. Jordan, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect Pennsylvania Electric Company to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904.

5-13-14
Date



Docket No. C-2014-2417835
E. McCauley v. Penelec

Attachment 1

2014 Formal Complaint

ATTEN: PENNSYLVANIA PUBLIC UTILITY COMMISSION
Formal Complaint

This is a NEW COMPLAINT

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

I WANT A NEW CASE # & HEARING DATE

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number:

Name E. McCAULEY
Street/P.O. Box 2550 STATE ROUTE 49
City WESTFIELD State PA Zip 16950
County _____

Telephone Number(s) Where We Can Contact You During the Day:

(814) 334-5527 (home) () NONE (mobile)

E-mail Address (optional): NONE

Utility Account Number (from your bill) 100 008 649 921

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name _____
Street/P.O. Box _____
City _____ State _____ Zip _____

RECEIVED
2014 APR 10 AM 11:13
PA P.U.C.
SECRETARY'S BUREAU

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PENELEC A FIRST ENERGY COMPANY

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

ELECTRIC

WASTEWATER/SEWER

GAS

TELEPHONE/TELECOMMUNICATIONS (local, long distance)

WATER

MOTOR CARRIER (e.g. taxi, moving company, limousine)

STEAM HEAT

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

The utility is threatening to shut off my service or has already shut off my service.

I would like a payment agreement.

Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

I am having a reliability safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

SEE ADDED PAGES

Other (explain).

2

TELEPHONE (local, long distance) (e.g., taxi, moving company, limousine)

4. COMPLAINT (check one)

A. In general, what is your complaint?

I want to oppose the company's proposed rate increase.

There are incorrect charges on my bill.

There is a reliability, safety or quality problem with my utility service. **STILL!**

I received a notice that my utility service is being terminated.

I would like a payment agreement.

Other (explain).

4-B State the facts of your complaint.

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

Reliability Problem for 18 years Now + getting much WORSE.

Monday Oct. 14, 2013 at 9:03AM Reclosure 1 second - weather was NO WIND - cloudy all day w/ a ultra light shower in early morning. IF Penelec would have Fix This problem on this Day the following might NOT be happening NOW.

FRIDAY DEC 20, 2013 7:21pm a 1 second Reclosure, again at 7:47pm again at 7:48pm again at 9:27pm again at 9:28 This one, power was off for 4 minutes - Back on at 9:32pm - I had to call in to get someone from Penelec's CRAPY CUSTOMER SERVICE 8 TIMES - The 1ST woman said to me, so your lights are Flickering - I then screamed at her - The word Flickering NEVER CAME out of my mouth! I yelled again Re-stating This Area is Having Multiple RECLOSURE NOT FLICKERING Lights! The woman Hung up on me.

Suck great customer Service, PENELEC!
if she worked for me -
could RE FIX IT !!

4-
A-4

I kept calling Back & was continually Put on Hold for up to 20 minutes each Time. when I called Back for the 4 minute outage I was told by customer service that Penelec is just now (9:28pm) trying to get a 2 man crew out there to find the problem. They must not have Believed me when I called the first 6 times starting at 7:47, instead They waited + WASTED time for over 2 hrs Before doing something about theres RECLUSURES! WHY? at 1 AM Sat. morn. I went to bed - I woke to use the Bathroom at 5:15 AM & seen my clocks Blinking AGAIN! I called Penelec Again - & was told the problem was just fix at 4:45A and thats why the clocks were off again.

* IF the problem was Fixed at 4:45AM - Then why this? Still Sat. Dec. 21, 2013 at 2:28pm Reclosure #7 in less then 24 hours. Penelec Has Destroyed 2 of my TV'S in the past - IF These Reclosures Destroy this NEW TV #3, I'm going to SUE Penelec in COURT! I'm sick of this Crap & want the PUC TO DO SOMETHING TO STOP THE OUTAGES once & for all & stop Kissing the ASS of Big shot COMPANIES like Penelec! as I'm writing this - Power is Back on at 2:50pm This Reclosure lasted 22 minutes.

I've lived in Lehigh Valley for 24 years w/ only 2 Electric outages - 1 from a storm.

4-B

Pg-5

the other from a Tractor-Trailer who Drove his truck into the Building I was living in at the time, The Driver was DRUNK - My point for Telling you this - is I've Been in Potter County now 18 years - and have Had Enough of Penelec's Outages well over 100 in 18 years.

I'm severely Disabled - and have to Reset outside Motion lights with each Reclosure and 16 other - clocks, TIMERS, RECEIVER, PHONE answering machine, etc. I do not Keep my electronics plugged in when NOT in use - However I'm usually sitting in front of my TV - its All I have for my enjoyment - living on a Fixed income - Penelec has NEVER Received a late Payment or non-payment from me in 18 yrs - But If this new TV get Destroyed from this Crap this weekend - I Expect The PUC TO Help ME!

I feel the PUC needs to Put Penelec on NOTICE to get their ACT together once & for all, Do something to Fix this ON going PROBLEM!

Stop the Cutbacks & Train your so called Customer Service - NOT TO Piss off the person calling in.

4-B
Pg-6

The weather for Friday 12-20-13 was Mostly cloudy all day lite showers in morning and a Steady Rain by Saturday ¹²⁻²¹⁻¹³ Morn at 6AM absolutely NO Wind - very calm & warm both days.

HOLD ON - STILL NOT FIXED

Still Sat. 12-21-13 5:20pm another OUTAGE

power off 3 minutes, back on at 5:23 I foolishly called in to customer service again - only to be put on Hold for 14 minutes then told that This LAST outage should be The last one - it's Suddenly

Fixed, No Doubt More LIES! And again I've got to go Re Set EVERY thing

Let me Remind you - I was told it was Fixed at 4:45AM today, This makes 8 or is it 9 Sorry I've lost count!

How do you want your complaint to be resolved? Use additional paper if you need more space.

The Answer to This question isn't how I want this problem to be Resolved, More like when will the PUC judges Stop Kissing the Ass of Big Time Companies like Penelec? and Do their job! The PUC was set up to HELP Consumers like me, I've Had Four or is it 5 Hearings to date and Haven't WON Any! Is this because I don't have a Big Shot Lawyer? OH, yeah that's Right its because as one PUC Judge said - I DON'T HAVE AN Electrical Engineer Degree and I'm NOT an Electrician. Kindly add The Newspaper clipping to this Complaint.

So what I Really want to see: ^① Better + Faster Time limits to send out Repair people when they Receive THE VERY FIRST CALL, and not wait until many other people call in. Every time I call in I'm told no one else has called in yet, REALLY? like they Don't Believe Me. ^② I want Penelec to RETRAIN All The Customer Service People not to ARGUE with the caller and NOT to put words in the callers mouth that they Never Said. Example - the area is having Reclosures, NOT - My lights are Flickering.

^③ I want Penelec to Stop the Cutbacks, Hire more Repair people + Setup a system where they have at least 2 Repair people on duty at all times to fix any problems that happen during NITE Time + Holidays also have 4 more people on call in case an outage is bigger then expected.

RELIEF Pg-8

- ④ I want The PUC to put Penelec ON NOTICE that they need to Clean up their Act, Go Back to doing preventable maintenance at least ONCE EVERY YEAR to All Their SUB STATIONS.
- ⑤ Now I know this one will put stinger in the parties of Penelec's Lawyer. But I would like to see people get REIMBURSED for damage to TV'S, computers and any other expensive electronics that get DESTROYED when any Hi OR Low SURGE come thru a persons Home. After all if Penelec would have Paid me \$366. for COOKING my last TV maybe This complaint would never have had to Happen? I'm on my 3RD TV in FOUR YRS and it just isn't Fair to people, we didn't cause the Surges, LACK of Maintenance Did!
- ⑥ And Last, For the past 17½ years penelec took my electric Bill Payment out of my checking account automatic, so they have Never Not Been payed, nor ever get a late payment. My Bill always Pd in full and on time!
- All I Ask for is to Keep My Power on All The Time, Make a Better effort to Be Better Electric Company, Because Right NOW, Penelec's Grade is **F-**

6. Protection from Abuse

Has a court granted a "Protection from Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES
NO

If your answer to the above question is "yes," attach a copy of the current Protection for Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES
NO **IT'S A NEW CASE**

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES
NO **A THOUSAND TIMES**

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

Verification:

I, E. McCauley, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

E. McCauley
(Signature of Complainant)

4-8-14
(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

10. Filing

You may electronically file your Formal Complaint with the PUC. To do so, you need to establish an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

If you do not electronically file your Formal Complaint, mail the completed form (along with any attachments) to one of the addresses listed below:

If using U.S. Postal Service:

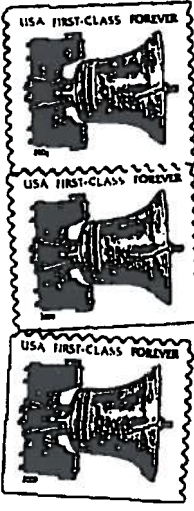
If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Note: Formal Complaints sent by fax or e-mail will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.



E. McCauley
2550 SR. 49
Westfield, PA 16950

SECRET
2014 APR 11 14

SECRETARY
PA. Public Utility Comm
P.O. Box 3265
HARRISBURG PA 17105-3265

Docket No. C-2014-2417835
E. McCauley v. Penelec

Attachment 2

December 2013 Filing
Treated as Exceptions to ID in Docket No. C-2013-2369789



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE
C-2013-2369789

January 14, 2014

Re: **E. McCauley, also known as Eve McCauley v. Pennsylvania Electric Company**
Docket No. C-2013-2369789

TO ALL PARTIES:

On December 11, 2013, the Commission issued the Initial Decision of Administrative Law Judge Jeffrey A. Watson in this matter. The Parties were advised that Exceptions were due within twenty days (*i.e.*, on or before December 31, 2013) and Replies to Exceptions were due within ten days thereafter.

On December 30, 2013, Penelec filed correspondence notifying the Commission that it would not be filing Exceptions. However, on December 27, 2013, Ms. McCauley filed a Complaint with the Commission. It does not appear that a copy was served on Pennsylvania Electric Company (Penelec).

Ms. McCauley's December 27, 2013 Complaint concerns reliability problems allegedly experienced over the past eighteen years. Additionally, it was filed during the period for filing Exceptions in this proceeding. Consequently, the Commission will treat the December 27, 2013 Complaint as Exceptions to the ALJ's Initial Decision. The Parties are hereby notified that Replies to Exceptions will be accepted until the close of business on January 24, 2014.

Any questions about this correspondence should be addressed to Jonathan Nase in the Office of Special Assistants at (717) 787-3490 or jnase@pa.gov.

Very truly yours,

A handwritten signature in cursive script that reads "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print in ink or type.

1. CUSTOMER (COMPLAINANT) INFORMATION

Your name, mailing address, county, telephone number, utility account number and service address:

Name E. McCawley

Street/P.O. Box 2550 State Route 49

City Westfield State Pa Zip 16950-1009

County POTTER

Daytime Telephone Number Where We Can Contact You: (814) 334-5527

E-mail Address (optional): NONE

Utility Account Number 100 008 649 921
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

PENELEC (A First Energy Company) Worst Energy Co!

3. TYPE OF UTILITY (check one)

ELECTRIC

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER

*Should Read
Worst Energy Co!*

RECEIVED
2013 DEC 27 AM 10:59
FA P.U.C.
SECRETARY'S BUREAU

TELEPHONE
(local, long distance)

(e.g., taxi, moving company, limousine)

4. COMPLAINT (check one)

A. In general, what is your complaint?

I want to oppose the company's proposed rate increase.

There are incorrect charges on my bill.

There is a reliability, safety or quality problem with my utility service. **STILL!**

I received a notice that my utility service is being terminated.

I would like a payment agreement.

Other (explain).

4- **B.** State the facts of your complaint.

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

Reliability Problem for 18 years Now + getting much WORSE.

Monday Oct. 14, 2013 at 9:03AM Reclosure 1 second - weather was NO WIND - cloudy all day w/ a ultra light shower in early morning. IF Penelec would have Fix This problem on This Day The Following might NOT Be Happening NOW.

Friday DEC 20, 2013 7:21pm a 1 second Reclosure, again at 7:47pm again at 7:48pm again at 9:27pm again at 9:28 This one, power was off for 4 minutes - Back on at 9:32pm - I had to call in to get someone from Penelec's CRAPY CUSTOMER SERVICE 8 TIMES - The 1ST woman said to me, so your lights are Flickering - I then screamed at her - The word Flickering NEVER CAME out of my mouth! I yelled again Re-stating This Area is Having Multiple RECLOSURES NOT Flickering Lights! The woman Hung up on me.

Suck great customer
Service, PENELEC!
if she worked for me -
She'd BE FIRED!!

4-B
Pg-2

I kept calling Back & was continually Put on Hold for up to 20 Minutes each Time. when I called Back for the 4 minute outage I was told by customer service that Penelec is just now (9:28pm) trying to get a 2 man crew out there to find the problem. They must not have believed me when I called the first 6 times starting at 7:47, instead they waited & WASTED time for over 2 hrs before doing something about theres RECLUSURES! WHY? at 1 AM Sat. Morn. I went to bed - I woke to see the Bathroom at 5:15 AM & seen my clocks Blinking AGAIN! I called Penelec Again & was told the problem was just fix at 4:45 AM and thats why the clocks were off again.

* IF The problem was Fixed. At 4:45 AM - Then why this Still Sat. Dec. 21, 2013 at 2:28 PM RECLASURE #7 in less than 24 hours. Penelec Has Destroyed 2 of my TV'S in the past - IF These Reclusures Destroy THIS NEW TV #3, I'm going to SUE Penelec in COURT! I'm Sick of This Crap & want The PUC TO DO SOMETHING TO STOP THE OUTAGES once & for all & stop Kissing the ASS of Big shot COMPANIES like Penelec! as I'm writing this - Power is Back on at 2:50 PM This Reclasure lasted 22 minutes.

I've lived in Lehigh Valley for 24 years w/ only (2) Electric outages - 1 from a Storm

4-B
Pg-3

the other from a Tractor-Trailer who Drove his truck into the Building I was living in at the time, The Driver was DRUNK - My point for Telling you this - is I've been in Potter County now 18 years - and have Had Enough of Penelec's Outages well over 200 in 18 years.

I'm Severely Disabled - and have to Reset outside Motion lights with each Reclosure and 11 other - clocks, TIMERS, RECEIVER, PHONE answering machine, etc. I do not Keep my Electronics plugged in when NOT in use - However I'm usually sitting in front of my TV - its A// I have for my enjoyment - living on a Fixed income - Penelec has NEVER Received a late Payment or non-payment from me in 18 yrs - But if this new TV get Destroyed from this Crap this weekend - I Expect The PUC To Help ME!

I feel the PUC needs to Put Penelec on NOTICE to get their ACT together once & for all, Do something to FIX this ON going PROBLEM!

Stop the Cutbacks & Train your so called Customer Service - NOT To Piss off the person calling in.

4-B
Pg-4'

The weather for Friday 12-20-13 was Mostly cloudy all day lite showers in morning and a Steady Rain by Saturday ¹²⁻²¹⁻¹³ Morn at 6AM absolutely NO Wind - very calm & warm both days.

HOLD ON - STILL NOT FIXED

Still Sat. 12-21-13 5:20 pm. another OUTAGE

power off 3 minutes, Back on at 5:23 I foolishly called in to customer service again - only to be put on Hold for 14 minutes then told that This LAST outage should be the last one - it's Suddenly Fixed, No Doubt More LIES! And again I've got to go Re Set EVERYTHING.

Let me Remind you - I was told it was Fixed at 4:45 AM today, This makes 8 or is it 9 Sorry I've lost count!

By the way The weather for ^{Dec. 20, 2013} Friday was Cloudy w/ NO Wind a brief sprinkle off & on in morning hours

Dec. 21, 2013 was Dry all Day till 6pm - Heavy Rain for 12 hours, Both days Very Warm 54° on Friday & 60° on Saturday again with NO WINDS.



RELIEF

How do you want your complaint to be resolved? Use additional paper if you need more space.

The answer to this question isn't how I want this problem to be resolved, more like when will the PUC judges stop kissing the ass of Big Time Companies like Penelec? and do their job! The PUC was set up to HELP consumers like me, I've had four or is it 5 hearings to date and haven't won any! Is this because I don't have a Big Shot lawyer? Oh, yeah that's right it's because as one PUC judge said - I DON'T HAVE AN ELECTRICAL ENGINEER DEGREE AND I'M NOT AN ELECTRICIAN. Kindly add The Newspaper clipping to this Complaint.

- So what I really want to see: ① Better + Faster Time limits to send out repair people when they receive THE VERY FIRST CALL, and not wait until many other people call in. Every time I call in I'm told no one else has called in yet, REALLY? Like they don't believe me. ② I want Penelec to RETRAIN ALL The Customer Service People not to ARGUE with the caller and NOT to put words in the callers mouth that they never said. Example - the area is having RECLOSURES, NOT - My lights are FLICKERING. ③ I want Penelec to STOP the CUTBACKS, HIRE more repair people + SET up a system where they have at least 2 repair people on duty at all times to fix any problems that happen during NITE TIME + Holidays also have 4 more people on call in case an outage is bigger than expected.

⑤ RELIEF

④ I want The PUC to put Penelec ON NOTICE that they need to Clean up their Act, Go Back to doing preventable maintenance at least ONCE EVERY YEAR to All Their SUB STATIONS.

⑤ Now I know this one will put stinger in the pants of Penelec's Lawyer. But I would like to see people get REIMBURSED for damage to TV'S, computers and any other expensive electronics that get DESTROYED when any Hi OR Low SURGE come thru a persons Home. After all if Penelec would have Paid me \$366. for COOKING my last TV maybe this complaint would never have had to Happen? I'm on My 3RD TV in FOUR YRS. and it just isn't Fair to people, we didn't cause the Surges, LACK of Maintenance Did!

⑥ And Last, For the past 17½ years penelec took my electric Bill Payment out of my checking account automatic, so they have Never Not Been payed, nor ever get a late payment. My Bill always Pd in full and on time!

All I Ask for is to Keep My Power on All The Time, Make a Better effort to Be Better Electric Company, Because Right NOW, Penelec's Grade is **F-**

Penelec customer questions 'coincidences'

By Dick Varjason

Free Press correspondent

Who is to blame for a power outage when there is no storm or wind?

Recent power outages have been especially frustrating for Eve McCauley of Elmer, Pa. About 48 hours or less prior to an outage her lights, fans and other electronics start dimming and slowing down, and then return to full power. She says this sequence repeats itself several times before the power goes completely out 48 hours later.

She also states that this has been happening for the past few years and when she calls Penelec she says, "The person I tell this to thinks I'm a nut case and when they report it they say, 'her lights are not flickering, they are dimming and the fans almost come to a complete stop. Sometimes they send someone out here right away and other times they come after the electric has been out and has been fixed then tell me there is nothing wrong with my electric."

In September of 2012 the sequence started again. She called Penelec only to be told again that they would send someone to check it out. She said in the meantime the variance in power destroyed her television set, rendering it useless for

the second time.

A Penelec employee made a service call to her residence, pulled her meter, checked the hook up and reportedly declared "It's okay; you don't have a problem."

McCauley said she then told the employee, "No, but within 48 hours the entire area is going to lose their power. It was 8:15 in the morning when I called them and at 8:15 p.m. the next evening, the power went out. Thirty-six hours, another coincidence?"

She filed a complaint with the Public Utility Commission (PUC). In January, they held a teleconference hearing lasting over five hours. Another four months passed before McCauley got the results of the hearing.

The PUC stated that she had failed to prove that PUC was negligent, saying, "You are not an electrician; you are not an electrical engineer."

McCauley says, "They absolutely didn't hear a thing I was saying. During the hearing an official from Penelec made the statement, 'It is just a coincidence.' How many times do I have to call and tell them the electric is going to go out within the next 48 hours before it isn't a coincidence? If I call you up and say you are going to lose electricity within 48

hours and bam, it happens, how can that be a coincidence? How many times over all these years?"

McCauley states that a customer service rep always made it to her house when the power was back on, not while the problem as occurring. She said, "It was always after the fact after the electric was back on and not when I told them it was happening. During the hearing I brought up the fact that one time I called customer service the person that answered said, 'I'm going to let you talk to someone in the complaint department out in Erie.' Finally for the first time someone was hearing what I was saying. I don't have the man's name but explained it all to him. Told him about the dimming lights, the fan slowing down and that within 48 hours the electric was going to go out. While I was talking with him the electric did go out and whatever building he was in started getting all sorts of signals that something was wrong. He said, 'You are right, I have to go to find out what is going on.' The biggest problem at that time was the fact that this man didn't forward all this information to anyone else."

McCauley said this happened in early 2010, when a power surge destroyed

her TV.

"I filed my TV damage claim on Jan. 8, 2010. The power outage had been on January 1 at 8 p.m. and again at 9:56 p.m. the same night."

"Coming up to this incident in September of 2012, we had power problems all month and the power went out on September 5. I called them [Penelec] on September 4 at about 8-8:30 in the morning. Again they sent somebody out to pull the meter off and they said I was fine. Then at 8:15 in the evening the power went out. Another thing that came up in the hearing was the fact that on July 7, 2010, there was a power outage that I didn't report. They were right but that is my birthday and I wasn't home so I didn't know there was an outage. They also made the statement that my readings in the meter were all within five percent of normal prior to the outage," she said.

McCauley said Penelec told her there were three outages in 2011, but she states she has records from that year (Feb. 3, March 10, April 17, May 11, June 20, June 25, July 6, August 19, Sept. 3 and 23).

She said, "These are some of the things the judge didn't pick up on and I don't think he believed me but I have kept very accu-

rate records of these things so they can be checked on. I don't know why we have a PUC if they are not going to help people and listen to them."

McCauley cited several outages in May 2013 that she says happened for seemingly no reason.

She added, "Penelec shows absolutely no concern for its customers, they have cut back and don't do the maintenance like they used to. Customers should never suffer a loss because of the attitude of the utility company who show no real genuine concern for its customers. Bad weather, thunderstorms, snow, accidents, animals, is understandable but none of these outages were caused by that. It was caused by a lack of preventative maintenance. Penelec should get an 'F' grade, because I feel they are the worse electric company in the United States, not just PA."

McCauley added that she feels the PUC should "punish" Penelec, and give credit to all customers who lose their electricity.

A Penelec representative who spoke to McCauley told the *Free Press-Courier* that maintenance is not what it used to be.

In looking at the future he said, "We are upgrading several transmission substations within the next two to three years."

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a billing problem, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES (includes appeals of BCS determinations)

12 TIMES NOW!

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name

Street

City

State

Zip

Area Code/Phone Number

I CAN'T AFFORD A LAWYER

MAYBE PENETEC SHOULD
SUPPLY ME WITH ONE.

E-mail Address (If Known) _____

9. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I E. McCauley hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

E. McCauley (Signature) Dec. 26, 2013 (Date)

Title of authorized employee or officer

10. - FILING

— Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

RECEIVED
2013 DEC 27, AM 11:01
PA P.U.C.
SECRETARY'S BUREAU

E. MCCAULEY
2550 SR 49
Westfield, PA 16950



SECRETARY
PENNA. PUBLIC UTILITY COMM.
P. O. BOX 3265
HARRISBURG PA 17105-3265