

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ASHLEY HARPLE

v.

PENNSYLVANIA ELECTRIC COMPANY

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Docket No. C-2014-2434701

MOTION TO STRIKE DEFENDANT’S NOTICES OF TERMINATION

AND NOW comes the Complainant, Ashley Harple, and files the within Motion asking the Court to strike Notices of Termination or take such other action as to protect the interest of Ashley Harple under the circumstances herein and in support thereof sets forth the following:

1. The Defendant had filed a petition seeking emergency relief on or about September 23, 2014.
2. The purpose of the petition was for, *inter alia*, recovery of “undisputed portions of the bill” (see paragraph 15) 52 Pa. Code Section 56.141(2). The Defendant has further alleged that such charges beginning April, 2014 to the present are undisputed (see paragraph 21).
3. Defendant’s Petition for Emergency Relief requested that an order be entered on all disputed and undisputed charges requiring immediate payment.
4. Subsequently, on October 3, 2014, an informal conference was held before Your Honor at which time the petition for interim emergency relief was withdrawn and an order submitted withdrawing said petition by Defendant.
5. In answer to the Petition for Interim Emergency Relief, Complainant denied that there were undisputed amounts claimed owed by the Pennsylvania Electric Company. (See paragraph 5

of the Answer of Ashley Harple's Response to the Interim Emergency Order.

6. Thus, on the one hand there is a claim by Defendant that there are current undisputed charges.

7. Complainant avers that these charges up to the present and continuing until a hearing and decision in this matter has been rendered are disputed.

8. Defendant is clearly in violation of the Pennsylvania Code where there has been a formal complaint filed, the Complainant remains unresolved, and Defendant terminates services. Further, this section states that any notice mailed or delivered to Complainant under such circumstances are void. 52 Pa. Code §56.81.

9. Complainant files this motion in accordance with the Pennsylvania Code to set forth its position on the termination of electricity proposed by the Defendant where the Defendant has "skirted" the lawful process in filing a Petition for Emergency Interim Order, then withdrawing it, seeking to enforce, without order, purported claims of undisputed charges, all of which is a violation of Pa. Code cited above.

10. Complainant alleges that this is in violation to the rights of Complainant.

11. Further, Complainant avers that if the termination of electricity occurs during the pendency of these proceedings, it is, in fact, a taking without the opportunity to be heard and in violation of due process.

12. Complainant further believes that if there is a termination of her electric service pending the outcome of these proceedings, counsel for Complainant will seek sanctions as appropriate against the Defendant including reasonable attorney's fees and costs.

WHEREFORE, the Complainant seeks an Order from the Court protecting the rights of the Complainant pending a hearing in this matter and decision in contravention to the Pa. Code.

WHEREFORE, Complainant seeks a stay in this matter as alleged.

Respectfully Submitted,

MARGOLIS EDELSTEIN

By: 

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CERTIFICATE OF SERVICE

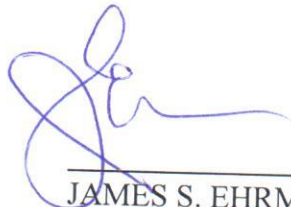
The undersigned hereby certifies that a true and correct copy of the foregoing **MOTION TO STRIKE DEFENDANT'S NOTICES OF TERMINATION** was served upon all counsel of record as follows on this 20th day of October, 2014 as follows:

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