

January 13, 2015

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-2014-2434199
Phyllis Beverley v. Metropolitan Edison Company
Motion to Dismiss of Met-Ed**

Dear Secretary Chiavetta:

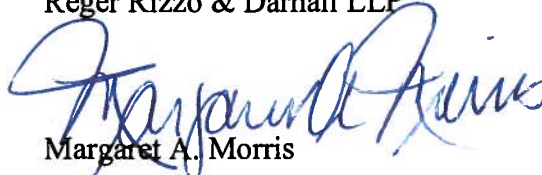
Attached for filing is the Motion to Dismiss of Respondent, Metropolitan Edison Company, to the Complaint of Phyllis Beverley in the above captioned proceeding.

A copy of the attached Motion to Dismiss has been forwarded to the Complainant in the manner indicated on the attached Certificate of Service.

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

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/njh
Attachment

cc: The Hon. Ember S. Jandebour, PA PUC, OALJ [w/att.]
Tori L. Giesler, Esquire, FirstEnergy Service Company [w/att.]
Phyllis Beverley [w/att.]

**Re: Docket No. C-2014-2434199
Phyllis Beverley v. Metropolitan Edison Company
Motion to Dismiss of Met-Ed**

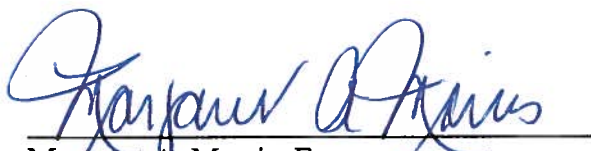
CERTIFICATE OF SERVICE

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

Via Electronic Mail

Phyllis Beverley
10031 SW 14th Street
Pembroke Pines, FL 33068
knbeverley@hotmail.com

Dated: January 13, 2015



Margaret A. Morris, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PHYLLIS BEVERLEY	:	
	:	
v.	:	Docket No. C-2014-2434199
	:	
METROPOLITAN EDISON COMPANY	:	

NOTICE TO PLEAD

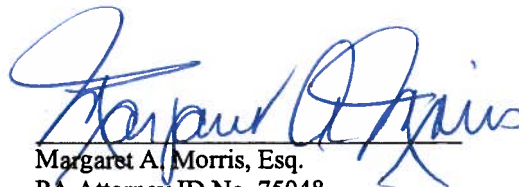
Pursuant to 52 Pa. Code § 5.103 you are hereby notified that if you do not file a written response answering the enclosed Motion to Dismiss of Metropolitan Edison Company within twenty (20) days from the date of service of this notice, the Motion to Dismiss of Metropolitan Edison Company may be granted without further notice. All pleadings, such as an Answer to the Motion to Dismiss, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Metropolitan Edison Company, Margaret A. Morris, Esq., and the presiding Administrative Law Judge, Ember S. Jandebeur.

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:
Honorable Ember S. Jandebeur
PA PUC – OALJ
317 State Office Building
100 Lackawanna Avenue
Scranton, PA 18503

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

Date: January 12, 2015



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Counsel for Metropolitan Edison Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PHYLLIS BEVERLEY :
 :
 v. : Docket No. C-2014-2434199
 :
 METROPOLITAN EDISON COMPANY :

**MOTION OF METROPOLITAN EDISON COMPANY TO DISMISS
THE FORMAL COMPLAINT OF PHYLLIS BEVERLEY**

Metropolitan Edison Company (Respondent or Company), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code § 5.103, moves to dismiss the Formal Complaint filed by Phyllis Beverley (Complainant) with the Pennsylvania Public Utility Commission (Commission) for failure to sign the verification as required by Chapter 14 of the Pennsylvania Public Utility Code (Code).¹ In support thereof, the Company avers as follows:

BACKGROUND

1. On July 29, 2014, the Company was served by the Commission with the electronically filed Complaint alleging incorrect charges on her bill. The Complainant did not verify her statements as required by Section 1410(3) of the Code, 66 Pa.C.S. § 1410 (3) at paragraph 9.

2. Respondent timely filed its Answer and New Matter on August 18, 2014 denying all allegations and requesting mediation; no motion was made at that time to dismiss the filing since the Company assumed that this oversight was caused by the electronic filing.

¹ 66 Pa.C.S § 1401 *et seq.*

3. By Interim Order issued by Chief Administrative Law Judge Charles E. Rainey, this matter was scheduled for mediation to occur no later than September 19, 2014. Mediation was not successful; a Notice was issued assigning this matter to the Honorable Ember S. Jandebour for telephonic hearing on Friday, November 21, 2014.

4. The telephonic hearing was held on November 21, 2014, before the Judge Jandebour; both parties participated in the hearing. At the hearing, undersigned counsel for the Company requested that the Complainant be directed to verify her Complaint. Judge Jandebour explained on the record why an executed complaint was required. The Complainant agreed to sign and submit the original to Judge Jandebour.

5. Immediately following the hearing on November 21, 2014, Judge Jandebour memorialized her ruling in an email sent to the parties ordering the Complainant to make a copy of her Formal Complaint, sign and mail the original to her with a copy to counsel for the Company.

6. On December 4, 2014, counsel forwarded an email to the Complainant regarding the status of the signed Complaint; the Complainant responded by email that "she had been out of the country and would send the signed Complaint by next week upon her return."

7. On December 11, 2014, counsel forwarded another email to the Complainant requesting an update regarding the status of the signed Complaint; the Complainant responded by email that stating she will "send the Complaint when she gets back into town."

8. On December 18, 2014, counsel forwarded another email to the Complainant again inquiring as the status of her Complaint noting that almost 30 days had lapsed since Judge Jandebour directed her to file the executed Complaint.

9. On December 18, 2014, Judge Jandebour advised the parties via email that the Complaint would be dismissed as not being verified unless a signed copy was submitted by close of business Friday December 19, 2014.

10. On December 19, 2014, after close of business, at 6:16 PM and 6:28 PM, the Complainant emailed Judge Jandebour stating “the document was signed and sent.” There was no attachment to the email.

11. To date, the original signed Complaint has not been received by Judge Jandebour or counsel for the Company.

ARGUMENT

12. The Code is clear and mandatory: a formal complaint is not valid unless a complainant attests to the truth as to the facts alleged. 66 Pa.C.S. § 1410(3).

13. The Complainant has failed to provide a signed complaint as ordered by Judge Jandebour on November 21, 2014.

14. The Complainant failed to submit her verified complaint by close of business on December 19, 2014, as ordered by Judge Jandebour.

15. There is no valid complaint pending before the Commission for disposition. 66 Pa.C.S. § 1410.

16. The electronic filing, which was served on the Company on July 29, 2014, should be dismissed for failure to verify since the Commission is authorized by Chapter 14 to accept only valid complaints.

WHEREFORE, Respondent, Metropolitan Edison Company, requests that its Motion to Dismiss be granted and dismiss the filing of Phyllis Beverly.

Respectfully submitted,

Dated: January 13, 2015



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