

April 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-2014-2459964
Stephen Getz v. Metropolitan Edison Company
Met-Ed Reply to Complainant's Objections**

Dear Secretary Chiavetta:

Pursuant to the March 18, 2015 Interim Order on Late Filed Exhibit of the Honorable David A. Salapa, attached for filing is the Reply of Metropolitan Edison Company to the Objections to Exhibit 8 filed by the Complainant in the above referenced proceeding.

A copy of the Reply has been provided 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/jmm
Attachment

cc: The Honorable David Salapa, Pennsylvania Public Utility Commission [w/enc.]
Tori Giesler, Esquire, FirstEnergy Service Company [w/enc.]
Stephen Getz [w/enc.]

**Re: Docket No. C-2014-2459964
Stephen Getz v. Metropolitan Edison Company
Met-Ed Reply to Complainant's Objections**

CERTIFICATE OF SERVICE

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

Via Electronic and First Class Mail

Stephen Getz
470 B Guernsey Road
Biglerville, PA 17307
Wendy.Getz@GLS14.com

Dated: April 13, 2015


Margaret A. Morris, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

STEPHEN GETZ	:	
	:	
v.	:	Docket No. C-2014-2459964
	:	
METROPOLITAN EDISON COMPANY	:	

**RESPONSE OF METROPOLITAN EDISON COMPANY
TO OBJECTION OF STEPHEN GETZ**

Now comes Metropolitan Edison Company (Met-Ed or Respondent), pursuant to the ruling of the Honorable David A. Salapa, by and through its attorneys, Reger Rizzo and Darnall LLP, and hereby files this Response to the Objection of Stephen Getz (Complainant) to Respondent Exhibit 8.¹ In response thereto, Respondent avers and responds as follows:

1. At the scheduled hearing on March 17, 2015, Wendy Getz, wife of the Complainant, participated in the hearing; the Complainant did not participate. Mrs. Getz requested that Met-Ed provide a copy of its telephone log contacts from August 1, 2014 to March 17, 2015.

2. Judge Salapa granted Mrs. Getz's request at the hearing.

3. Judge Salapa issued an Interim Order, dated March 18, 2015, directing Met-Ed to file Exhibit 8 no later than March 23, 2015; Mrs. Getz was directed to file any

¹ Respondent Exhibit 8 is the business records reflecting the Complainant's contact with Met-Ed from July 17, 2014 to the present with the last contact entry dated January 16, 2015.

objection no later than April 2, 2015; Met-Ed was permitted until April 13, 2015 to file a responsive pleading.

4. Met-Ed timely filed Exhibit 8 on March 20, 2015; Mrs. Getz timely filed her Objection on March 31, 2015.

5. The crux of the Objection is that Mrs. Getz is “unable at this point to ask any questions” regarding Exhibit 8 and alleging that the “only notes made in [Exhibit 8] are for the benefit of [Met-Ed].”

6. Respondent Exhibit 8 contains the actual notes entered by the customer service representative (CSR) at the time of each telephonic conversation and, therefore, is admissible as a business record properly sponsored by Met-Ed witness, Tammy Taylor. Therefore, the information contained in the proposed exhibit speaks for itself, with any probative weight to be determined by the finder of fact.

7. Mrs. Getz was provided the opportunity to and did cross-examine witness Taylor at the hearing. *See, e.g., Mazza v. PECO Energy Co.*, Docket No. C-2012-2318472, Commission Opinion and Order entered April 23, 2014 at 14; *Messmore v. PECO*, Docket No. C-2009-2118285, Commission Final Order entered December 4, 2009.

8. Respondent Exhibit 8 supplements Mrs. Taylor's testimony by providing the actual note screens entered by each CSR at the time of each customer contact to rebut Mrs. Getz's testimony that Met-Ed had refused to accept her payment of \$100.00.

9. Pursuant to Pennsylvania's Uniform Business Records as Evidence Act, 42 Pa.C.S. § 6108 *et seq.*, so long as a witness or certification can provide sufficient information relating to their preparation and maintenance to justify a presumption of the trustworthiness of the business record of a company, a basis is provided to offset the hearsay character of the evidence presented. It is not essential to produce either the person who made the entries or custodian of record at the time the entries were made, nor does the law require that a witness qualifying business records have personal knowledge of the facts reported in the business record. *See, Ganster v. Western Pennsylvania Water Co.*, 504 A.2d 186 (Pa. Super. 1985); *Mazza, supra*; *Messmore, supra*.

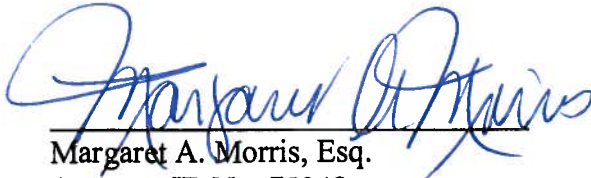
10. With specific reference to the Commission, its standard practice regarding admission of business records has been upheld on appellate review. *See, Gasparro v. Pennsylvania Pub. Util. Comm'n*, 814 A.2d 1282 (Pa.Cmwlth 2003), where the Pennsylvania Commonwealth Court stated, at fn 3, "PECO also filed exceptions to the ALJ's decision to exclude certain business records offered by PECO to document its efforts to read the meters at Gasparro's property and to install an automatic meter reading device." The ALJ refused to admit the documents for the stated reason that a senior level manager of PECO was not the appropriate individual to authenticate these business records. The PUC admitted the documents, noting that the actual custodian is not

required for proper authentication; rather, a witness with adequate knowledge of the company's record keeping procedures is appropriate under the Pennsylvania Rules of Evidence, Rule 803(6). PUC Opinion and Order at 7-8.

In conclusion, Complainant's objections to Respondent Exhibit 8 should be rejected, and Respondent Exhibit 8 should be admitted into the record of this proceeding.

WHEREFORE, Respondent, Pennsylvania Electric Company, requests that the Objection filed by Stephen Getz to Exhibit 8 be dismissed with prejudice or denied in its entirety.

Respectfully submitted,



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Date: April 13, 2015

Counsel for Metropolitan Edison Company