

June 13, 2016

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-2016-2547092
Zakkiyah Salahuddin v. Metropolitan Edison Company
Preliminary Objection of Met-Ed**

Dear Secretary Chiavetta:

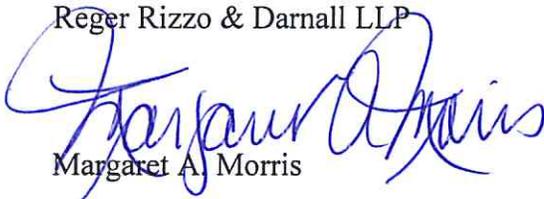
Attached for filing is the Preliminary Objection of Metropolitan Edison Company (Met-Ed) to the Complaint of Zakkiyah Salahuddin (Complainant).

A copy of the enclosed Preliminary Objection 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/jmm
Attachment

cc: Tori Giesler, Esquire, FirstEnergy Service Company [w/enc.]
Zakkiyah Salahuddin [w/enc.]

**Re: Docket No. C-2016-2547092
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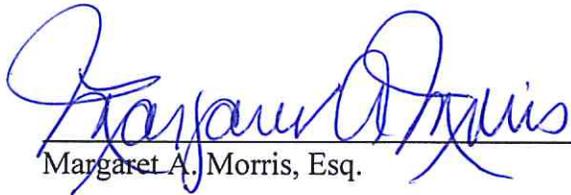
CERTIFICATE OF SERVICE

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

Via First Class Mail

Zakkiyah Salahuddin
600 Canal Street, B3
Easton, PA 18042

Dated: June 13, 2016


Margaret A. Morris, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ZAKKIYAH SALAHUDDIN :
 :
 v. : **Docket No. C-2016-2547092**
 :
METROPOLITAN EDISON 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 New Matter of Metropolitan Edison Company within twenty (20) days from service of this notice, the facts set forth by Metropolitan Edison Company in the New Matter may be deemed to be true, whereby requiring no other proof. All pleadings, such as a Reply to New Matter, 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 where applicable the Administrative Law Judge presiding over the issue.

File with:

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

With a copy to:

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

Date: June 13, 2016



Margaret A. Morris, Esquire
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 Metropolitan Edison Company

2. In an Answer and New Matter being served contemporaneously with this Preliminary Objection, Met-Ed denies the material allegations in the Formal Complaint and requests the present Formal Complaint be dismissed in its entirety since an appeal of the Commission's final actions must be filed with the Commonwealth Court of Pennsylvania.

3. On May 20, 2014, the Complainant filed an Informal Complaint alleging there were incorrect charges on her Account. The Commission's Bureau of Consumer Services (BCS) in BCS Decision No. 3241299, *inter alia*, found the make-up bill correct as rendered and dismissed the matter (2014 Informal).

4. The Complainant timely appealed (2015 Formal) at Docket No. F-2015-2463441 and a telephonic hearing was held on May 13, 2015. The Complainant did not appear at the hearing. By Final Order entered July 23, 2015, the Commission adopted the Initial Decision of Administrative Law Judge Joel H. Cheskis dismissing the complaint with prejudice (*Final Order*).

5. On September 9, 2015, the Complainant filed an Informal Complaint alleging the same issues raised in the 2015 Formal; she did not address the *Final Order* or her inability to attend the scheduled hearing (September 2015 Informal). BCS Decision No. 3382244, closed September 10, 2015, dismissed the September 2015 Informal barring the Complainant from raising the same issues at the informal level which were dismissed in the *Final Order*.

6. On September 21, 2015, the Complainant filed in the 2015 Formal docket,¹ a document, dated August 19, 2015, entitled “Settling Resolution Conference” (Filing) which was treated as a Petition for Rescission of the *Final Order* (Petition).

7. On October 13, 2015, the Complainant filed another Informal Complaint alleging, *inter alia*, that she was not responsible for charges stated on the make-up bill; the Complainant did not address the dismissed September 2015 Informal or the *Final Order* (October 2015 Informal). BCS Decision No. 3392351, closed October 28, 2015, dismissed the October 2015 Informal finding the issues were the subject of the *Final Order*.

8. On March 17, 2016, the Commission denied the Petition finding that by not appearing for the hearing, she waived her opportunity to participate and advance her 2015 Formal (*Petition Order*). The Commission declined to rescind the Initial Decision finding it would not be prudent given the Complainant’s failure to abide by the rules in the Judge Cheskis’ Prehearing Order.

9. The 2016 Formal Complaint raises the identical issues raised in the 2015 Formal, which were dismissed with prejudice in the *Final Order*; the *Petition Order* denied the Complainant’s request to rescind the *Final Order*. The Complainant is barred from raising the same issues dismissed with prejudice in the present proceeding.

¹ The Petition was also docketed at P-2015-2504703 and consolidated with the 2015 Formal proceeding.

10. The sole requested relief by the Complainant is an appeal of the *Final Order* and the *Petition Order*. The request for relief is irrelevant to the instant cause of action and therefore an “impertinent matter” within the use and meaning of 52 Pa. Code § 5.101 (a)(2).

11. Since the sole issue in the Formal Complaint is an appeal of the *Final Order* and the *Petition Order*, the present Formal Complaint should be stricken in its entirety pursuant to Pa. Code § 5.101(a)(2).

12. There is no pending complaint before the Commission. The last Commission action was the *Petition Order*. The Company avers that an appeal of a final Commission order must be to the Commonwealth Court of Pennsylvania.

13. The Commonwealth Court of Pennsylvania has exclusive jurisdiction to entertain and rule on final actions of the Commission. *See*, Article V, Section 4 of the Constitution of 1968.

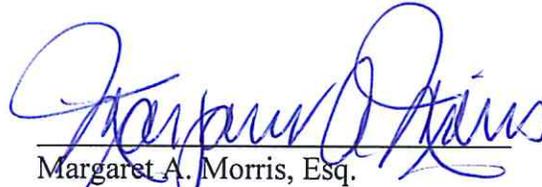
14. The Complainant has exhausted her administrative remedies and must seek an appeal of the *Final Order* and/or *Petition Order* with the Commonwealth Court of Pennsylvania.

WHEREFORE, Respondent, Pennsylvania Electric Company, requests that the Formal Complaint filed by Zakkiyah Salahuddin be dismissed with prejudice or

denied in its entirety for lack of subject matter jurisdiction.

Respectfully submitted,

Date: June 13, 2016



Margaret A. Morris, Esq.

Attorney ID No. 75048

Reger Rizzo & Darnall LLP

Cira Centre, 13th Floor

2929 Arch Street

Philadelphia, PA 19104

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Counsel for Metropolitan Edison Company

Docket No. C-2016-2547092
Zakkiyah Salahuddin v. Metropolitan Edison Company

Attachment 1

Formal Complaint of Zakkiyah Salahuddin

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

Formal Complaint

2016 APR 25 AM 10:34

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. PA P.U.C. SECRETARY'S BUREAU

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

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name: Tawhique Salabuddin
Street/P.O. Box: 200 Canal Street Apt #: B3
City: Englewood State: P.D. Zip: 18142
County: Northampton

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

() (home) (908) 298-2896 (mobile)

E-mail Address (optional):

Utility Account Number (from your bill): 100 114 2 18 7418

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: JAMES AS BLAIR
Street/P.O. Box:
City: State: Zip:

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.

Med-Ed

3. Type of Utility Service

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

- | | |
|--|---|
| <input checked="" type="checkbox"/> ELECTRIC | <input type="checkbox"/> WASTEWATER/SEWER |
| <input type="checkbox"/> GAS | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> WATER | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |
| <input type="checkbox"/> 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.
- Other (explain). * *Requesting an appeal.*

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

I would like the company to remove all incorrect charges on the account!

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. **Protection From Abuse (PFA)**

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 From 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

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

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.

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

The company dismissed the case with prejudice denying my legal rights to plea my case.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name *Scott Williams*
Street/P.O. Box *839 Main Street, Suite 111*
City *Bethlehem* State *P.A.* Zip *18618*
Area Code/Phone Number *(610) 317-8737*
E-mail Address (if known) *swilliams@bethlehemlegal.org*

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. **Verification and Signature**

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept** it.

Verification:

I Tabbiyah Salehuddin, 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).

Tabbiyah Salehuddin
(Signature of Complainant)

April 31, 2012
(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. **Two Ways to File Your Formal Complaint**

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

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.

Salehuddin
600 Canal Street, B3
Easton, P.A. 18042

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LEHIGH VALLEY PA 180

21 APR 2016 11:41



FOREVER/US

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17107

THIS MAIL HAS BEEN PROCESSED
BY THE POSTAL SERVICE SECTION
AT HARRISBURG, PA 17107