

August 29, 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-2016-2532581
Alfred Stempo - Sammy Jo's Inc. v. Metropolitan Edison Company
Answer of Met-Ed to Petition for Emergency Interim Order**

Dear Secretary Chiavetta:

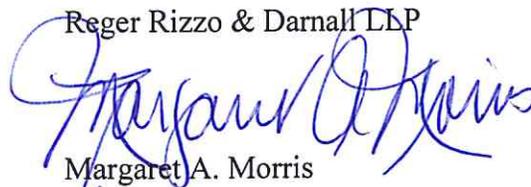
Attached for filing is the Answer of Respondent, Metropolitan Edison Company (Met-Ed), to the Petition for Emergency Interim Order of Sammy Jo's (Petitioner) in the above referenced matter.

A copy of the Answer to Petition for Emergency Interim Order has been forwarded to the Complainant in the manner indicated on the attached Certificate of Service.

If there are any questions, please contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/jmm
Attachment

cc: The Hon. Elizabeth Barnes, Pennsylvania Public Utility Commission [w/enc.]
Alfred Stempo, Sammy Jo's, Inc. [w/enc.]
Tori Giesler, Esquire, FirstEnergy Service Company [w/enc.]

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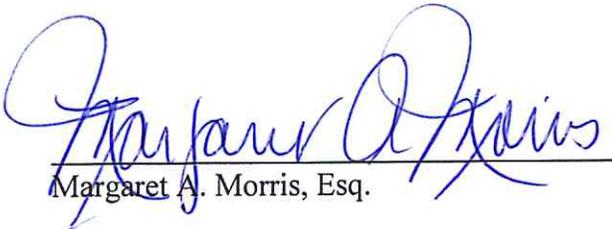
CERTIFICATE OF SERVICE

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 Electronic and First Class Mail

Alfred Stempo
c/o Sammy Jo's, Inc.
831 S. Delaware Drive
Easton, PA 18042
alstempo@gmail.com

Dated: August 29, 2016


Margaret A. Morris, Esq.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ALFRED STEMPO – SAMMY JO’S, INC.	:	
	:	
v.	:	Docket No. C-2016-2532581
	:	
METROPOLITAN EDISON COMPANY	:	

**ANSWER OF METROPOLITAN EDISON COMPANY
TO THE PETITION OF SAMMY JO’S INC.**

Metropolitan Edison Company (Respondent or Met-Ed), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code § 5.61, hereby submits its Answer to the Petition of Sammy Jo’s, Inc. (Petitioner) seeking an Interim Emergency Order to delay the termination of service scheduled on or after August 22, 2016. The Petition was filed by Alfred Stempo (Complainant) in the above docketed proceeding. In response thereto, Respondent avers and represents as follows.

By way of background, the Complainant filed a Formal Complaint against Met-Ed disputing the denial of commercial electric service in his name at 831 S. Delaware Drive, Easton, Pennsylvania (Service Location). The Petitioner never applied or sought service in its name at the Service Location. The service subject to termination is in the name of another corporation that is not affiliated with the Petitioner or the Complainant. An In-person hearing was held before the Honorable Elizabeth H. Barnes (Judge Barnes) on August 16, 2016. Met-Ed and the Complainant, appearing *pro se*, participated in the hearing. On August 18, 2016, the Complainant contacted Judge Barnes seeking guidance as to how to prevent the termination

scheduled for on or after 8:00 a.m. on August 22, 2016. On August 20, 2016, Judge Barnes emailed the Complainant Section 3.6 of the Commission's Regulations which addresses petitions for interim emergency orders. Service to the Service Location was lawfully terminated for non-payment of undisputed charges the morning of August 22, 2016. The Petition was filed after service was lawfully terminated.

Section 3.6(a) of Commission Regulations¹ specifically states a petition may be filed by a party "during the course of a proceeding." The Petitioner is not a party to the complaint proceeding and has never sought to intervene. The Petitioner does not have standing to bring the instant action.

To the extent that the Complainant is seeking party status for the Petitioner, Met-Ed avers that the Petitioner is a Pennsylvania corporation. Pursuant to admitted Respondent Cross-examination Exhibit R-1, the Petitioner was incorporated on October 13, 2004 with Maria Stempo as the President. Commission precedent is clear: corporations must be represented by counsel in a Commission proceeding once that proceeding becomes adversarial. The matter before Judge Barnes is adversarial; the Petitioner must be represented by an attorney. The Complainant lacks the legal capacity to act on behalf of the Petitioner.

Section 3.6(b) of Commission Regulations² requires that the Petition be supported by a verified statement of facts which establishes the existence of the need for interim emergency relief, including facts to support that: (1) the Petitioner's right to relief is clear; (2) the need for

¹ 52 Pa. Code § 3.6(a).

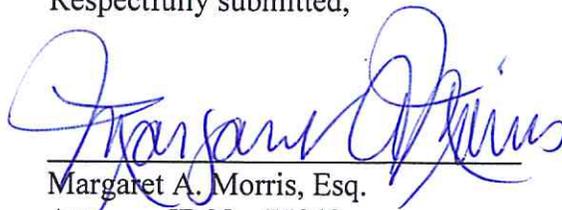
² 52 Pa. Code § 3.6(b).

relief is immediate; (3) the injury would be irreparable if relief is not granted; and (4) the relief requested is not injurious to the public interest.

Met-Ed avers that the Petition is deficient on its face and should be summarily dismissed. The Petition simply states that the Petitioner is “asking to be granted an Interim Emergency Order. We are in litigation residing under Judge Barnes” and requests the scheduled termination be delayed until the complaint proceeding is completed. The Petition does not meet the mandatory requirement for the requested relief. There is no verified statement of fact that establishes the existence of need for the requested relief. By way of further response, the Respondent avers that the Petition is moot since service was lawfully terminated prior to the filing of the Petition.

WHEREFORE, Respondent, Metropolitan Edison Company, requests that the Petition for Interim Emergency Order filed by Sammy Jo’s, Inc. be denied in its entirety.

Respectfully submitted,



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Date: August 29, 2016

Counsel for Metropolitan Edison Company

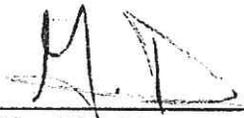
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ALFRED STEMPO – SAMMY JO’S, INC. :
v. : Docket No. C-2016-2532581
METROPOLITAN EDISON COMPANY :

VERIFICATION

I, Gina Dietrich, hereby state that the facts set forth above true and correct to the best of my knowledge, information and belief and I expect Metropolitan Edison Company to be able to prove the same at hearing in this matter. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to forsworn falsifications to authorities.

Date: August 29, 2016



Gina Dietrich