

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED

JUN 12 2003

NORA J KRAEUTER

v.

METROPOLITAN EDISON COMPANY

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:
:

C-20030069

DOCUMENT
FOLDER

INTERIM ORDER
SETTING RESOLUTION CONFERENCE

On or about April 16, 2003, Nora J Kraeuter ("Complainant") filed a complaint against Metropolitan Edison Company ("Respondent"), at the above-captioned docket number. On or about June 2, 2003, Respondent filed an answer to the complaint.

Based upon a review of the information contained in this material, I direct the parties to attempt to resolve this matter themselves. Respondent shall contact Complainant no later than June 23, 2003, to set a time, date and place for Respondent and Complainant to hold a conference about resolving the case. The conference must take place no later than July 7, 2003, unless this is not possible.

Within ten (10) days following the conference, Respondent shall file a short report with Herbert R. Nurick ("Mediator"), setting forth:

- (a) The time, date and place of the conference;
- (b) Who participated for each party;
- (c) A statement whether a full resolution, including withdrawal of complaint, was achieved, and, if not, whether the parties consent to have this case set for mediation by the mediation staff of the Commission; and
- (d) A statement of any issues which have been resolved, if a full resolution was not achieved.

RJF

The Commission encourages mediation if the parties cannot reach an agreement through the resolution conference. Mediation is an informal process in which the parties attempt to resolve the case with the help of a mediator. The mediator is a neutral staff member of the Commission who does not give advice, make a decision, or represent any party. Instead, the mediator assists the parties in their efforts to come to an agreement.

If the parties do not reach an agreement on their own, and do not consent to mediate, they are entitled to have a hearing. A hearing is a formal process where a Commission administrative law judge will review the case and make a decision to resolve it.


If it is not possible to have the conference by the date set for that purpose, Respondent shall file a report with the Mediator, on or before ten (10) days following the conference due date, giving the reason(s) why the due date could not be met.

In either situation, Respondent must file a report with the Mediator by the applicable due date set forth above.

If you have any questions, you should contact the Mediator. His address and phone number are:

Herbert R. Nurick
P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 783-5428
Email: hnurick@state.pa.us

Date: June 9, 2003


ROBERT A. CHRISTIANSON
Chief Administrative Law Judge

#387129

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: July 23, 2003

SUBJECT: Nora J. Kraeuter v. Metropolitan Edison Company;
C-20030069

TO: Commission Document Folder

FROM: Herbert R. Nurick *HRN*
Mediation Coordinator

Pursuant to Chief Administrative Law Judge Christianson's Interim Order dated June 9, 2003, a report has been submitted to the Mediation Unit.

Please include this memo in the official Commission document folder.

pc: OALJ File

DOCUMENT
FOLDER

DOCKETED
JUL 29 2003

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ORIGINAL

July 28, 2003

VIA UPS OVERNIGHT

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

DOCUMENT

JUL 28 2003

Re: Nora J. Kraeuter v. Metropolitan Edison Company
Docket No. C-20030069

Dear Secretary McNulty:

Enclosed please find an original and three (3) copies of a Motion to Consolidate Proceedings on behalf of Metropolitan Edison Company in the above-referenced matter. This document is also being served on the parties of record as evidenced by the attached Certificate of Service.

If you have any questions, please contact me.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER LLP

Alan Michael Seltzer

Alan Michael Seltzer

Enclosures
AMS.jab

c: As per Certificate of Service

1924

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NORA J. KRAEUTER

v.

METROPOLITAN EDISON COMPANY

Docket No. C-20030069

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of a Motion to Consolidate Proceedings of Metropolitan Edison Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

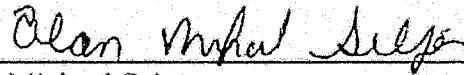
Service by UPS Overnight, postage prepaid, addressed as follows:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Service by First Class Mail, postage prepaid, addressed as follows.

Nora J. Kraeuter
1300 Howard Lane
Easton, PA 18045

Dated: July 28, 2003



Alan Michael Seltzer
Jeffrey A. Franklin
Bridgid M. Good
RYAN, RUSSELL, OGDEN & SELTZER LLP
1100 Berkshire Boulevard, Suite 301
Wyomissing, Pennsylvania 19610-1221
(610) 372-4761

Attorneys for
Metropolitan Edison Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NORA J. KRAEUTER

v.

METROPOLITAN EDISON COMPANY

LARRY C. RAPPA

v.

METROPOLITAN EDISON COMPANY

JOSEPH G. BLACK

v.

METROPOLITAN EDISON COMPANY

Docket No. C-20030069

DOCKETED

AUG 13 2003

Docket No. C-20030150

DOCUMENT

Docket No. C-20039944

**MOTION OF METROPOLITAN EDISON
COMPANY TO CONSOLIDATE PROCEEDINGS**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION.

Metropolitan Edison Company ("Met-Ed"), by and through its counsel, Alan Michael Seltzer, Jeffrey A. Franklin, Bridgid M. Good and Ryan, Russell, Ogden & Seltzer LLP, hereby files the following Motion to Consolidate Proceedings pursuant to this Commission's regulations at 52 Pa. Code § 5.81, and in connection therewith states as follows:

1. Met-Ed was served with the following formal complaints on the following dates: (i) Nora J. Kraeuter v. Met-Ed, Docket No. C-20030049 – May 29, 2003, (ii) Joseph G. Black v. Met-Ed, Docket No. C-20039944 – May 1, 2003 and (iii) Larry C. Rappa v. Met-Ed, Docket No. C-20030150 – May 29, 2003 (collectively, the "Complaints").

2. Met-Ed has filed a response to each of the Complaints denying the material allegations therein and requesting that each be dismissed with prejudice.

3. Met-Ed believes that it is appropriate for this Commission to consolidate the above-referenced proceedings for hearing and decision.

4. The regulations at 52 Pa. Code § 5.81 allow this Commission or the presiding officer to order the consolidation of proceedings "involving a common question of law or fact." The pleadings filed by the Complainants in the above-referenced proceedings contain common issues of law and fact which, in order to further judicial economy and avoid needless duplication of litigation, justify consolidation.

5. The dispute in each of the Complaints involves concerns about the noise levels resulting from the operation of Met-Ed's Northwood Substation in Northampton County, Pennsylvania. Each complaint also suggests that the Northwood Substation's alleged excessive noise may be the result of increased development in the area. In general, the Complaints are requesting similar relief – that the Commission investigate the Complaints and direct Met-Ed to reduce the noise levels from the Northwood Substation.

6. The three Complaints contain substantially similar factual allegations and prayers for relief.¹ Because of the similar nature of the factual allegations, all issues of law will also be duplicative.

¹ It should be noted that the Complaint of Larry C. Rappa at Docket No. C-20030150 also raises "concerns" about electromagnetic fields from electric wires crossing his property. Based upon informal discussions with Mr. Rappa, it is not clear whether he will actually pursue this issue at hearing. In any event, given the otherwise overwhelming similarity among the three Complaints, this lone issue can be addressed, if necessary, in the consolidated proceeding without prejudice to any of the Complainants and more expeditiously and less costly than if the three Complaints were tried separately before different Administrative Law Judges.

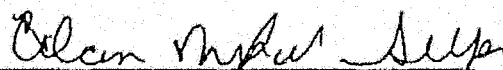
7. This Commission has significant discretion in deciding a Motion to Consolidate Proceedings. Consolidation of these proceedings will avoid the need for three separate Administrative Law Judges, separate hearings, participation by counsel for Met-Ed in three separate proceedings, and duplication of witnesses, discovery, testimony and cross-examination. Moreover, consolidation of these proceedings will avoid potentially inconsistent decisions being reached as a result of their separate treatment in different proceedings, which ultimately may require Commission resolution. Basic principles of judicial economy, the avoidance of needless duplication of litigation, and a desire to save resources all support consolidation of the above proceedings.

8. For the foregoing reasons, Met-Ed urges this Commission to consolidate the above-referenced proceedings before one Administrative Law Judge for hearing and recommended decision in accordance with Section 5.81 of the Pennsylvania Code. 52 Pa. Code § 5.81.

WHEREFORE, Metropolitan Edison Company hereby requests that this Commission grant the foregoing Motion to Consolidate Proceedings.

Respectfully submitted,

Dated: July 28, 2003



Alan Michael Seltzer
Jeffrey A. Franklin
Bridgid M. Good
RYAN, RUSSELL, OGDEN & SELTZER LLP
1100 Berkshire Boulevard, Suite 301
Wyomissing, Pennsylvania 19610-1221
(610) 372-4761

Attorneys for
Metropolitan Edison Company



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

October 1, 2003

In Re: C-20030069

(See attached list)

DOCUMENT
FOLDER

Nora J. Kraeuter v. Metropolitan Edison Company, a FirstEnergy
Company

Service dispute.

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: Initial hearing

Date: Thursday, November 13, 2003

Time: 10:00 a.m.

Location: In an available hearing room
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania

Presiding: Administrative Law Judge Ky Van Nguyen
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

RECEIVED
OCT 09 2003

Attention: *You may lose the case if you do not come to this hearing and present facts on the issues raised.*

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Nguyen
Herbert Nurick, Mediator
Susan Licon
Beth Plantz
Docket Section
Calendar File



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

DOCUMENT
FOLDER

November 13, 2003

In Re: C-20039944, C-20030069, C-20030150

(See attached list)

DOCKETED

NOV 21 2003

C-20039944 Joseph Black v. Metropolitan Edison Company
C-20030069 Nora J. Kraeuter v. Metropolitan Edison Company
C-20030150 Larry C. Rappa v. Metropolitan Edison Company

Service dispute.

Hearing Cancellation/Reschedule Notice

This is to inform you that the initial hearings on the above-captioned case previously scheduled for November 13, 2003 have been canceled.

The hearings have been rescheduled as follows:

Type: Initial hearing

Date: Tuesday, January 13, 2004

Time: 10:00 a.m.

Location: In an available hearing room
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania

Presiding: Administrative Law Judge Ky Van Nguyen
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Nguyen
Susan Licon
Beth Plantz
Docket Section
Calendar File

ORIGINAL

LAW OFFICES
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December 3, 2003 DEC - 8 2003

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17102-2025
TELEPHONE: (717) 236-7714
FACSIMILE: (717) 236-7816

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James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Joseph Black v. Metropolitan Edison Company
Docket No. C-20039944

Nora J. Kraeuter v. Metropolitan Edison Company
Docket No. C-20030069

Larry C. Rappa v. Metropolitan Edison Company
Docket No. C-20030150

DOCUMENT
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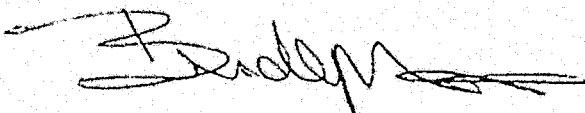
Dear Secretary McNulty:

Enclosed for filing by Metropolitan Edison Company ("Met-Ed") are an original and three (3) copies of a Certificate of Service evidencing Met-Ed's service of discovery requests (Set I) on the Complainants in the above-referenced matters. The Certificate of Service has also been served on all the parties of record.

If you have any questions, please contact me.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER LLP



Bridgid M. Good

Enclosures
BMG:jab

c: As per Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

JOSEPH BLACK

v.

Docket No. C-20039944

METROPOLITAN EDISON COMPANY

NORA J. KRAEUTER

v.

Docket No. C-20030069

METROPOLITAN EDISON COMPANY

LARRY C. RAPP

v.

Docket No. C-20030150

METROPOLITAN EDISON COMPANY

DOCUMENT
FOLDER

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Interrogatories and Requests for Production of Documents (Set I) of Metropolitan Edison Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

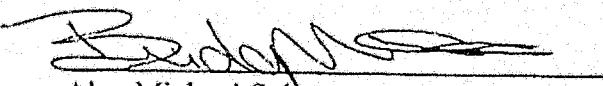
Service by UPS Overnight, postage prepaid, as follows:

Joseph Black
2500 Sandy Lane
Easton, PA 18045

Nora J. Kraeuter
1300 Howard Lane
Easton, PA 18045

Larry C. Rappa
2400 Northwood Avenue
Easton, PA 18045

Dated: December 3, 2003


Alan Michael Seltzer
Jeffrey A. Franklin
Bridgid M. Good
RYAN, RUSSELL, OGDEN & SELTZER LLP
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Attorneys for
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