

January 17, 2017

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
Answer of Met-Ed to Petition to Reopen the Record**

Dear Secretary Chiavetta:

Attached for filing is the Answer of Respondent, Metropolitan Edison Company (Met-Ed), to the Petition to Reopen the Record of Zakkiyah Salahuddin (Complainant).

A copy of the Answer to Petition 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. Joel Cheskis, PA Public Utility Commission [w/enc.]
Tori Giesler, Esquire, FirstEnergy Service Company [w/enc.]
Zakkiyah Salahuddin [w/enc.]

**Re: Docket No. C-2016-2547092
Zakkiyah Salahuddin v. Metropolitan Edison Company
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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) listed below, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

Via Electronic and First Class Mail

Zakkiyah Salahuddin
67 Brainard Street
Phillipsburg, NJ 08865
zakkiyahsa@gmail.com

Zakkiyah Salahuddin
P.O. Box 1303
Easton, PA 18042

Dated: January 17, 2017


Margaret A. Morris, Esq.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ZAKKIYAH SALAHUDDIN	:	
	:	
v.	:	Docket No. C-2016-2547092
	:	
METROPOLITAN EDISON COMPANY	:	

**ANSWER OF METROPOLITAN EDISON COMPANY TO THE PETITION OF
ZAKKIYAH SALAHUDDIN TO REOPEN THE RECORD**

Metropolitan Edison Company (Respondent or Met-Ed), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code § 5.571(c), hereby submits its Answer to the Petition to Reopen the Record (Petition) filed by Zakkiyah Salahuddin (Complainant).

Relevant Procedural Background

On April 21, 2016, the Complainant filed a Formal Complaint against Met-Ed alleging that there were incorrect charges on her bill and that she was having a safety, reliability or quality problem with her utility service.

On June 13, 2016, Met-Ed filed its Answer and New Matter, denying the material averments and noted that the issues raised were already dismissed with prejudice by the Commission in the Final Order entered July 23, 2015 in Docket No. F-2015-2463441 (*2015 Formal*).

A telephonic hearing before the Honorable Joel H. Cheskis was held on September 15, 2016, at which time the Complainant testified (Initial Hearing). A continued

hearing was held on December 6, 2016 at which time the Complainant was cross-examined and the Respondent presented its direct case (Continued Hearing). All of Met-Ed's proposed exhibits were admitted into the record. Judge Cheskis granted the Complainant until December 16, 2016 to late-file exhibits in support of her testimony and provided Met-Ed until December 27, 2016 to file any objection. Judge Cheskis also granted Met-Ed's request that the Complainant provide a narrative for each proposed late-filed exhibit as to the relevancy and how it responded to Met-Ed's testimony. The Complainant did not file any proposed exhibits for consideration and the record was closed. The instant Petition was received on January 6, 2017.

The Petition

The Petition has three sections: "Statement of Complaint" (Statement); "Issues Client disputes" (Issues) and "Based on these Findings" (Finding). The Complainant attached fifteen (15) pages of documents that she labeled as Exhibit A, B, D, E, F, G and H, respectively. Two pages¹ were not labeled but based on paragraph 6 of Issues and paragraph 4 of Findings, Penelec has labeled the documents as Exhibit C.

Legal Standard

Section 5.571 of the Commission's regulations provides:

- § 5.571. Reopening prior to a final decision.**
- (a) At any time after the record is closed but before a final decision is issued, a party may file a petition to reopen the proceeding for the purpose of taking additional evidence.
 - (b) A petition to reopen must set forth clearly the facts claimed to constitute grounds requiring reopening of the proceeding, including material changes of fact or of law alleged to have

¹ She attached part of monthly bills for the following billing periods: March 4, 2015 to April 2, 2015 and April 3, 2015 to May 1, 2015.

occurred since the conclusion of the hearing.

- (c) Within 10 days following the service of the petition, another party may file an answer thereto.
- (d) The record may be reopened upon notification to the parties in a proceeding for the reception of further evidence if there is reason to believe that conditions of fact or of law have so changed as to require, or that the public interest requires, the reopening of the proceeding.
 - (1) The presiding officer may reopen the record if the presiding officer has not issued a decision or has not certified the record to the Commission.
 - (2) The Commission may reopen the record after the presiding officer has issued a decision or certified the record to the Commission.

52 Pa. Code § 5.571; *see also, Pa. P.U.C., et al. v. Pennsylvania Power Company*, 63 Pa. PUC 317 (1987).

Discussion

The Petition is silent as to the facts claimed to constitute the grounds to reopen the record. There has been no material change of fact or law that occurred since the record closed. The Petition does not address why her proposed late-filed exhibits, due December 16, 2016, were not submitted. There has been no change of fact or law that would necessitate the reopening of the record for the taking of additional evidence. Public interest does not require the record be reopened to admit the proposed exhibits. The Complainant had been accorded due process and chose not to timely file proposed exhibits by December 16, 2016.

The Complainant's attempt to expand her testimony and the scope of the proceeding in the Statement and Issues sections should be rejected. The Complainant was given the opportunity to fully present her case at the Initial Hearing. In fact, Judge Cheskis clearly

advised the Complainant that this was her opportunity to say everything she wanted to say and that she get everything on the record since she would not be permitted to raise additional issues/facts at the Continued Hearing. TR. 12.

Objections to Exhibits

Should the Commission determine that public interest is served by re-opening the record to consider the Complainant's proposed exhibits, the Company avers that the documents presented are not credible and should not be admitted. The documents are not complete; most are missing pages and/or sections. The Company's specific objection to each proposed exhibit is set forth below.

Proposed Exhibit A:

3-pages: part of PCAP reminder letter, dated May 2, 2014; part of PCAP application and letter from Dollar Energy, dated May 27, 2014

Complainant's narrative:

She timely recertified her eligibility for PCAP in 2014.

Met-Ed response:

The documents contained in this proposed exhibit are not complete; there are missing pages. The record evidence reflects that the Complainant's Account at St. John Street was enrolled in PCAP on June 11, 2013.

Proposed Exhibit B:

1-page: part of PCAP reminder letter, dated May 5, 2015

Complainant's narrative:

She timely recertified her eligibility for PCAP in 2015.

Met-Ed response:

The document contained in this proposed exhibit is not complete; there are missing pages. Exhibit B is the reminder letter, dated March 5, 2015, that the Complainant needed to contact a PCAP agency within the next ten (10) days to schedule a recertification appointment. The letter summarized the PCAP benefits received in 2014. The record evidence reflects the Complainant was dismissed from PCAP effective May 1, 2015 for failure to reverify the household income.

Proposed Exhibit C:

2-pages: part of the monthly bill for the following billing periods: March 4, 2015 to April 2, 2015 and April 3, 2015 to May 1, 2015.

Complainant's narrative:

She received two bills owing separate amounts for month of June 2015.

Met-Ed response:

The documents contained in this proposed exhibit are not complete; there are missing sections and pages. The two bills reflect two separate billing periods. The Company reversed the bill based on an estimated reading on April 2, 2015 and rebilled the account for less consumption for the billing period March 4, 2015 to April 2, 2015 when the actual reading was obtained on May 1, 2015. The Company also notes that both bills, under the "Reminder Notice" specifically advised the Complainant of her obligation to reverify her PCAP eligibility by May 1, 2015 or she would be removed from the program.

Proposed Exhibit D:

4-pages: part of 3-day notice, dated September 4, 2015, for delinquent amount of \$1,242,60; part of 10-day notice advising of termination on or after September 8, 2015 for delinquent amount of \$1,242,60; first page of lease for 600 Canal Street, Apt. B3; and part of bill, dated September 8, 2015

Complainant's narrative:

She resided at 600 Canal Street for 3 months when she received a bill for \$1,242.00 and 2 termination notices.

Met-Ed response:

The documents contained in this proposed exhibit are not complete; there are missing sections and pages. Met-Ed Exhibit 10 reflects that on July 28, 2015, the outstanding Met-Ed charges in the amount of \$1,907.78 and the outstanding electric generation supplier charges in the amount of \$1,099.84 were transferred from Account No. 100105214678 (Prior Account)² to the Canal Street account. The 10-day and 3-day termination notices reflect the service was subject to termination for non-payment of \$1,242.00. The lease has clearly been altered and is inconsistent with the reported household size to BCS as reflected in Met-Ed Exhibits 13 and 14.

Proposed Exhibit E:

1-page: 10-day notice, dated June 2, 2015

Complainant's narrative:

She received a notice indicating that her balance is \$237.45.

Met-Ed response:

The document contained in this proposed exhibit is not complete; there are missing pages and sections. The 10-day notice issued under the Prior Account indicated that the amount subject to termination was \$237.45. The *2015 Formal* was still pending before the Commission and only delinquent current charges were subject to termination. The actual Prior Account balance as of June 1, 2015 was \$2,921.31. See Met-Ed Exhibit 3.

² Service at 324 St. John St., Easton, PA for the period September 13, 2013 to June 12, 2015.

Proposed Exhibit F:

**1-page: 10-day notice, dated September 16, 2016.
Complainant's narrative:**

She received a shut off notice for \$82.17 (\$118.17).

Met-Ed response:

The document contained in this proposed exhibit is not complete; there are missing sections and pages. Consistent with Paragraph 12 of Judge Cheskis' Prehearing Order, dated August 8, 2016, and Commission regulations,³ the 10-day notice was for delinquent current charges in the amount of \$82.17. If terminated, the amount to restore is \$118.17. The record reflects that service was discontinued in the Complainant's name on September 16, 2016 when an applicant established service. See, Met-Ed Exhibit 1, page 2.

Proposed Exhibit G:

2-pages: 10-day notice, dated March 23, 2016

Complainant's narrative:

None

Met-Ed response:

The documents contained in this proposed exhibit are not complete; there are missing sections and pages. This document is a duplicate of Met-Ed Exhibit 11.

Proposed Exhibit H:

1-page, bill dated April 10, 2013

Complainant's narrative:

There was no balance for service to 604½ S. Main Street, Bangor, PA.

³ 52 Pa. Code § 56.181

Met-Ed response:

The document contained in this proposed exhibit is not complete; there are missing sections and pages. Met-Ed Exhibit 3 reflects that the outstanding balance of \$613.54 under Account No. 100078902804 was transferred to the Prior Account on December 4, 2013. The proposed exhibit reflects that as of April 10, 2013, the actual account balance for service to S. Main Street was \$407.21.

WHEREFORE, Respondent, Metropolitan Edison Company, requests that the Petition to Reopen the Record filed by Zakkiyah Salahuddin be denied on the merits. If the Petition is granted, Metropolitan Edison Company requests that its objections to the Complainant's proposed be granted and the proposed exhibits not be admitted into the record.

Respectfully submitted,

Date: January 17, 2017



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