



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

March 7, 2005

Matthew A. Totino Esquire
Ryan Russell Ogden & Seltzer LLP
800 North Street Suite 101
Harrisburg Pa 17102-2025

DOCKETED
MAR 15 2005

Re: Edward T. O'Toole v. Metropolitan Edison Company
C-20030854

Dear Mr. O'Toole:

**DOCUMENT
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On February 17, 2005, Edward T. O'Toole filed Exceptions to the Initial Decision of Administrative Law Judge Angela T. Jones in the above captioned matter. Our review of the Exceptions revealed that no certificate of service or other indications of service accompanied that filing. Accordingly, we have enclosed a copy of the Exceptions for your use. This shall constitute service of the Exceptions for purposes of 52 Pa. Code §5.533.

Pursuant to 52 Pa. Code §5.535, you shall have ten (10) days from the date of service of the enclosed Exceptions to reply. The Exceptions were filed February 17, 2005. Although the Exceptions were timely filed, due to the failure of Edward T. O'Toole to note service on Metropolitan Edison Company, and in order to avoid prejudice to either party, we shall deem the filing date to be the date of this letter for purposes of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), relating to the time for Commission consideration of Exceptions.

Sincerely,

James J. McNulty
Secretary

Enclosure

cc: Edward T. O'Toole
13152 Rennoll Road
Glen Rock Pa 17327
Office of Special Assistants
Document Folder

ORIGINAL

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VIA HAND DELIVERY

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

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2005 MAR 17 PM 2:24
SECRETARY'S BUREAU

Re: Edward T. O'Toole v. Metropolitan Edison Company
Docket No. C-20030854

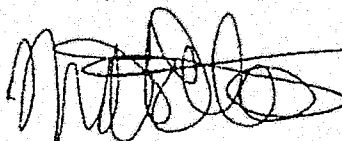
Dear Secretary McNulty:

Enclosed please find an original and three (9) copies of the Reply to Exceptions filed on behalf of Metropolitan Edison Company in the above-referenced matter. This document has also been served on the parties of record as shown in the Certificate of Service.

If you have any questions, please contact me.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER LLP



Matthew A. Totino, Esquire

Enclosures

MAT:ck

c: As per Certificate of Service

DOCUMENT
FOLDER

RJP

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

EDWARD T. O'TOOLE

v.

METROPOLITAN EDISON COMPANY

Docket No. C-20030854

SECRETARIAT'S BUREAU

2005 MAR 17 PM 2:24

RECEIVED

REPLY TO THE EXCEPTIONS OF EDWARD T. O'TOOLE

Dated: March 17, 2005

Matthew A. Totino
RYAN, RUSSELL, OGDEN & SELTZER LLP
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Harrisburg, Pennsylvania 17102-2025
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Attorneys for
Metropolitan Edison Company

DOCKETED
APR 15 2005

**DOCUMENT
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I. INTRODUCTION

In accordance with this Commission's regulations at 52 Pa. Code § 5.535, Metropolitan Edison Company ("Met-Ed" or the "Company") files the following Reply to the Exceptions of Edward O'Toole ("Complainant" or "Mr. O'Toole") in connection with the Initial Decision of Administrative Law Judge ("ALJ") Angela T. Jones issued on February 2, 2005 ("Initial Decision" or "I.D.") at the above-captioned docket.

In the Initial Decision, the ALJ dismissed Mr. O'Toole's complaint with respect to his claims of inadequate power, the inadequacy of the transformer serving his property; the inadequacy of the distribution lines servicing his property, erroneous billing, and the allegations relating to the ambiguity of Met-Ed's tariff.¹

¹ The Company agreed with the ALJ's dismissal of five of Complainant's claims. Met-Ed was also willing to comply with the ordering paragraphs of the I.D. regarding power fluctuations and customer service, even though Met-Ed disagreed with the ALJ's findings in those regards. Therefore, Met-Ed did not file Exceptions to the I.D. In any event, Met-Ed provided testimony that the overall voltage provided by Met-Ed to Mr. O'Toole is adequate. F.F., 193; N.T., 227. The Company provided evidence of three voltage tests (two one-time spot tests of the meter in 2003 and 2004 and one voltage recording test done for a 2-week period in 2001) where the voltage provided to the O'Toole property was found to be in normal ranges. F.F., 186, 189, 192; N.T., 221-24, 226, 235-36, Exhibit SW-7-9. Although the ALJ found that Met-Ed did not rebut Complainant's October of 2004 tests because it did not provide tests results from that same period, the Company disagrees with the ALJ's finding in this regard. One, based on the time of the hearing in October of 2004, Met-Ed was never given a meaningful opportunity to respond to Complainant's test results done that same month. In any event, although three years earlier, the voltage tests from 2001 should still have been sufficient to rebut Mr. O'Toole's evidence given that Mr. O'Toole made the same voltage complaints in 2001 that he made in 2004. Furthermore, the Met-Ed tests were conducted at the meter, meaning that our results are exclusively for the Company's side of the system. In contrast, Mr. O'Toole's tests were done inside his house thus, do not differentiate whether any problem is on the Company's side or the customer's side of the electric system. Moreover, the Company presented evidence from two witnesses (based on on-site observations and conversations with Mr. O'Toole about certain electric events that he was experiencing) that any voltage problems were caused by his internal wiring and circuitry, i.e., were on his side of the electrical system. F.F., 129-30, 195-96; N.T., 179-80, 227-29, Met-Ed Exhibit SW-10. This witness testimony along with the voltage test results should have been sufficient to rebut Complainant's evidence on power fluctuations.

Regarding customer service, Met-Ed believes that several allegedly mishandled calls do not equate to a finding of unreasonable service. While public utilities have a duty under this Code section to provide reasonable, adequate and reasonably continuous service, the Commission has determined that this requirement for service does not mean a utility must provide perfect service. Maldonado v. Pocono Water Company, 1994 Pa. PUC LEXIS 93 (1994). Anserphone, Inc. v. Bell Telephone Co. of PA, 1993 Pa. PUC LEXIS 70 (1993). A determination that Met-Ed violated Section 1501 by mishandling several calls is tantamount to requiring a public utility to provide perfect service, which is not the standard.

While the Company is responding to the Complainant's Exceptions, it should be noted that the Exceptions fail to conform to the Commission's regulations at 52 Pa. Code § 5.533 requiring an explanation of any findings of fact or conclusions of law to which exception is taken and a citation to the relevant pages of the decision. In addition, the Exceptions are neither clear nor concise. 52 Pa. Code § 5.533.

It is well established that inclusion of extra-record evidence in Exceptions is not permitted without order of the Commission. (Application of Apollo Gas Company, 1994 Pa. PUC LEXIS 45, Docket No. A-120450 F003 (February 10, 1994)). Once the record is closed in a proceeding, no additional evidence may be introduced or relied upon unless allowed by the Commission or the presiding officer upon motion by the participant. 52 Pa. Code § 5.431. The Complainant's Exceptions refer to extra-record factual assertions, many of which are redundant of the allegations in his case, and in any event, lack merit.

II. FACTUAL BACKGROUND

Met-Ed incorporates the "History of the Proceedings" section of the Initial Decision, which accurately summarizes the background of this proceeding. I.D., 1-4. To supplement this information, Met-Ed provides the following with respect to the evidence provided at hearing.

At hearing, Mr. O'Toole testified on his own behalf and did not present any additional witnesses. Concerning background, Mr. O'Toole admitted that his primary area of expertise is not in the electrical field. Mr. O'Toole admitted that he has never testified as an expert regarding electrical matters on behalf of any client and that he is not an electrician. F.F., 75; N.T., 102-03, 108.

Substantively, Mr. O'Toole's testimony can be summarized as providing limited evidence in the following five areas to which he appears to have excepted: (1) inadequate power; (2) an inadequate transformer serving his property; (3) inadequate distribution lines servicing his property; (4) erroneous billing; and (5) ambiguity of Met-Ed's tariff.

In response, Met-Ed presented five witnesses. Met-Ed's first witness was Rosalyn Strassner, a Business Analyst who works primarily with customer complaints (Met-Ed Exhibits RS-1 through RS-3). Ms. Strassner provided testimony about Mr. O'Toole's account history and his complaint history with the Company. Ms. Strassner testified that Mr. O'Toole had a poor payment history. Ms. Strassner testified that in the past 26 months, Mr. O'Toole had made only three payments. F.F., 88; N.T., 115. Ms. Strassner also testified that Complainant has not made payments in accordance with the most recent BCS decision. F.F., 92; N.T., 116. As of the date of the hearing, Mr. O'Toole's outstanding account balance was \$1,309.06. F.F., 89; N.T., 115.

Ms. Strassner also testified about Mr. O'Toole's complaint history with Met-Ed. Mr. O'Toole had filed three informal complaints against Met-Ed with the Commission's Bureau of Consumer Services ("BCS"). F.F., 95; N.T., 117-19, Met-Ed Exhibit RS-3. As is evident from a review of RS-Exhibit 3, the three informal complaints that were dismissed by BCS contained essentially the same allegations with respect to the adequacy of service and the accuracy of Met-Ed's billing that Mr. O'Toole raised in his above-captioned Formal Complaint. N.T., 119-20.

Met-Ed's second witness was Albert Gordon, a manager of meter reading service, who provided testimony regarding the reading of Mr. O'Toole's meter. Mr. Gordon testified that Met-Ed's readings of Mr. O'Toole's meter were done in accordance with applicable law. N.T., 157-58.

Met-Ed's third witness was Wendell Leppo, an advanced engineer in the Company's meter services department (Met-Ed Exhibits WL-1 through WL-4). Mr. Leppo testified about the accuracy of the meters installed at Complainant's residence and about his observations during two on-site visits to the O'Toole property. Regarding meter accuracy, Mr. Leppo testified that the various meters servicing Mr. O'Toole's property were tested and found to be registering usage accurately,² F.F., 115, 120, 122; N.T., 167-72, Met-Ed Exhibits WL-1-3. Mr. Leppo also testified about his observations of the O'Toole property during an on-site visit in September of 2003 in response to a high bill complaint. According to Mr. Leppo, based on an inventory of Mr. O'Toole's load,

² Met-Ed witness Wendell Leppo admitted that in May of 2004, the meter at the O'Toole property was replaced due to broken glass. However, Mr. Leppo further testified that given the test results, the broken globe would not have affected the accuracy of the meter. N.T., 171.

the potential existed for the use that was registering on his meter. F.F., 126, 128; N.T., 174-76, 178, 193-95.

Met-Ed's fourth witness was Steven D. Ward, a Met-Ed Supervisor of Electrical Engineering (Met-Ed Exhibits SW-1 through SW-11). Mr. Ward testified about the service and operational-related issues raised by Mr. O'Toole in this proceeding. Mr. Ward testified that, based on his review of outage and momentary interruption data, the overall reliability of the line feeding Mr. O'Toole's property was good. F.F., 151; N.T., 206. Mr. Ward also testified that based upon his on-site inspection, the distribution facilities located on the O'Toole property used to provide electric service to Mr. O'Toole, including the transformer, were safe and adequate and up to current structural standards and provided Mr. O'Toole with adequate power. F.F., 164; N.T., 209-11. Mr. Ward added that the distribution wires that run along Complainant's property met the applicable clearance standards of the National Electrical Safety Code. F.F., 169, 175, 176; N.T., 214-18.

Met-Ed's fifth and final witness was Christopher Wehr, a Senior Analyst in Rates and Regulatory Affairs (Met-Ed Exhibits CW-1 through 3). Mr. Wehr provided testimony on the reasonableness of Met-Ed's tariff, and the Company's rules regarding service upgrades. Mr. Wehr testified that Met-Ed's tariff was approved by the Commission. F.F., 241; N.T., 286. Mr. Wehr further testified that Met-Ed complied with Rule 7 of its retail electric tariff regarding Mr. O'Toole's request for a service upgrade. F.F., 239; N.T., 283.

III. REPLY TO EXCEPTIONS

It is important to note that, based on the form of Mr. O'Toole's Exceptions, Mr. O'Toole does not make clear what Findings of Fact or Conclusions of Law reached in the Initial Decision he is specifically challenging. Moreover, Mr. O'Toole does not provide any cites to the I.D. or the transcript, and the Exceptions are neither clear nor concise. Complainant's failure to follow the form requirements in the Commission's regulations makes it extremely difficult for Met-Ed to file responsive replies.

It is well established that inclusion of extra-record evidence in Exceptions is not permitted without order of the Commission. (Application of Apollo Gas Company, 1994 Pa. PUC LEXIS 45, Docket No. A-120450 F003 (February 10, 1994)). Once the record is closed in a proceeding, no additional evidence may be introduced or relied upon unless allowed by the Commission or the presiding officer upon motion by the participant. (52 Pa. Code § 5.431). The Complainant's Exceptions appear to raise extra-record allegations, many of which are redundant of the allegations in his case and in any event, lack merit. For examples of extra-record evidence, see the discussion on page 3 of Mr. O'Toole's Exceptions regarding his alleged experience in the electrical field, the discussion on page 5 regarding the recommendations of amp service for houses, and the discussion on page 8 regarding the broken meter globe.

Mr. O'Toole misrepresents what occurred at hearing regarding the qualifications of the Met-Ed witnesses. Mr. O'Toole did not specifically request documentation regarding the expertise of Met-Ed witnesses. Moreover, the Met-Ed witnesses provided their educational background and work experience to establish their expertise in the relevant areas of testimony. N.T., 112-13, 154-55, 165-66, 199-200.

A. The Commission has Promulgated Regulations to Ensure an Orderly Process for Exceptions to an Initial Decision.

Mr. O'Toole first takes issue with the Commission's procedural requirements regarding the filing of Exceptions. However, the Commission's regulations at 52 Pa. Code § 5.533 are crystal clear that: (1) Exceptions are due within 20 days after the initial decision is issued; (2) Each Exception shall be numbered and shall identify the finding of fact or conclusion of law to which exception is taken; and (3) Exceptions are to be concise in that they are limited to 40 pages in length. These requirements are not just trivial annoyances that are binding at the discretion of a party, but rather, are rules that were promulgated via the administrative rulemaking process to ensure an orderly process for attempting to bring issues to the attention of the Commission. These regulations cannot and should not be disregarded. These procedural requirements serve a distinct purpose to ensure an orderly administrative process and have not harmed Complainant in any way. By openly failing to follow the form requirements for Exceptions, Complainant has impeded the Commission's and Met-Ed's ability to fulfill their respective duties in the Exceptions process and has impeded the development of an orderly administrative process.

B. The ALJ Properly Dismissed the Complaint With Respect to the Allegations of (1) Inadequate Power; (2) Inadequate Transformer; (3) Inadequate Distribution Line Clearances; (4) Erroneous Billing; and (5) Ambiguity of Met-Ed's Tariff.

As the party seeking a rule or order from this Commission that Met-Ed provided inadequate service, Mr. O'Toole has the burden of proof. Section 332(a) of the Public Utility Code describes the general rule with respect to burden of proof in proceedings before this Commission:

a. Burden of Proof. Except as may be otherwise provided in Section 315 (relating to burden of proof) or other provisions of this part or other relevant statute, the proponent of a rule or order has the burden of proof.

66 Pa. C.S. § 332(a). To meet this burden under Section 332(a), Complainant bears the ultimate burden of persuading the Commission, "by a preponderance of substantial evidence," that the relief sought is proper and justified under the circumstances. Motheral, Inc. v. Duquesne Light Company, 2001 Pa. PUC LEXIS 4 at 9; *citing*, Se-Ling Hosiery v. Margulies, 70 A.2d 854 (1954). The Supreme Court of Pennsylvania has held that a party's burden of proof (in order to prevail on a complaint) means a duty to establish necessary facts by a preponderance of the evidence. Preponderance of the evidence means one party must present evidence which is more convincing by even the smallest amount than the evidence presented by an opposing party. (*See*, Se-Ling Hosiery, *supra*).

1. Inadequate Power

The ALJ was correct to conclude that Mr. O'Toole did not satisfy his burden of proof with respect to inadequate power. I.D., 42. As found by the ALJ:

Mr. O'Toole does not provide permits or architectural plans or other evidence to show that confirmed intent and responsible certainty to build two additional homesteads on his property. Mr. O'Toole does not reference the particular federal code, either statute or regulation or any documentation that states a preference to bury cable versus overhead aerial cable and the particular circumstances to enforce the recommendation. Mr. O'Toole stated that his current amperage is inadequate and will be inadequate in ten years, but Mr. O'Toole is not an electrician or an expert in the electrical field. Mr. O'Toole has not provided any documentation to demonstrate that his current amperage is insufficient service for his residence as it exists. Mr. O'Toole acknowledges that the amperage service can be increased but does not believe if the request is granted, that he should pay for the request.

I.D., at 41.

Moreover, even if Complainant had met his initial burden, the Company provided sufficient evidence to rebut a finding that inadequate power was being supplied to Mr. O'Toole.³ As noted by the ALJ:

The Company states, through its experts, that it is not aware of any federal recommendation or preference for buried cable versus aerial cable. The Company provides reasons such as less labor costs, more durability, less natural corrosion, why aerial cable is preferable to buried cable. The Company cites Commission regulations pertinent to buried cable. 52 Pa. Code §§ 57.81 – 51.88. I do not find these Commission regulations relevant for mandating buried cable to be provided by the Company in this instance. The Company complied with Rule Seven of its tariff reading [sic] service amperage upgrade with Mr. O'Toole. Typically, a residential customer has a 200 amp service for a dwelling with electric heat (Tr. 286-87).

I.D., 41-42. As confirmed by the expert testimony of Met-Ed engineer Steve Ward, the distribution facilities located on the O'Toole property used to provide electric service are safe and adequate and up to current structural standards, and Mr. O'Toole is being provided with adequate power. F.F., 164; N.T., 209-11.

2. Inadequate Transformer

The ALJ was correct to conclude that Mr. O'Toole did not satisfy his burden of proof with respect to the inadequacy of the transformer servicing his property.

I.D., 42. As found by the ALJ:

Mr. O'Toole is not an expert in the electrical field and has never testified as such. Mr. O'Toole brought no evidence to support his assertions that the transformer at his property is inadequate and not performing properly. Mr. O'Toole testified that a fuse in the transformer popped but the Company did replace it. Nothing in the record supports that the transformer is impeding adequate service to Complainant's property. Furthermore, the age of the

³ If the review indicates that a complainant's burden has been satisfied, the fact finder must then determine whether the respondent has submitted evidence of co-equal value or weight in order to counter or refute the complainant's case. If the respondent has provided co-equal evidence in response to the complainant's case, the burden of proof cannot be deemed to have been satisfied unless the party bearing the burden presents additional evidence causing the complainant's position to be supported by a preponderance of the evidence. Motheral, Inc. v. Duquesne Light Company, 2001 Pa. PUC LEXIS 4 at 9-10

transformer does not translate to malfunctioning equipment. The Company's expert testified that Mr. O'Toole's transformer was manufactured in 1963 and the same type fuses in that transformer are installed today for use. Even the testimony of Mr. O'Toole does not show that the transformer is not properly providing service.

I.D., 40. Moreover, Met-Ed provided testimony from Met-Ed engineer Steve Ward that the distribution facilities located on the O'Toole property used to provide electric service to Mr. O'Toole, including the transformer, are safe and adequate and up to current structural standards and provide Mr. O'Toole with adequate power (F.F., 164; N.T., 209-11), further substantiating the ALJ's finding in this regard.

3. Inadequate Distribution Line Clearances

The ALJ was correct to conclude that Mr. O'Toole did not satisfy his burden of proof that the distribution lines serving his property were inadequate. I.D., 41. Moreover, even if the ALJ had found that Complainant met his initial burden, Met-Ed provided sufficient evidence to rebut any initial finding of inadequate distribution lines.

As found by the ALJ:

Mr. O'Toole is not an electrician or an expert in the electrical field. Mr. O'Toole did not provide any documentation as to tolerances for the clearances of the aerial wiring or distribution of Met-Ed's facilities. Mr. O'Toole did not provide any independent electrical standard or treatise to offer as documentation as to the inadequacy of the aerial wiring.

Moreover, even if Complainant had met his initial burden, the Company provided sufficient evidence to rebut a finding that the distribution line clearances were inadequate. As noted by the ALJ:

The Company provided a table 232 from the NESC that covers vertical clearances of wires and cables and demonstrated that the wiring to Mr. O'Toole's property are within the clearances provided by the national standard (Met-Ed Exhibits SW-4, SW-5 and Tr. 215-17). Met-Ed's expert testified that the industry standard is to have the service provided by overhead lines and Met-Ed has inspected the relevant wire clearances along

Mr. O'Toole's property and finding the clearances to be in compliance with current guidelines (Tr. 214 and 234).

I.D., 40-41.

4. Erroneous Billing

The ALJ was correct to conclude that Mr. O'Toole did not satisfy his burden of proof that his bills were erroneous or too high. I.D., 38. As found by the ALJ:

No copies of a bill were offered for introduction into evidence by Complainant. No specific time frames were provided as to when the erroneous billing occurred. No specifics as to what were alleged to be duplicative charges or unclear descriptions on the bill were presented. Mr. O'Toole raised instances when he telephoned the Company to inquire about issues relating to his service, but these exchanges were not specific to erroneous billing; they were put forth to demonstrate the treatment he received at the expense of the Company.

It may be true that Mr. O'Toole's bills have doubled since Met-Ed's wholly-owned subsidiaries have delivered electric service, however, the evidence of record does not show that such an occurrence is a violation to any Commission regulation, statute or order. Mr. O'Toole offered no bills showing the time frames he is comparing, no evidence that the rates are unreasonable or improper or unjust, and critically no evidence that Met-Ed's actions have violated any Commission regulation, law or order that is presently in effect.

I.D., 37.

Moreover, even if Complainant had met his initial burden, the Company provided sufficient evidence to rebut a finding of erroneous or high billing. Such evidence included testimony that Met-Ed's readings of Mr. O'Toole's meter were done in accordance with applicable law (N.T., 158), that the various meters servicing Mr. O'Toole's property were tested and found to be registering usage accurately (F.F., 115, 120, 122; N.T., 167-72, Met-Ed Exhibits WL-1-3), and that based on an inventory of Mr.

O'Toole's load taken during an on-site visit, the potential existed for the use that was registering on the meter.⁴ F.F., 126, 128; N.T., 174-76, 178, 193-95.

5. Ambiguous Tariff

The ALJ was correct to conclude that Mr. O'Toole did not satisfy his burden of proof that Met-Ed's tariff is ambiguous. I.D., 42-43. As noted by the ALJ,

Mr. O'Toole never presented any bill or tariff of the Company into evidence as an example of his allegations.

The Company's witness testified that Met-Ed's tariffs define the rules, regulations, rates, terms or provision of service and follow guidelines of the PUC. Met-Ed's electric service tariff was approved by the Commission (Tr. 286).

I cannot find that Complainant has satisfied his burden of proof. Mr. O'Toole did not provide sufficient record evidence to support his allegations. Furthermore, the record does not support that the Company violated any Commission regulation, statute or order or any federal regulation, statute or order pertinent to this issue.

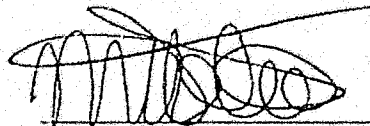
I.D., 42-43. Therefore, the ALJ was correct to dismiss Complainant's allegation that Met-Ed's tariff is ambiguous.

⁴ Met-Ed witness Wendell Leppo admitted that in May of 2004, the meter at the O'Toole property was replaced due to broken glass. However, Mr. Leppo further testified that the broken globe would not have affected the accuracy of the meter, given the test results. N.T., 171.

IV. CONCLUSION

WHEREFORE, for all of the foregoing reasons, Metropolitan Edison Company respectfully requests that the Exceptions of the Complainant be denied and that the Initial Decision be upheld with respect to the ALJ's findings regarding (1) Inadequate Power; (2) Inadequate Transformer; (3) Inadequate Distribution Line Clearances; (4) Erroneous Billing; and (5) Ambiguity of Met-Ed's Tariff.

Respectfully submitted,



Dated: March 17, 2005

Matthew A. Totino
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800 North Third Street, Suite 101
Harrisburg, Pennsylvania 17102-2025
(717) 236-7714

Attorneys for
Metropolitan Edison Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

EDWARD T. O'TOOLE

v.

Docket No. C-20030854

METROPOLITAN EDISON COMPANY

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the documents on behalf 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).

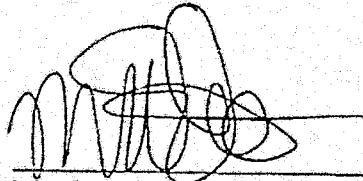
Service by Hand Delivery, postage prepaid, addressed as follows:

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:

Edward T. O'Toole
13152 Rennoll Road
Glen Rock, PA 17327

Dated: March 17, 2005



Matthew A. Totino
RYAN, RUSSELL, OGDEN & SELTZER LLP
800 North Third Street, Suite 101
Harrisburg, Pennsylvania 17102-2025
(717) 236-7714

Attorneys for
Metropolitan Edison Company

SECRETARY'S BUREAU

MAR 17 PM 2:24

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DOCUMENT

DATE: March 23, 2005

SUBJECT: C-20030854

TO: Cheryl W. Davis, Director
Office of Special Assistants

FROM: James J. McNulty
Secretary
nvl

DOCKETED
MAR 24 2005

EDWARD T. O'TOOLE
VS
METROPOLITAN EDISON COMPANY

Copies of the Initial Decision have been served upon all parties of interest.

Exceptions have been filed by:

EDWARD T. O'TOOLE

Reply Exceptions have been received from:

cc: Susan Hoffner

DOCUMENT
FOLDER

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2005 APR 11 11:09:35
SECRETARY'S BUREAU

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13152 Rennoll Road
Glen Rock, Pennsylvania
17327

April 11, 2005

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P. O. Box 3265,
Harrisburg, Pennsylvania 17105-3265

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APR 11 2005

PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

DOCKETED
SEP 02 2005

Attention: James J. McNulty, Secretary
C-20030854

First: The "...failure to note service on Metropolitan Edison Company" was not meant to demean or omit; it was due to the fact that no such directive was within the instruction(s) sent me. Other "instruction" packets contain such instruction. I attempt to follow (as any [legal] layman: novice) that which is "instructed". The legal system of these United States is not meant to be for only those aligned with "the law"! The Court system was **intended** for use by **the citizenry**. This has apparently become gelded - as, it has been duly noted by our President, during his inaugural speech, has become somewhat commonplace, "legislate from the bench". *in my opinion:* "CASE LAW" is just that! the **opinion** of one "Judge"; from which others (lawyers) quote -&- others (judges) concede as legislated law.

Another "prejudice" to both "applicants" to the court system is the partiality proffered by courts by the limited time allowed the "applicants to the court system" while the Court, in essence, has no such time restraint(s). "...ten (10) days from the date of service" does NOT take into consideration the time "in the mails" - which abridges reply time to almost same-day-received to that same-day-send! The appeal-ants also have "a-life-outside-of-the-court-system"! *especially in today's world!*

The "COURT" should become "more friendly" to those forced into their arena! These TIME RESTRAINTS should be re-evaluated!

This, time issue, is not the antecedent for the timing of this letter; mine being to allow Met-Ed [Metropolitan Edison Company] to respond to that requested by me [with every contact I've made] for a "tabular" **total** break-down of the charges which, regardless of the contention of Met-Ed, has still not been **received** by me!

the term: "Fed Tx" does NOT explain that "tax"!

as there are also MANY other such nebulous entries on the bill

Many times, the amount is DUPLICATED - WHY?

I still believe some of these "charges" are (also) DUPLICATED !

ALSO: some of the listed titles appear to be synonyms for other titles!

REGARDLESS: I am still being BILLED for a "plan" that, though Met-Ed states I agreed to, I have NEVER agreed to ANY PLANNED TIME PAYMENT! nor want one! **I PAY THOSE BILLS I OWE** *in toto*, **BUT** only after it is proven I OWE that amount! The language used by "utilities" is such that can NOT be confirmed as legitimate.

EXAMPLE: {in my profession} I could bill for both a "buccal" swab & a "throat" swab, (& "tonsillar" swab, & an "UVular" swab -&- I could use several other names) **HOWEVER:** **ALL** of these [for "swab" purposes] are of the **same** area!

I, again, ask your intervention in obtaining from Met-Ed that requested; so: I can PAY that I (honestly) OWE!

The Other Factor brought up during hearing: the *many months* BROKEN meter!
IF you remember: Met-Ed stated several "facts":

A: There was NO broken meter -thus- did NOT require "replacement"
Yet they now (should have on record) that the "broken" meter was REPLACED

The ENTIRE glass globe was GONE! The "wheel" subject to WIND movement
This occurred even more months AFTER the "hearing"

further proof: the "reading numbers" suddenly now have begun at ZERO

B: Met-Ed could NOT get to my meter to "read it" -thus- had to cut my shrubs
remember: first DENYING cutting, then, stating HAD TO CUT can't be both!

C: My "meter" is NOT equipped for "ELECTRONIC READING"

I continually watch the meter-readers (still) walk with reader IN-HAND

I continually watch the meter-readers (still) point the reader at the meter

Z: I had to LOAN the meter replacement tech BATTERIES for his "test meter"

In My Profession: This "non-preparedness" would not only be frowned upon -but-

-but- I could be incarcerated for such un-professional un-preparedness

These are mentioned here to demonstrate to Your Honor the unabashed perjurious nature of this so-trustworthy utility -&- to remind of the contradictory testimonies.

The only thing [& others] asked is being given [my] CITIZEN's RIGHTS!
those being: KNOW **exactly** for what I am paying

Receive "BILLS" that EXPLAIN to the layman that billed

Cease treating the CITIZEN as if "ignorant"

CEASE messing with "current flow" entering homes

MORE RESPONSIBLE OVERVIEW BY PUC using "professionals"

PUC **NOT** take the word of Met-Ed representatives-at-hearing

of the "education" & "professional" status of Met-Ed personnel

My profession REQUIRES "hard documentation"! So Should YOU!

Job Title & Time On The Job Doesn't Suffice - When You Don't Know What You're Doing!

MY VOLTAGE coming into my home still EXCEEDS the ACCEPTED MAX!

That stated in Hearing by the so-called experts (I attempted to tell you) is

NOT that ACCEPTED by the "industry"!

MY VOLTAGE **Still EXCEEDS** 120&240 !

I attempted to tell you: The STANDARD is 110&220, with 120&240 MAX!

Met-Ed "insisted" the AVERAGE is 120-240v NOT TRUE

Not even in many places in Pennsylvania!

I attempted to tell you: MY TRANSFORMER (1947) is OBSOLETE!

The only "modern" part is the REPLACED fusing circuit -because- the ORIGINAL no longer available.

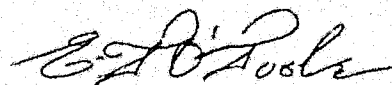
I told you: This is the same type transformer I worked [4½ yrs] with in the 1950s in Md.

I have been told: ALL of these (in Md) have been REPLACED

Two Items For Consideration: Would you drive a 1947 auto today, every day, on I-83

Do Your Own "HOMEWORK"!

I Still & always DO!





COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

March 7, 2005

Matthew A. Totino Esquire
Ryan Russell Ogden & Seltzer LLP
800 North Street Suite 101
Harrisburg Pa 17102-2025

Re: Edward T. O'Toole v. Metropolitan Edison Company
C-20030854

Dear Mr. O'Toole:

On February 17, 2005, Edward T. O'Toole filed Exceptions to the Initial Decision of Administrative Law Judge Angela T. Jones in the above captioned matter. Our review of the Exceptions revealed that no certificate of service or other indications of service accompanied that filing. Accordingly, we have enclosed a copy of the Exceptions for your use. This shall constitute service of the Exceptions for purposes of 52 Pa. Code §5.533.

Pursuant to 52 Pa. Code §5.535, you shall have ten (10) days from the date of service of the enclosed Exceptions to reply. The Exceptions were filed February 17, 2005. Although the Exceptions were timely filed, due to the failure of Edward T. O'Toole to note service on Metropolitan Edison Company, and in order to avoid prejudice to either party, we shall deem the filing date to be the date of this letter for purposes of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), relating to the time for Commission consideration of Exceptions.

Sincerely,

James J. McNulty
Secretary

Enclosure

cc: Edward T. O'Toole
13152 Rennoll Road
Glen Rock Pa 17327
Office of Special Assistants
Document Folder