

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Edward T. O'Toole

v.

Metropolitan Edison Company

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C-20030854

RECEIVED
PUBLIC UTILITY COMMISSION
SEP 18 2004

PREHEARING ORDER

An Initial Hearing in this case is scheduled for Tuesday, September 18, 2004 at 1:30 p.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. **Commission policy promotes settlements. 52 Pa.Code §5.231(a). You are urged to contact each other at least one week before the scheduled hearing to talk over a possible settlement of this case.** Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

2. The customer is required to make regular monthly payments towards their utility bill while their complaint is pending. **FAILURE TO MAKE REGULAR PAYMENTS MAY RESULT IN AN ORDER REQUIRING A CATCH UP PAYMENT EQUAL TO THE AMOUNT OF THE PAYMENTS THAT SHOULD HAVE BEEN MADE.**

3. If the Commission's Bureau of Consumer Services (BCS) has directed the customer to make payments and those payments have not been made, the customer must be prepared to explain at the hearing why those payments have not been made. The utility must submit a copy of the latest BCS decision as a hearing exhibit.

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FOLDER

DOCKETED
SEP 27 2004

4. If you intend to present any documents or exhibits for my consideration, you must send one copy to the other party and three (3) copies to me one week before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.

5. If you will be at a telephone number that is different than the number on the hearing notice, you must notify me of that telephone number at least one week before the hearing.

6. The customer bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the named utility has violated the Public Utility Code, a Commission regulation or Commission order so that the customer is entitled to the relief requested in the complaint.

7. If the customer is requesting a billing arrangement, at the hearing, the customer must be prepared to testify about, or otherwise document, the total net monthly income of the household. A household includes all individuals regularly residing there and receiving the benefit of the utility service. The "total net monthly income of the household" includes, but is not limited to, the following payments received by every person residing in the customer's home: (a) the "after taxes take-home-pay" from salaries, wages, tips or other compensation; (b) pension, retirement or social security benefits; (c) Supplemental Security Income (SSI); (d) unemployment compensation benefits; (e) workers' compensation benefits; (f) alimony; (g) support; (h) public assistance; and (i) any other source(s) of income.

8. If the customer or any member of the customer's household is receiving food stamps and/or medical assistance, the customer must be prepared to testify or document the amount of food stamps or the nature of the medical assistance received.

9. If the customer is requesting a billing arrangement, at the hearing, the customer must be prepared to testify about or document the total monthly expenses of the household, which shall include, but are not limited to, the following items: (a) rent or mortgage payments; (b) utility bills (including electric, gas, telephone, water, sewer, cable television, etc.); (c)

food, in addition to any food stamp benefits; (d) clothing; (e) automobile (loan payments, gasoline, maintenance, etc.); (f) transportation (bus, taxicabs, jitneys, etc.); (g) insurance premiums (homeowners' or renters' insurance, automobile insurance, life insurance, medical insurance, etc.); (h) medical bills, (doctors, dentists, hospitals, prescriptions, etc.); (i) credit card and charge account payments; (j) loan payments; and (k) miscellaneous expenses. When testifying to these expenses, the customer should be prepared to give balances due and missed payments for each item.

10. TO ASSIST THE CUSTOMER IN PROVIDING THE INCOME AND EXPENSE INFORMATION REQUIRED BY THIS ORDER, THREE (3) COPIES OF A BUDGET INFORMATION FORM ARE ENCLOSED. THE CUSTOMER MUST FILL OUT THIS FORM; RETURN ONE (1) COMPLETED COPY TO ME, AND SEND ONE (1) COMPLETED COPY TO THE ATTORNEY FOR THE UTILITY AT LEAST ONE WEEK BEFORE THE HEARING. YOU SHOULD KEEP ONE (1) COMPLETED COPY AND THIS ORDER FOR YOUR USE DURING THE HEARING.

11. The utility must prepare and submit the following documents at least one week before the hearing: (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less; (b) a service usage comparison report for the same period as the account statement; (c) a copy of the most recent BCS decision, if any; and, (d) a brief summary of any payment arrangement(s) made between the utility and the customer other than determinations of the BCS or the Commission.

12. Pursuant to 52 Pa.Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code §1.24(b).

13. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa.Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

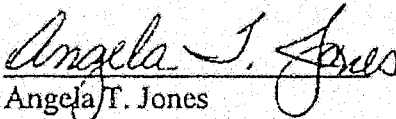
14. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa.Code §1.15(b). Requests for changes of hearing dates must be sent to me and all parties of record. The correct address is: Administrative Law Judge Angela T. Jones, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Changes are granted only in rare situations where good cause exists.

15. YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.

16. This is a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

17. This Complaint alleges high bill versus usage of Complainant, poor service quality in power fluctuation, sagging power lines and antiquated equipment (old transformer), and difficult to understand Met-Ed tariff. Complainant has the burden of proof for these allegations. If Complainant has no evidence or documentation to support these allegations that can be provided at the time of the scheduled hearing, the Complaint may be dismissed. Complainant is cautioned that appearing at the hearing without evidence may not be enough to show the allegations in the Complaint.

Date: September 14, 2004


Angela T. Jones
Administrative Law Judge

MONTHLY BUDGET INFORMATION

Customer's Name: Edward T. O'Toole

Date: September 14, 2004

Name of Utility: Metropolitan Edison Company

P.U.C. Docket No.: C-20030854

Hearing Date: Tuesday, September 28, 2004

Administrative Law Judge: Angela T. Jones

Monthly Household Income

Amount

(Include net income from all persons living in your home.)

Salaries, wages & tips	\$ _____
Public assistance	_____
Social security or SSI	_____
Alimony	_____
Child support	_____
Pension	_____
Retirement benefits	_____
Unemployment compensation	_____
Workers' compensation	_____
Food stamps	_____
Other income (List source & amount):	_____
_____	_____
_____	_____
_____	_____

Total: \$ _____

(IMPORTANT: COMPLETE EXPENSE INFORMATION ON NEXT PAGE.)

Monthly Household Expenses

Amount

Balance

Owed

Rent/mortgage

\$ _____

\$ _____

Electric

Gas

Telephone

Water

Sewage

Trash pickup

Cable television

Food (Other than food stamps)

Clothing

Automobile:

 Loan payment

 Gasoline

 Repairs & maintenance

 Car insurance

Other transportation:

 Bus

 Taxicabs

 Jitneys

Insurance premiums:

 Renters'/homeowners' insurance

 Life insurance

 Medical insurance

Medical bills:

 Doctors

 Dentists

 Hospitals

 Prescriptions

List credit cards & charge accounts:

List loan payments:

List other expenses:

Total:

\$ _____

\$ _____

LAW OFFICES
RYAN, RUSSELL, OGDEN & SELTZER LLP

SUITE 101
800 NORTH THIRD STREET
HARRISBURG, PENNSYLVANIA 17102-2025

TELEPHONE: (717) 236-7714
FACSIMILE: (717) 236-7816
WWW.RYANRUSSELL.COM

WYOMISSING OFFICE
SUITE 330
1105 BERKSHIRE BOULEVARD
WYOMISSING, PENNSYLVANIA
19610-1222
TELEPHONE: (610) 372-4761
FACSIMILE: (610) 372-4177

September 7, 2004

VIA HAND DELIVERY

Administrative Law Judge Angela T. Jones
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

DOCKETED
SEP 30 2004

**DOCUMENT
FOLDER**

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

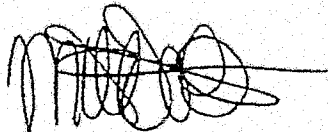
Dear Judge Jones:

As you already may know, a hearing in the above-captioned matter is currently scheduled for Tuesday September 28, 2004 at 1:30 p.m. before Your Honor in Hearing Room 3. I am writing inform you that one of my key witnesses from the Company is unavailable on that day (he has a pre-planned vacation from September 20th to October 1st) and therefore, I respectfully request a rescheduling of the hearing in this matter.

If you have any questions, please contact me.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER LLP



Matthew A. Totino

MAT:ck

c: As per Certificate of Service

SECRETARY'S BUREAU
2004 SEP -7 PM 4:25
RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

EDWARD T. O'TOOLE

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-20030854

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Answer and New Matter 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).

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document(s) 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, addressed as follows:

Angela T. Jones
Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building,
2nd Floor
400 North Street
Harrisburg, PA 17120

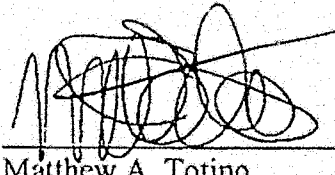
James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building,
2nd Floor
400 North Street
Harrisburg, PA 17120

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

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

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2004 SEP -7 PM 4:25
SECRETARY'S BUREAU

Dated: September 7, 2004

A handwritten signature in black ink, appearing to read 'Matthew A. Totino', written over a horizontal line.

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



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

September 16, 2004

DOCKETED
DEC 14 2004

By First Class Mail

Mr. Matthew A. Totino, Esq.
Ryan Russell Ogden & Seltzer LLP
800 North 3rd St., Suite 101
Harrisburg, PA 17102-2025

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

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

**DOCUMENT
FOLDER**

Dear Parties:

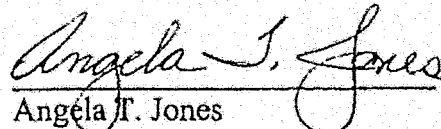
I received on September 16, 2004, an electronic message from Mr. Matthew A. Totino, Esquire, counsel for Metropolitan Edison Company ("Met-Ed" or "Respondent"), inquiring as to the status of a continuance request for the hearing scheduled Tuesday, September 28, 2004. Also on September 16, 2004, I received a letter from Mr. Edward T. O'Toole, Complainant, acknowledging a request for rescheduling the hearing and stating that he does not object to the request. I then received by facsimile, the request for continuance of the scheduled hearing on September 28, 2004, due to the unavailability of a witness for Met-Ed. This request was dated September 7, 2004.

Met-Ed's request for continuance was received more than two weeks in advance of the scheduled hearing and is unopposed. I will grant this continuance and will request that the rescheduling be expedited so that Mr. O'Toole's Complaint can be heard as soon as possible. I note that Mr. O'Toole has expressed difficulty in obtaining information from the Company to support his case. I expect that the parties cooperate with each other. I bring to the attention of the parties Sections 5.341, 5.342 and 5.349 of the Commission's regulations. 52 Pa. Code §§ 5.341, 5.342 and 5.349 (relating to requests for information or documents and objections to those requests). Mr. O'Toole is free to bring to my attention grounds to compel the Company to produce information as long as the requests are reasonable and relevant. Any motion to compel must be in writing and be timely after an unsatisfactory response from the Company. Motions to compel must be submitted at least three weeks before the rescheduled hearing date. Any

motions to compel that are submitted less than three weeks before the hearing date will be found untimely and denied. May I remind Mr. O'Toole that my Prehearing Order at paragraphs 4 and 6 note that he has the burden of proof. Any exhibit or documentation that bears weight on his Complaint must be received in compliance with paragraph 4.

A Notice of Hearing will be issued providing the new date of hearing for the Complaint at this docket. Both parties are encouraged to talk with each other to resolve this matter or sub-issues, if possible, regarding quality of service, plain language of tariffs, billing versus usage, and antiquated and inadequate equipment or facilities, as stated in Prehearing Order paragraph 1.

Sincerely,


Angela T. Jones
Administrative Law Judge



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

IN REPLY PLEASE
REFER TO OUR FILE

September 21, 2004

In Re: C-20030854

(See Letter Dated 8/11/04)

Edward T. O'Toole v. Metropolitan Edison Company

Billing / Tariff Dispute

Hearing Cancellation/Reschedule Notice

This is to inform you that the Initial Hearing on the above-captioned case previously scheduled for Tuesday, September 28, 2004, has been canceled.

The hearing has been rescheduled as follows:

Type: Initial Hearing
Date: Tuesday, October 26, 2004
Time: 10:00 a.m.
Location: Hearing Room 2
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania
Presiding: Administrative Law Judge Angela T. Jones
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

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Please mark your records accordingly.

DOCKETED
OCT 18 2004

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 Jones
Cherie Pyle
Beth Plantz
Docket Section
Calendar File

#447549

OALJ Hearing Report

Please check Those Blocks Which Apply

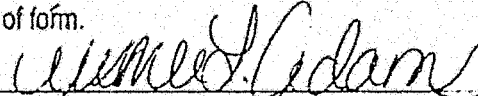
Docket No.:	C-20030854		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Edward O'Toole v. Metropolitan Edison	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Company, a FirstEnergy Company		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	HBG	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	October 26, 2004			
		RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	Angela T. Jones	DATE:	10-27-04	
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	CO. NEEDS TO FILE AN AMENDED EXHIBIT TO SUBMIT INTO THE RECORD. CO. STATED EXHIBIT WILL BE HAND DELIVERED TOMORROW.	

DOCUMENT
FOLDER

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?						
Matthew A. Torino John F. Povilaitis	Ryan Russell Ogden + Soltzer 800 N. Third St, Suite 101 <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 8pt;">City</td> <td style="text-align: center; font-size: 8pt;">State</td> <td style="text-align: center; font-size: 8pt;">Zip</td> </tr> <tr> <td style="text-align: center;">Harrisburg</td> <td style="text-align: center;">PA</td> <td style="text-align: center;">17102</td> </tr> </table>	City	State	Zip	Harrisburg	PA	17102	Metropolitan Edison Company
City	State	Zip						
Harrisburg	PA	17102						
Telephone: 717-236-7714	E-mail Address: MTORINO@RYANRUSSELL.COM	Fax Number: 717-236-7816						
Edward T. O'Toole	13152 Rennoll Rd Glen Rock <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; font-size: 8pt;">City</td> <td style="text-align: center; font-size: 8pt;">State</td> <td style="text-align: center; font-size: 8pt;">Zip</td> </tr> <tr> <td style="text-align: center;">Glen Rock</td> <td style="text-align: center;">Pa</td> <td style="text-align: center;">17327</td> </tr> </table>	City	State	Zip	Glen Rock	Pa	17327	PRO SE
City	State	Zip						
Glen Rock	Pa	17327						
717 235 9366	E-mail Address:	Fax Number:						
Telephone:	E-mail Address:	Fax Number:						
Telephone:	E-mail Address:	Fax Number:						

Check this box if additional parties or attendees appear on back of form.


 Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.