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January 23, 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

IN RE: Walter E. Smith v. West Penn Power Company
Docket No. C-2016-2579025

Dear Secretary Chiavetta:

Attached for filing is the Reply to New Matter of the Complainant, Walter E. Smith, in the above referenced matter.

A copy of the Reply to New Matter has been provided to counsel for West Penn Power Company in the manner indicated on the attached Certificate of Service.

If you have any questions in regard to this matter, do not hesitate to contact me.

Very truly yours,


Terry R. Heeter

jc
#33975

Enclosure

cc: Margaret A. Morris
Walter E. Smith

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WALTER E. SMITH :
 :
 v. : Docket No. C-2016-2579025
 :
 WEST PENN POWER COMPANY :

REPLY TO NEW MATTER

AND NOW, comes the complainant, **WALTER E. SMITH**, by and through his attorneys, Kooman, Heeter & Gulnac, PC, and avers that he has a full, complete and just defense to the allegations contained in the Answer and New Matter of West Penn Power Company to The Complaint of Walter E. Smith, the nature whereof is as follows:

1. The averments of Paragraph 11 of the new matter are denied as stated. On the contrary, Cara and Doug Craig (the "Tenants"), had access to the entire residential dwelling located at 291 Fifth Avenue, Clarion, Pennsylvania (the "Premises") at all times relevant to this matter. By way of further answer, if it is ultimately determined that shared metering existed, which is specifically denied, the shared metering only occurred from November of 2015 through approximately the second week of February, 2016.

2. The averments of Paragraph 12 of the new matter constitute conclusions of law to which no response is necessary.

By way of further answer, there are additional disputed legal and factual issues, which include but are not limited to, (i) the existence of shared metering, and (ii) the time period of the shared metering, if shared metering is ultimately determined, which is specifically denied.

3. The averments of Paragraph 13 of the new matter constitute conclusions of law to which no response is necessary.

4. The averments of Paragraph 14 of the new matter constitute conclusions of law to which no response is necessary. By way of further answer, the Respondent ignored the fact that the Tenant had access to the Premises at all times relevant to this matter.

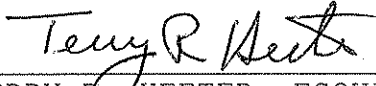
5. The averments of Paragraph 15 of the new matter constitute conclusions of law to which no response is necessary. By way of further answer, the Complainant denies responsibility for the arrears of the Tenant for the reasons stated in this new matter, which are incorporated by reference as fully as if the same were set forth at length herein.

6. The averments of Paragraph 16 of the new matter constitute conclusions of law to which no response is necessary. In the event that a response to said allegations is necessary, the averments of Paragraph 16 of the new matter are denied. On the contrary, the Complainant has informed the Respondent of the fact

that Tenant had access to the entire Premises at all times relevant to this matter and that if shared metering is ultimately determined, which is specifically denied, shared metering only occurred from November of 2015 through approximately the second week of February, 2016.

WHEREFORE, the complainant, Walter E. Smith, denies being indebted to West Penn Power Company for any sum or sums whatsoever and demands judgment in his favor.

Respectfully submitted,

By 
TERRY R. HEETER, ESQUIRE
Attorney for Complainant
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Clarion, PA 16214
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TRH/jc
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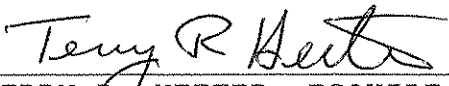
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of §1.54 (relating to service by a participant):

Via Electronic and First Class Mail

Margaret A. Morris, Esquire
Reger Rizzo Darnall LLP
Cira Centre, 13th Floor
Philadelphia, PA 19104
mmorris@regerlaw.com

Respectfully submitted,

By 
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