

April 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-2015-2490718
200 North 8th Street Associates, LLC v. Metropolitan Edison Company
Objection of Met-Ed to Petition of 200 N8th Street Associates**

Dear Secretary Chiavetta:

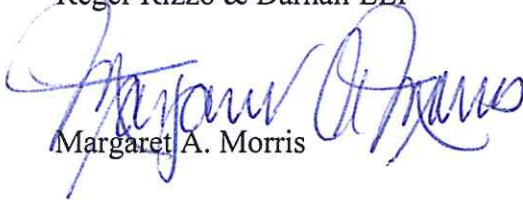
Attached for filing is the Objection of Metropolitan Edison Company to the Petition to Withdraw of Complainant, 200 North 8th Street Associates, LLC, in the above captioned proceedings.

A copy of the Objection been provided to Counsel for the Complainant in the manner indicated on the attached Certificate of Service.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/jmm
Attachment

cc: Cynthia Lehman, Mediation Coordinator, PA Public Utility Commission [w/enc.]
Tori Giesler, Esquire, FirstEnergy Service Company [w/enc.]
Thomas T. Niesen, Esq., Thomas, Niesen & Thomas, LLC [w/enc.]

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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) listed below, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via Electronic and First Class Mail

Thomas T. Niesen
Thomas, Niesen & Thomas, LLC
212 Locust Street
Harrisburg, PA 17101
tniesen@tntlawfirm.com

Dated: April 17, 2017


Margaret A. Morris, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

200 NORTH 8 TH STREET ASSOCIATES	:	
	:	
v.	:	Docket No. C-2015-2490718
	:	
METROPOLITAN EDISON COMPANY	:	

**OBJECTION OF METROPOLITAN EDISON COMPANY TO THE PETITION TO
WITHDRAW COMPLAINT OF 200 NORTH 8TH STREET ASSOCIATES LLC**

Metropolitan Edison Company (Respondent or Met-Ed), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code § 5.94, hereby submits its Objection to the Petition to Withdraw the Complaint filed by Kelley M. Huff (Complainant) on behalf of 200 North 8th Street Associates, LLC (Customer). In response thereto, Respondent avers and represents as follows:

Relevant Procedural History

1. Met-Ed provides service to the Customer at 200 North 8th Street, Reading, Pennsylvania (Service Location) under Account No. 100085139739.
2. The Complainant, through counsel, filed a Formal Complaint disputing the billed security deposit, late payment charges and requested the charges be removed and “levy appropriate monetary sanctions against Met-Ed.” Complaint at ¶ 5.
3. Met-Ed timely filed an Answer and New Matter denying the material allegations and requested the matter be referred to the Commission’s Office of Mediation.

4. An Interim Order Setting Conference Between the Parties was issued July 23, 2015. Mediator Cynthia Lehman was assigned.

5. Over the next year and a half, the parties actively engaged in settlement discussions and jointly requested several extensions for the deadline for mediation to conclude and report filed. Mediator Lehman granted the various requests.

6. On March 16, 2017, negotiations between the parties broke down.

7. On March 17, 2017, Met-Ed reported to Mediator Lehman that no issues were resolved and requested the matter be referred to OALJ for the scheduling of an evidentiary hearing.

8. On March 28, 2017, the Complainant served Requests for Admissions on Met-Ed. That same day, the Complainant also served Request for Production of Documents.

9. On April 10, 2017, the Respondent timely responded to the Requests for Admissions and provided the requested document.

Withdrawal should be with prejudice

10. The Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.94 permit parties to withdraw pleadings in a contested proceeding. The provision at 52 Pa. Code § 5.94(a) allows withdrawal of pleadings by a petition for leave to withdraw the pleading. A petition is granted only by permission of the presiding officer or the Commission. The presiding officer or Commission must consider the petition, any objections thereto and the public interest in determining whether to permit withdrawal of the pleading.

11. The justification for the Petition is to "forgo cost of continued litigation to an unknown result in contested proceeding." Petition at ¶ 4.

12. The Petition is silent as to whether the request to withdraw is with or without prejudice to re-file the same issues raised in the Formal Complaint.

13. The Petition does not address the impact of the withdrawal, without prejudice, on the public interest.

14. Met-Ed asserts that the Commission as well as the Company have spent considerable time and resources in the attempt to resolve the issues raised in the Formal Complaint.

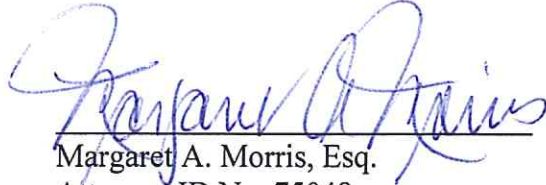
15. The public interest is served by permitting the Formal Complaint to be withdrawn with prejudice so that the same issues which were the subject of negotiations since July 2015 are not simply raised in a subsequent complaint proceeding.

16. The public interest is not served by permitting a party after engaging in discovery and protracted settlement negotiations simply to withdraw a complaint without prejudice “to avoid the cost of litigation to an unknown result.”

WHEREFORE, Respondent, Metropolitan Edison Company, requests that the Petition to Withdraw the Formal Complaint of 200 North 8th Street Associates, LLC be denied. In the alternative, Metropolitan Edison Company requests the Petition be modified so that the

withdrawal is with prejudice of all issues raised in the Formal Complaint.

Respectfully submitted,



Date: April 17, 2017

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