

May 2, 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-2016-2565520
Howard Weightman v. Pennsylvania Electric Company
Motion in Limine of Penelec**

Dear Secretary Chiavetta:

Attached for filing is the Motion in Limine of Pennsylvania Electric Company (Penelec) to be filed in the above captioned proceeding.

A copy of the Motion in Limine has been forwarded to 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: The Honorable Mary D. Long, PA Public Utility Commission [w/enc.]
Lauren Lepkoski, Esquire, FirstEnergy Service Company [w/enc.]
Howard Weightman [w/enc.]

**Re: Docket No. C-2016-2565520
Howard Weightman v. Pennsylvania Electric Company
Motion in Limine of Penelec**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing documents has been served upon the following person(s), 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

Howard Weightman
3192 Main Road
Bedford, PA 15522
Howard.weightman1023@gmail.com

Dated: May 2, 2017



Margaret A. Morris, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HOWARD WEIGHTMAN

v.

PENNSYLVANIA ELECTRIC COMPANY

:
:
:
:
:

Docket No. C-2016-2565520

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that if you do not file a written response answering the enclosed Motion in Limine of Pennsylvania Electric Company on or before May 12, 2017, the facts set forth by Pennsylvania Electric Company in the Motion in Limine may be deemed to be true, whereby requiring no other proof. All pleadings, such as a response to Motion in Limine, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Pennsylvania Electric Company, Margaret A. Morris, Esq., and Administrative Law Judge Mary D. Long.

File with:

Rosemary Chiavetta, Esq.
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2 North
P.O. Box 3265
Harrisburg, PA 17105

The Hon. Mary D. Long
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222

With a copy to:

Margaret A. Morris, Esq.
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

Date: May 2, 2017



Margaret A. Morris, Esq.
Attorney ID No. 75048
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
(215) 495-6524 tel.
(215) 495-6600 fax
mmorris@regerlaw.com

Counsel for Pennsylvania Electric Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

HOWARD WEIGHTMAN	:	
	:	
v.	:	Docket No. C-2016-2565520
	:	
PENNSYLVANIA ELECTRIC COMPANY	:	

**MOTION IN LIMINE OF PENNSYLVANIA ELECTRIC COMPANY
TO RESTRICT THE INTRODUCTION OF EVIDENCE AND DISMISS THE
COMPLAINT OF HOWARD WEIGHTMAN WITHOUT HEARING**

Pennsylvania Electric Company (Penelec or Respondent), by and through its attorneys, Reger Rizzo & Darnall LLP, and pursuant to 52 Pa. Code §§ 5.103, hereby moves the Honorable Mary D. Long (Judge Long) of the Pennsylvania Public Utility Commission (Commission) for an order *in limine* finding the issues raised in the Formal Complaint of Howard Weightman (Complainant) against Penelec in the above captioned proceeding were previously dismissed with prejudice by the Commission. All issues alleged by the Complainant in the present proceeding, over which the Commission has jurisdiction, were dismissed with prejudice by the Commission in Docket No. F-2015-2513602 and the Complainant is barred from relitigating those same issues.

In support thereof, Penelec avers as follows:

I. Relevant Procedural History and Timeline

1. Service was established in the name of the Complainant effective April 17, 1996 under Account No. 100010172474.
2. On November 12, 2015 the Complainant filed a Formal Complaint at Docket No. F-2015-2513602 alleging his neighbor is stealing his electricity (*2015 Formal*).

3. The Complainant did not appear at the scheduled hearing for the *2015 Formal* and the Honorable Jeffrey A. Watson dismissed with prejudice the matter in the Initial Decision issued May 5, 2016.

4. No exceptions were filed and the Commission adopted Judge Watson's Initial Decision and dismissed the *2015 Formal* with prejudice by Final Order entered June 8, 2016 (*2015 Formal Order*).

5. Service under the Complainant's Account was lawfully terminated for non-payment on August 29, 2016. The Complainant is neither a customer or applicant for service.¹

6. On September 6, 2016, the Complainant filed the instant Formal Complaint at Docket No. C-2016-2565520 alleging, *inter alia*, that his neighbor was "allegedly using service from my meter" from 2008 to present (*2016 Formal*).

7. On September 27, 2016, Penelec filed an Answer and New Matter, which admitted that the Complainant's service had been terminated for non-payment and taking the position that he was not entitled to a Commission PAR. In its New Matter, Penelec asserted that the Complainant's claims regarding his neighbor's usage of his meter was dismissed with prejudice in the *2015 Formal Order*.

8. Penelec's New Matter was served with the requisite notice advising the Complainant that if he did not file a written response answering the New Matter by October 17, 2016, the facts set forth by Penelec in the New Matter may be deemed to be true, whereby requiring no other proof.

9. The Complainant did not respond to New Matter.

¹ Service was established in the name of another person effective October 21, 2016.

10. On November 21, 2016, Penelec served Requests for Admissions on the Complainant with the requisite notice advising the Complainant that if he did not respond by December 12, 2016, the requested admissions would be deemed admitted.

11. On December 12, 2016, the Complainant responded to the Requests for Admissions.

12. The scheduled telephonic hearing was held on January 6, 2017 before Judge Long. The parties advised Judge Long that an agreement in principle had been reached and requested a continuance to reduce all the terms to writing.

13. On March 14, 2017, Penelec advised Judge Long that settlement negotiations had broken down and requested the matter be scheduled for hearing.

12. On March 17, 2017, Penelec served Requests for Admissions, Set 2, on the Complainant with the requisite notice advising the Complainant that if he did not respond by April 6, 2017, the requested admissions would be deemed admitted (RFA Set 2). A copy of the Request for Admissions, Set 2, is provided as Attachment 1.

13. The Complainant has not filed anything in response to RFA Set 2. Consistent with 52 Pa. Code § 5.350(c) the requested admissions are admitted and conclusively establish that the *2015 Formal* and *2016 Formal* raise the same issue. 52 Pa. Code § 5.350(f).

14. On March 27, 2017, Penelec was notified that the Complainant had: (1) filed a Chapter 13 Petition² under the Bankruptcy Code; (2) listed Penelec as a creditor; and (3) disputed the amount owed to Penelec.

15. The scheduled hearing was held on April 21, 2017, before Judge Long. The Complainant requested a continuance to secure new legal representation.

² Bankruptcy Docket for Western District of PA 17-70096-JAD.

16. On April 21, 2017, Judge Long issued Interim Order On Request For Hearing Continuance To Secure Legal Counsel granting the requested continuance and directing Penelec to file by May 2, 2017, a motion *in limine* setting forth the legal basis for limiting the issues to be presented in the evidentiary hearing on the complaint.

II. Argument

A. Motion in Limine

1. Legal Standard

17. A motion *in limine* is a procedure for obtaining a ruling on the admissibility of evidence prior to or during trial, but before the evidence has been offered. *In re PECO Energy Co.*, Docket No. A-00110550F0147, (Opinion and Order entered June 22, 2000). According to *Ohlbaum on the Pennsylvania Rules of Evidence*, a motion *in limine* is an application to the trial court, generally made pretrial or outside the jury's presence, requesting a ruling to determine the admissibility of evidence. *See, Commonwealth v. Reese*, 31 A.3d 708 (Pa. Super. Ct. 2011). The purpose of a motion *in limine* is to provide the court with the opportunity to consider the admissibility of prejudicial evidence and determine whether curative instructions or other limitations are necessary before the jury is permitted to hear the evidence, so as to avoid a mistrial or reversal. *Commonwealth v. Noll*, 662 A.2d 1123 (Pa. Super. Ct. 1995). A ruling in a pretrial motion *in limine* provides counsel with a basis upon which to structure trial strategy.

18. Motions *in limine* are subject to the general requirements of Section 5.103³ of the Commission's rules of practice and procedure.

19. The Commission has considered such motions in a number of proceedings and has granted them where appropriate. *See, e.g., Pa. Pub. Util. Comm'n v Audubon Water Co.*, 92 Pa. P.U.C. 206 (1999); *Pa. Pub. Util. Comm'n v Phila. Gas Works*, 98 Pa. P.U.C. 121 (2003).

³ 52 Pa. Code § 5.103.

20. The Commission’s rules provide that relevant and material evidence is generally admissible subject to exclusion on the other grounds. 52 Pa. Code § 5.401(a).

21. Evidence will be excluded if its probative value is outweighed by the danger of unfair prejudice, confusion of the issues or considerations of undue delay or waste of time. 52 Pa. Code § 5.401(b)(2).

22. Presiding officers are empowered to control the receipt of evidence by ruling on the admissibility of evidence and by confining the evidence to the issues in the proceeding and will “actively employ these powers to direct and focus the proceedings consistent with due process.” 52 Pa. Code § 5.403(a)-(b). This authority includes “imposition of limitation on the scope of evidence to be presented on issues raised in a proceeding.” 52 Pa. Code § 5.403(c).

2. Evidence of the specific allegation in the 2016 Formal dismissed with prejudice in the 2015 Formal Order should be ruled inadmissible.

23. It is clear from the allegations in the *2015 Formal* and the *2016 Formal* and confirmed by the Admitted Fact Nos. 10 and 11 of Attachment 1 that the Complainant seeks a hearing in the *2016 Formal* to address the same claim dismissed in the *2015 Formal Order*.

24. Section 316 of the Code⁴ bars the *2016 Formal* and precludes a collateral attack upon the *2015 Formal Order*. Section 316 provides, in pertinent part, that:

Whenever the commission shall make any rule, regulation, finding, determination or order, the same shall be *prima facie* evidence of the facts found and shall remain conclusive upon all parties affected thereby, unless set aside, annulled or modified on judicial review.

25. The *2015 Formal Order* dismissed the *2015 Formal* and remains a bar unless set aside by the Commission or modified on judicial review. The *2015 Formal Order* was not set

⁴ 66 Pa. C.S. § 316.

aside or by the courts and thus has conclusive effect. This means that the Complainant is barred by Section 316 from relitigating the issues raised in the *2015 Formal. Howell v. PGW*, Docket No. C-2016-2568426, Motion of Commissioner Sweet adopted April 6, 2017.

26. The offering of testimony into the record of this proceeding regarding the same issue dismissed with prejudice by the *2015 Formal Order* will effectively reopen the *2015 Formal* as an attempt to relitigate those issues contrary to Section 316 of the Code and Commission precedent.

3. There are no disputed material facts that warrant an evidentiary hearing.

27. The filing of the Chapter 13 Petition and the automatic stay generated under Section 362(c)(2) of Title 11 of the Bankruptcy Code⁵ grants the Bankruptcy Court exclusive jurisdiction over all property belonging to the debtor. The Commission lacks subject matter jurisdiction over Complainant's debts due and owing to Penelec as a public utility as of the date he filed the Bankruptcy Petition with the Bankruptcy Court. See 28 U.S.C.A. § 1334(e)(1).

28. Even with the automatic stay in place, the Commission retains jurisdiction over issues concerning accuracy of billing. *DeCristo v. Philadelphia Electric Company*, 56 Pa. P.U.C. 95 (1982); *Borak v Columbia Gas of Pennsylvania*, Docket No. C-2008-2064344, (Opinion and Order entered July 6, 2009).

29. There are no issues, let alone disputed, raised in the *2016 Formal* over which the Commission retains jurisdiction, which require a hearing. The Complainant had at least two opportunities (respond to either New Matter and/or RFA Set 2) to identify any issue in the *2016 Formal* that was not dismissed with prejudice in the *2015 Formal Order* but he did not do so.

⁵ 11 U.S.C.A. § 362(c)(2).

30. In *Carlock v. The United Telephone Company of Pennsylvania*, Docket No. F-00163617 (Opinion and Order entered July 14, 1993), the Commission held that, in the normal course, it would not dismiss a *pro se* complaint without first providing a hearing during which the *pro se* complainant could further explain her or his position and the factual basis for the complaint. The concern was expressed that, in general, *pro se* complainants may find it difficult to navigate through pre-hearing motions and should be given the chance to orally describe their basic issue and supporting facts.

31. The Commission has ruled that there are some cases where a hearing would not enable the complainant to better explain her or his position or provide additional facts which would alter the inevitable conclusion that the complaint is legally insufficient or that this Commission lacks jurisdiction to entertain the complaint in the first instance. *See, e.g., Vata v. Philadelphia Gas Works*, Docket No. C-2009-2149960 (Opinion and Order entered August 24, 2010).

32. In the present proceeding, it is an inevitable conclusion that there are no issues that warrant a hearing and that dismissal of the *2016 Formal* is clearly warranted and free from doubt.

III. Conclusion

For all of the foregoing reasons, Penelec respectfully requests the entry of an Order providing that:

1. Penelec's Motion *in Limine* is granted;

2. Evidence of the allegations of the issues dismissed in the *2015 Formal Order* is inadmissible in this proceeding, and no such evidence shall be introduced or admitted directly or indirectly;

3. There are no issues in the *2016 Formal* over which the Commission has jurisdiction;

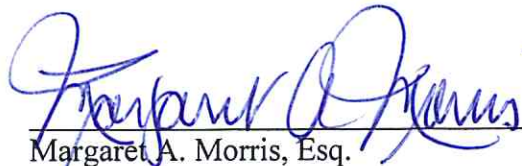
4. A hearing is not required;

5. The *2016 Formal* should be dismissed;

6. Any other relief as may be just.

WHEREFORE, Respondent, Pennsylvania Electric Company, requests that the Honorable Mary D. Long grant this Motion *in Limine* and dismiss with prejudice the Complaint of Howard Weightman filed in the present proceeding without a hearing.

Respectfully submitted,



Margaret A. Morris, Esq.

PA ID No. 75048

Reger Rizzo & Darnall LLP

Cira Centre, 13th Floor

2929 Arch Street

Philadelphia PA 19104

(215) 495-6524 tel.

(215) 495-6600 fax

mmorris@regerlaw.com

Dated: May 2, 2017

Counsel for Pennsylvania Electric Company

Docket No. C-2016-2565520
Howard Weightman v. Pennsylvania Electric Company

Attachment 1

Requests for Admissions, Set 2

REGER | RIZZO | DARNALL LLP
Attorneys at Law

Margaret A. Morris
Partner
mmorris@regerlaw.com

Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

Main: 215.495.6500
Direct: 215.495.6524
Fax: 215.495.6600

March 17, 2017

VIA FIRST-CLASS MAIL

Howard Weightman
3192 Main Road
Bedford, PA 15522

**Re: Docket No. C-2016-2565520
Howard Weightman v. Pennsylvania Electric Company
Penelec Requests for Admissions – Set II**

Dear Mr. Weightman:

Enclosed are the Requests for Admissions – Set II of Pennsylvania Electric Company (Penelec) in the above-referenced proceeding. Pursuant to 52 Pa Code §5.350(c) your Answers and Denials are due within twenty (20) days of service of this letter or **April 6, 2017**. **If you do not file a written response, the facts set forth by Penelec will be admitted, requiring no other proof.**

Please note that you must send a copy of the cover letter and Certificate of Service for your responses to Administrative Law Judge Mary D. Long and Rosemary Chiavetta, Esquire, Secretary of the PA Public Utility Commission (PUC). You do not file your response with the PUC.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/jmm
Enclosures

cc: The Hon. Mary D. Long, PA Public Utility Commission [Cert. of Service only]
Secretary Rosemary Chiavetta, PA Public Utility Commission [Cert. of Service only]
Lauren Lepkoski, Esquire, FirstEnergy Service Company [w/encls.]





PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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Your filing has been electronically received. Upon review of the filing for conformance with the Commission's filing requirements, a notice will be issued acknowledging such compliance and assigning a Docket Number. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

Print this page for your records. The date filed on will be the current day if the filing occurs on a business day before or at 4:30 PM Harrisburg, PA time. It will be the next business day if the filing occurs after 4:30 PM Harrisburg, PA time or on weekends or holidays.

If your filing exceeds 250 pages, you are required to submit one paper copy of the filing within 3 business days of submitting the electronic filing. This paper copy can be mailed to: Secretary, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120. Please print a copy of this page and attach it to the paper copy of your filing as the first page.

eFiling Confirmation	
Docket Number:	C-2016-2565520
Description:	Howard Weightman v. Pennsylvania Electric Company
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Uploaded File List

File Name	Document Class	Document Type
Discovery Cert of Service - Weightman.pdf	Other Filing	Certificate of Service

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**Re: Docket No. C-2016-2565520
Howard Weightman v. Pennsylvania Electric Company
Penelec Requests for Admissions – Set II**

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 52 Pa. Code § 1.54 (relating to service by a participant).

Via First-Class Mail

Howard Weightman
3192 Main Road
Bedford, PA 15522

Dated: March 17, 2017



Margaret A. Morris, Esq.

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

HOWARD WEIGHTMAN	:	
	:	
v.	:	Docket No. C-2016-2565520
	:	
PENNSYLVANIA ELECTRIC COMPANY	:	

**REQUEST FOR ADMISSIONS OF PENNSYLVANIA ELECTRIC COMPANY
TO HOWARD WEIGHTMAN-SET 2**

INSTRUCTIONS AND DEFINITIONS

Now comes Pennsylvania Electric Company, by and through its undersigned attorneys, and hereby requests that Howard Weightman answer fully, in writing and under oath, the following Requests for Admissions pursuant to the 52 Pa. Code §§ 5.321 and 5.350 et seq.

1. Your answers and objections should not be filed with the Pennsylvania Public Utility Commission. **You should file the cover letter and certificate of service with the Commission's Secretary and send a copy to Administrative Law Judge Mary D Long.**

2. If you have any objection to any of the Requests for Admissions, please identify the Request and state your objection in full as to why you should not have to answer/produce it. Grounds for the objection must be specifically stated. 52 Pa. Code § 5.350(d)(3).

3. If you do not respond within 20 days (**April 6, 2017**), the matter will be admitted and you will not be permitted to dispute or object at a later time. 52 Pa. Code § 5.350(c).

4. You must send your answers to me within twenty (20) days (**April 6, 2017**). 52 Pa. Code § 5.350(d)(1).

DEFINITIONS¹

1. The Complainant or Responding Party means “Howard Weightman,” or “you” the party to which these requests for admissions are propounded and/or all attorneys, agents, affiliates, employees, consultants, members, constituents and representatives acting on behalf of the Responding Party.
2. “Commission” means the Pennsylvania Public Utility Commission.
3. “The Company,” or “Penelec” means Pennsylvania Electric Company.
4. “Customer” means Lois Stiffler Weightman.

REQUESTS FOR ADMISSIONS

1. The service address is 3192 Main Road, Bedford, Pennsylvania (Service Location).

ADMIT/DENY

2. The Complainant and Customer, husband and wife, are listed on the deed for the Service Location.

ADMIT/DENY

3. Service was established in the name of the Complainant, effective April 17, 1996, under Account No. 100010172474 (Complainant’s Account). The Customer was authorized on his account.

ADMIT/DENY

4. Service under the Complainant’s Account was terminated on August 29, 2016.
(PENELEC 1-4)

ADMIT/DENY

¹ Complainant is not presented by counsel. Therefore, these instructions have been simplified. A good faith effort to completely answer the Requests is expected.

5. On October 21, 2016, service was established in the name of Lois Stiffler under Account No. 100121897613 (Customer's Account). The Complainant is not authorized on her account.

ADMIT/DENY

6. In Docket No. F-2015-2513602, filed on November 12, 2015 (*2015 Formal*), the Complainant checked the box on the formal complaint form that states "I am having a reliability, safety or quality problem with my utility service." (PENELEC 056)

ADMIT/DENY

7. The Complainant wrote in the *2015 Formal* that he "believed we are paying for a neighbor's electric. I need this checked out." (PENELEC 056)

ADMIT/DENY

8. In Docket No. C-2016-2565520, filed on September 6, 2016 (*2016 Formal*), the Complainant checked the box on the formal complaint form that states "I am having a reliability, safety or quality problem with my utility service." (PENELEC 068)

ADMIT/DENY

9. The Complainant wrote in the *2016 Formal* that "neighbor allegedly using service from my meter." (PENELEC 068)

ADMIT/DENY

10. The *2015 Formal* and the *2016 Formal* raise the same issue, i.e., "neighbor's usage is being recorded on the Complainant's meter."

ADMIT/DENY

11. The Complainant seeks a hearing on the issue raised in the *2015 Formal* and the *2016 Formal*.

ADMIT/DENY

Date: March 17, 2017



Margaret A. Morris, Esq.
Attorney ID No. 75048
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
(215) 495-6524 tel.
(215) 495-6600 fax
mmorris@regerlaw.com

Counsel for Pennsylvania Electric Company

Assigned To

Assigned Analyst

Lash, Tammy L

Customer Information

Case Number

3472430

Account Number

100010172474

First Name

HOWARD

Last Name

WEIGHTMAN

Service Address

Address1

3192 MAIN RD

Address2

Service City

BEDFORD

Service State

PA

Service Zip

15522-0

Service Class

Work Phone

Home Phone

Mailing Address

Address1

Address2

City

State

Mail Zip

Family

Family Size

2

Children

0

Age

Adults

2

General

PUC Date Opened

8/30/2016

PUC Date Prepared

8/30/2016

Received Date

8/30/2016

PUC Date Closed

Case Information

Prior Case Number

0

Term Date

8/29/2016

Arrearage

12885

Case Origin

TELEPHONE

Universal Service

No

Income

A1 RETIRE - \$1650.01

Source

Business Name

SM

A1SSI - \$1450

A2 SSI - \$600

Reason For Contact

OFF - SERVICE IS TERMINATED/SUSPENDED - DISPUTE (# 76)

Case Problem

Company Position

THE COMPANY TOLD THE CUSTOMER HE COULD BE PUT ON A PLAN TO HAVE HIS SERVICE RESTORED

Related Information

CU'S

SERVICE WAS SHUT OFF 08.29.16. CO IS REQUESTING \$12,885 PLUS RECONNECTION AND SECURITY DEPOSIT TO RESTORE SERVICE. STATES THE CO IS CHARGING HIM FOR SERVICE AT 2 METER FOR A LONG TIME. STATES HE HAS EXPLAINED TO THE CO AND HAS SHOWN THE METER MAID THAT HE DOES NOT HAVE 2 METERS. STATES HE BELIEVES HIS NEIGHBORS ARE STEALING HIS SERVICE OR SOMEHOW THE 2 METERS ARE CONNECTED. STATES WHEN HIS SERVICE IS SHUT OFF THE NEIGHBORS SERVICE IS SHUT OFF. STATES HE WOULD LIKE THE PUC TO LOOK INTO THIS ISSUE FOR HIM AGAIN BECAUSE THE CO HAS NOT SATISFIED HIS CONCERN, CU STATES WHEN HIS SERVICE GOT TURNED OFF HIS NEIGHBORS WENT OUT AND THEY WENT OUT AND DID SOMETHING TO THEIR METER AND THEIR SERVICE WAS BACK ON. THE CELL PHONE NUMBER (814) 979 - 7717 HAS BEEN ALLOWED TO BE SHARED.

Misc. Info.

Hot Issue

PUC Investigator / Intaker

Investigator First Name	Investigator Last Name	Investigator Phone
BCS	CASE POOL	(717)
Intaker First Name	Intaker Last Name	
TIMIKA	BARNES	
Status		

Status

In progress

History

Click To Expand



Is Archived

Customer Information

Case Number

3472430

Customer First Name

HOWARD

Customer Last Name

WEIGHTMAN

Account Number

100010172474

Service Address

Address 1

3192 MAIN RD

Address 2

City

BEDFORD

Service State

PA

Zip

15522

Home Phone

Work Phone

Mailing Address

Address 1

Address 2

City

State

Zip

Family

Adults

2

Family Size

2

Children

0

Age

General

PUC Date Opened

8/30/2016

PUC Sent Date

9/16/2016

PUC Date Closed

9/16/2016

Assigned To

Assigned Analyst

Lash, Tammy L

Case Information

PUC Violation

NO

PUC Chapter

Section Rule

Balance Date

8/31/2016

Head Date

9/16/2016

Bill Date

PUC Service Continue Date

Total Balance	PUC Service Restored Pay	PUC Special Budget Amount
12826.34	0.00	0.00
Regular Budget Amount	PUC Service Continue Amount	Arrears Payment Plus
0.00	0.00	0.00
Final Monthly Payment	Current Monthly Payment	End Monthly Payment
0.00	0.00	0.00
Reconnect Amount	Pay Amount	
0.00	0.00	

PUC Terms

Letter Description

EGW OFF/COMPANY OFFER BETTER

Resolution

DISMISSAL LETTER.

DUPLICATE. SERVICE IS OFF. CUSTOMER HAS AN ACTIVE FORMAL, DOCKET C 2016 2565520. CUSTOMER MUST ADDRESS HIS COMPLAINTS IN THE FORMAL CASE. CASE DISMISSED.

Has Decision Issue	Response Time
--------------------	---------------

Other Information

Investigator First Name	Investigator Last Name
TIM	CLARK
Investigator Area Code	Investigator Phone
717	
Investigator Fax Area Code	Investigator Fax

Intaker First Name	Intaker Last Name
TIMIKA	BARNES
Status	

Is SAP Completed	SAP Completion Date
✓	9/21/2016

History

Click To Expand



PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

CASE # 3472430 (TIN)

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name HOWARD E WEIGHTMAN

Street/P.O. Box 3192 WAIN RD Apt # HOUSE

City BEDFORD State PA Zip 15522

County BEDFORD COUNTY

Telephone Number(s) Where We Can Contact You During the Day:

(814) 979-7717 (home) () 814-979-7717 (mobile)

E-mail Address (optional): X

Utility Account Number (from your bill) 100 010 172 474

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

PENELEC - company called

RECEIVED 2016 SEP - 6 10:35 PA. PUBLIC UTILITY SECRETARY'S BUREAU

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC WASTEWATER/SEWER
 GAS TELEPHONE/TELECOMMUNICATIONS (local, long distance)
 WATER MOTOR CARRIER (e.g. taxi, moving company, limousine)
 STEAM HEAT

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

The utility is threatening to shut off my service or has already shut off my service.

I would like a payment agreement.

Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

ALLIANCE USAGE (STOLEN KILOWATTS)
I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

Other (explain).

NEIGHBOR ALLEGEDLY USING SERVICE FROM MY METER (FORMALLY OWNED MY HOME) - TAMPERING WITH SECOND METER THAT² IS NOT MINWSPENELEC068

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

USAGE: (1) WHAT IS MY RESPONSIBILITY TO
PAY - (WITHHELD PAYMENTS (DISPUTED))
(2) PAYMENT PLAN FOR PAYMENTS
DISPUTED
(3) REMOVAL OF STOLEN ELECTRIC FEES
(4) INVESTIGATION OF ELECTRIC FEES
TO 3192 WILLOW RD (100 010 172 4TH)
FOR YEARS 2008 TO PRESENT
(5) SETTLEMENT (ASAP) WITH INSTALLATION
OF COMPLETE NEW ELECTRICAL HOOKUP
TO MY PROPERTY (a) LINE IN FROM BUS
POLE (b) NEW METER (c) CHECK TO SEE
THAT (ONE) METER SUPPLIES (ONE) HOME

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public. *WE NEED AN ORDER OF SOME KIND!*

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES
NO *NOT YET?*

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES
NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES
NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

X

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

X

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name JASON INLER (GRABILL & SEELYE, P.C.)
Street/P.O. Box 320 FRANKSTOWN ROAD
City ALTOONA State PA. Zip 16602
Area Code/Phone Number 814-944-5090
E-mail Address (if known) Jason@grabillseelye.com

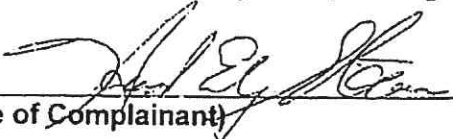
Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. **Verification and Signature**

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept** it.

Verification:

I HOWARD E WEIGHTMAN, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).



(Signature of Complainant) 9-2-2016

(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept** it.

10. **Two Ways to File Your Formal Complaint**

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

Note: Formal Complaints sent by fax or e-mail will **not** be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

W816 (A) (T) (M) (A)
3192 WAM RD
BEN FORD, PA.
15522

PITTSBURGH PA 150

03 SEP 2015 PM 3 L



SECRETARY
PENNSYLVANIA PUBLIC UTILITY
COMMISSION
400 NORTH STREET
HARRISBURG, PENNSYLVANIA
17120

17120-021199

