

January 22, 2018

**Via Electronic Filing**

Rosemary Chiavetta, Esquire  
Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Docket No. C-2017-2626578  
Yea Ryong Church, Inc. c/o David Gong v. Met-Ed  
Application for Subpoena**

Dear Secretary Chiavetta:

Attached for filing is the Application of Metropolitan Edison Company for Subpoena of Jackie Herrero in the above captioned proceeding.

A copy of the Application for Subpoena has been provided 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  
Enclosure

cc: The Hon. Dennis J. Buckley, PA Public Utility Commission [w/enc.]  
Tori Giesler, Esquire, FirstEnergy Service Company [w/enc.]  
David Gong [w/enc.]  
Jackie Herrero [w/enc.]

**Re: Docket No. C-2017-2626578  
Yea Ryong Church, Inc. c/o David Gong v. Met-Ed  
Application for Subpoena**

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

**Via Electronic and First Class Mail**

Yea Ryong Church c/o  
David Gong  
167 Main Street  
Stroudsburg, PA 18360  
[glenwoodinncc@gmail.com](mailto:glenwoodinncc@gmail.com)

Glenwood Inn Conference Center  
Attn: David Gong  
167 Main Street  
Delaware Water Gap, PA 18327

Jackie Herrero  
Glenwood Inn Conference Center  
Attn: Jackie Herrero  
167 Main Street  
Delaware Water Gap, PA 18327  
[jackieherrero@gmail.com](mailto:jackieherrero@gmail.com)

Dated: January 22 2018

  
\_\_\_\_\_  
Margaret A. Morris, Esquire

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

|                             |   |                           |
|-----------------------------|---|---------------------------|
| YEA RYONG CHURCH INC.       | : |                           |
| C/O DAVID GONG              | : |                           |
|                             | : |                           |
| v.                          | : | Docket No. C-2017-2626578 |
|                             | : |                           |
| METROPOLITAN EDISON COMPANY | : |                           |

**APPLICATION FOR SUBPOENA FOR JACKIE HERRERO**

AND NOW comes Metropolitan Edison Company (Met-Ed) and files this Application to Subpoena Jackie Herrero to testify at the telephonic hearing scheduled in the above captioned case, pursuant to 52 Pa. Code § 5.421(a)(2). In support thereof, Met-Ed avers as follows:

**I. INTRODUCTION**

1. David Gong (Complainant) filed a Formal Complaint on behalf of Yea Ryong Church, Inc. (Customer) against Met-Ed on September 26, 2017 alleging: 1) the service had been terminated or was subject to termination; 2) incorrect charges on the bill; and 3) improper disruption of service for service to 171 Main Street, Delaware Water Gap, PA (Service Location).<sup>1</sup> The Complainant alleges he is the manager of the Service Location.

2. Met-Ed timely filed its Answer and New Matter on October 17, 2017 denying the material allegations in the Formal Complaint and averring that the Account had been properly billed. In its New Matter, Met-Ed pled that the Customer must obtain counsel for representation in the proceeding. Met-Ed further pled that the matter be dismissed with prejudice or referred to the Administrative Law Judge's Mediation Unit.

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<sup>1</sup> The mailing address for the Service Location is 167 Main Street, Stroudsburg, PA.

3. Pursuant to the Interim Order Setting Resolution, dated October 26, 2017, the undersigned attorney spoke several times with the Complainant and Ms. Jackie Herrero in an attempt to resolve the issues. No issues were resolved.

4. On December 14, 2017, this matter was scheduled for Call-In Telephonic Hearing on February 8, 2018 before the Honorable Dennis J. Buckley.

5. On January 2, 2018, Met-Ed filed a Motion to Dismiss the Complaint if an attorney did not enter an appearance to represent the Customer at the scheduled hearing. The Customer is a registered business with the Pennsylvania Corporation Bureau. By Order dated January 22, 2018, the Complainant is ordered to obtain counsel and to amend the Complaint to list the Customer as Complainant.

## II. GROUNDS FOR THE SUBPOENA

6. Section 5.421 (a)(2) of the Commission's regulations permits a party to submit a written application for a subpoena to the presiding officer. 52 Pa. Code § 5.421 (a)(2). The application for a subpoena must specify the general relevance, materiality and scope of the testimony or documentary evidence sought, including specification of the documents desired. 52 Pa. Code § 5.421 (b)(1).

7. Jackie Herrero is an employee of the Customer and a fact witness.<sup>2</sup> Her testimony is material to the disposition of this case. Ms. Herrero admitted she utilized two space heaters at the Service Location, which directly relates to the Customer's high bill allegation.

8. A proposed subpoena for Jackie Herrero has been included with this Application.

9. A copy of the Hearing Notice is provided as Attachment 1.

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<sup>2</sup> Ms. Herrero provided the following contact information during mediation: email: [jackieherrero@gmail.com](mailto:jackieherrero@gmail.com); phone: 570-350-9596; and address: mailing address for Service Location.

### III. CONCLUSION

WHEREFORE, for all the foregoing reasons, Metropolitan Edison Company respectfully requests that the presiding Administrative Law Judge, the Honorable Dennis J. Buckley, issue a Subpoena requiring Jackie Herrero to attend the Call-In Telephonic Hearing in this matter scheduled on February 8, 2018 at 10:00 a.m.

Respectfully submitted,



Date: January 22, 2018

Margaret A. Morris, Esq.  
Attorney ID No. 75048  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 495-6524 tel.  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

*Counsel for Metropolitan Edison Company*



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of:  
YEA RYONG CHURCH, INC.  
C/O DAVID GONG

Docket No. C-2017-2626578

v.  
METROPOLITAN EDISON COMPANY

**SUBPOENA**

To: JACKIE HERRERO  
(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to \_\_\_\_\_  
(place)  
\_\_\_\_\_, at \_\_\_\_\_

Pennsylvania, on Thursday, February 8, 2018, at 10:00 a.m. o'clock, in the above case, to testify  
(date)  
on behalf of the METROPOLITAN EDISON COMPANY and to remain until excused;

2. And bring with you and produce the following: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

**BY THE COMMISSION**

Date \_\_\_\_\_

\_\_\_\_\_  
Administrative Law Judge

Commonwealth of Pennsylvania

)

) SS:

County of

)

**AFFIDAVIT OF SERVICE**

Before me, the undersigned authority, personally appeared \_\_\_\_\_  
who, being duly sworn according to law, deposes and says that he/she served a true and correct  
copy of the within SUBPOENA upon \_\_\_\_\_  
by handing the same to him/her at \_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m./p.m.

\_\_\_\_\_  
(Signature)

Sworn to and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_

Docket No. C-2017-2626578  
Yea Ryong Church, Inc. c/o David Gong v. Metropolitan Edison Company

Attachment 1

Hearing Notice



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
December 14, 2017

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-2017-2626578

(SEE ATTACHED LIST)

Yea Ryong Church c/o David Gong v. Metropolitan Edison Company

Billing Dispute

Call-In Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial Call-In Telephonic Hearing  
Date: Thursday, February 8, 2018  
Time: 10:00 AM  
Presiding: Administrative Law Judge Dennis Buckley  
PO Box 3265  
Harrisburg, PA 17105-3265  
Phone: 717.787.1399  
Fax: 717.787.0481

At the above date and time, you must call into the hearing. If you fail to do so, your case will be dismissed. You will not be called by the Administrative Law Judge.

To participate in the hearing,

- You must dial the toll-free number listed below
- You must enter a PIN number when instructed to do so, also listed below
- You must speak your name when prompted
- The telephone system will connect you to the hearing

Toll-free Bridge Number: 1.855.750.1027  
PIN Number: 398441

If you have any witnesses you want to have present during the hearing, you must provide them with the telephone number and PIN number.

*Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.*

If you have any hearing exhibits to which you will refer during the hearing, three (3) copies must be sent to the Administrative Law Judge and one (1) copy each must be sent to every other party. All copies must be received at least five (5) business days before the hearing.

**You must serve the Presiding Officer with a copy of ANY document you file in this case.**

**Individuals** representing themselves are not required to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

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. If appropriate, we may be able to provide you with a telephonic hearing instead of an in-person hearing. Please call the scheduling office at the Public Utility Commission at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearings, we will make every reasonable effort to have an interpreter present. Please call the scheduling office at the Public Utility Commission at least ten (10) business days prior to your hearing to submit your request.

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

The Public Utility Commission offers a free eFiling Subscription Service, which allows users to automatically receive an email notification whenever a document is added, removed, or changed on the PUC website regarding a specific case. Instructions for subscribing to this service are on the PUC's website at [http://www.puc.pa.gov/Documentation/eFiling\\_Subscriptions.pdf](http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf).

c:

ALJ Buckley  
Ashlee Smith  
Calendar File  
File Room

C-2017-2626578 - YEA RYONG CHURCH C/O DAVID GONG v. METROPOLITAN  
EDISON

YEA RYONG CHURCH  
C/O DAVID GONG  
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