

Lauren M. Lepkoski, Esq.
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June 26, 2018

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Wes and Tabitha Good v. Metropolitan Edison Company
Docket No. C-2017-2631009

Dear Secretary Chiavetta:

Enclosed please find the Motion to Compel of Metropolitan Edison Company with regard to the above-captioned matter. This document has been served on the Complainant as shown in the Certificate of Service.

Please contact me if you have any questions regarding this matter.

Very truly yours,



Lauren M. Lepkoski

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Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WES AND TABITHA GOOD

v.

METROPOLITAN EDISON COMPANY

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DOCKET NO. C-2017-2631009

NOTICE TO PLEAD

TO: Wes and Tabitha Good

Pursuant to 52 Pa. Code § 5.102(b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Compel of Metropolitan Edison Company within **five (5) days** from the service of the Notice, the facts set forth by Metropolitan Edison Company in the Motion may be deemed to be true, thereby requirement no other proof. All pleading, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy service to counsel for Metropolitan Edison Company, and where applicable, the Administrative Law Judge presiding over the case.

File with:

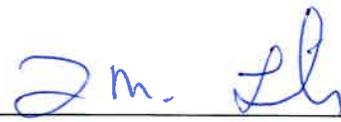
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

With a copy to:

Administrative Law Judge Jeffrey A. Watson
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222

Lauren M. Lepkoski
Tori L. Giesler
Teresa Harrold
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001

Date: June 26, 2018



Lauren M. Lepkoski, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WES AND TABITHA GOOD

v.

METROPOLITAN EDISON COMPANY

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DOCKET NO. C-2017-2631009

**MOTION OF METROPOLITAN EDISON COMPANY TO COMPEL RESPONSES TO
INTERROGATORIES AND DOCUMENT REQUESTS**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Metropolitan Edison Company (“Met-Ed” or the “Company”) by and through its attorneys, Lauren M. Lepkoski, Tori L. Giesler, Teresa Harrold and pursuant to 52 Pa. Code §§ 5.371-5.372, hereby files this Motion to Compel Wes and Tabitha Good (“Complainants”) to provide full and complete responses to interrogatories and document requests issued by the Company on January 23, 2018. In support thereof, the Company avers as follows:

I. BACKGROUND

1. On October 24, 2017, the Complainants filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) regarding 50 Frystown Road, Myerstown, Pennsylvania 17067 (“Service Location”) under Account No. 100061711725 (“Account”) which was electronically served on the Company on October 27, 2017.

2. On November 16, 2017, the Company filed its Answer and New Matter denying the material allegations. On the same day, the Company also filed Preliminary Objections to the Formal Complaint.

3. On November 25, 2017, the Complainants filed a response to the Preliminary Objections.

4. On December 6, 2017, the Complainants filed a response to the Answer and New Matter.

5. On January 4, 2018, a Motion Judge Assignment Notice was issued where the parties were informed that Administrative Law Judge (“ALJ”) Jeffrey A. Watson was assigned to rule on the Company’s Preliminary Objections.

6. On January 8, 2018, ALJ Watson issued an Order, which denied the Company’s Preliminary Objections and referred the docket to the Commission’s Mediation Unit.

7. On January 12, 2018, an Interim Order Setting Resolution Conference was issued.

8. On January 23, 2018, in accordance with 52 Pa. Code § 5.341, the Company forwarded to the Complainant interrogatories and document requests (“Discovery Requests”) via first class mail. In its Discovery Requests, the Company sought information and documents related to the Complainant’s allegations regarding the Company’s smart meters.

9. A full copy of the Company’s Discovery Requests is attached as Exhibit A.

10. On February 12, 2018, the Company received a letter from the Complainants dated January 6, 2018, which stated, in part, that they were replying to the Company’s Discovery Requests and were not accepting the “offer” made to complete the Discovery Requests.

11. On February 13, 2018, the Company received a letter from the Complainants dated February 7, 2018, which enclosed a letter replying to the Company’s Discovery Requests which corrected the date on the letter from January 6, 2018 to February 6, 2018.

12. A copy of the Complainant's letter dated February 7, 2018, which enclosed a corrected letter reply to the Company's Discovery Requests is attached as Exhibit B.

13. On April 4, 2018, a Call-In Telephonic Pre-hearing Conference Notice was issued, which scheduled a telephonic pre-hearing conference for April 18, 2018 before ALJ Watson.

14. On April 4, 2018, ALJ Watson issued a Prehearing Order in the above-captioned proceeding.

15. By letter dated April 12, 2018, the Complainants requested a continuance of the prehearing conference scheduled for April 18, 2018.

16. On April 17, 2018, ALJ Watson issued an Interim Order Cancelling Prehearing Conference as counsel for the Company requested a continuance of the Prehearing Conference and stated that the Complainants concurred with the request.

17. On April 20, 2018, a Call-In Telephonic Cancellation/Reschedule Hearing Notice was issued, which scheduled a telephonic pre-hearing conference for June 6, 2018.

18. On May 3, 2018, a Call-In Telephonic Cancellation/Reschedule Hearing Notice was issued, which scheduled a telephonic pre-hearing conference for June 26, 2018.

19. On May 21, 2018, a Corrected Telephone Hearing Notice was issued.

20. On June 4, 2018, ALJ Watson received notarized statements from each Complainant dated May 31, 2018.

21. On June 18, 2018, ALJ Watson received statements from each Complainant indicating, *inter alia*, that they would not be participating in the prehearing conference scheduled for June 26, 2018.

22. On June 22, 2018, ALJ Watson issued an Interim Order Cancelling Prehearing Conference Scheduled for June 26, 2018 ordering the parties to comply with the Prehearing Order dated April 4, 2018 and ordering a litigation schedule to be issued.

23. On June 22, 2018, a Cancellation Notice was issued which cancelled the Initial Telephonic Prehearing Conference scheduled for June 26, 2018.

II. MOTION TO COMPEL

24. The Complainants issued a letter to the Company which stated that they “do not accept the offer made to complete said interrogatory questionnaire or file said document submissions.”

25. The Complainants have refused to provide responses to the Discovery Requests without providing an objection. The questions are directly relevant and material to the issues raised by the Complainants in both their Formal Complaint as well as responsive pleadings. The Company is entitled to the requested information to enable it to fully investigate what information the Complainants relied on to make the specific and detailed allegations they did in their Formal Complaint and responsive pleading as well as what they intend to rely on to support their claims at the evidentiary hearings.

26. The information sought here by the Company is relatively simple and straightforward, and generic in nature regarding the Complainant’s health concerns related to the installation of a smart meter. Moreover, the questions are directly relevant and material to the issues raised by the Complainant in both her Formal Complaint as well as responsive pleading. The Company is entitled to the requested information to enable it to fully investigate what information the Complainant relied on to make the specific and detailed allegations she did in her

Formal Complaint and responsive pleading as well as what she intend to rely on to support their claims at the evidentiary hearings.

27. The Commission's regulations at 52 Pa. Code § 5.371 address the consequences of a participant's failure to comply with the Commission's discovery regulations. Section 5.371 provides that:

(a) The Commission or the presiding officer may, on motion, make an appropriate order if one of the following occurs:

(1) A party fails to appear, answer, file sufficient answers, file objections, make a designation or otherwise respond to discovery requests, as required under this subchapter.

28. Further, 52 Pa. Code § 5.372 provides that the presiding officer may impose appropriate sanctions upon a party found to be found in violation of the obligations set forth in the Commission's regulations.

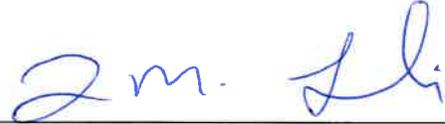
29. The Company requests that the Complainants be directed to provide full and complete responses to the Discovery Requests to be received by the undersigned counsel for the Company within five business days after entry of an Order Granting the Motion to Compel.

30. In the event the Complainants are directed by the Commission, but fail to respond to the Company's Discovery Requests, the Company respectfully requests that the Complaint against the Company be dismissed in its entirety.

WHEREFORE, Metropolitan Edison Company respectfully requests that the Commission issue an Order compelling the Complainants to fully and completely respond to the Discovery Requests such that the responses are received by counsel for the Company no later than five business days after entry of an Order on the Motion to Compel. Further, in the event the Complainant does not comply with the Order directed by the Commission and fails to respond to

the Company's Discovery Requests, the Company respectfully requests that the Commission dismiss in its entirety the Formal Complaint of Wes and Tabitha Good.

Respectfully submitted,



Dated: June 26, 2018

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Tori L. Giesler
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Counsel for Metropolitan Edison Company

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WES AND TABITHA GOOD

v.

METROPOLITAN EDISON COMPANY

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DOCKET NO. C-2017-2631009

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Motion to Compel of Metropolitan Edison Company upon the individual listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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

Wes and Tabitha Good
50 Frystown Road
Myerstown, PA 17067

Administrative Law Judge Jeffrey A. Watson
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222

Dated: June 26, 2018



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