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Attorney for Plaintiff

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

WIM NEY

v.

Docket No. C-2018-3003238

METROPOLITAN EDISON COMPANY

ANSWER TO NEW MATTER OF METROPOLITAN EDISON COMPANY FILED

IN RESPONSE TO THE FORMAL COMPLAINT OF WIM NEY

AND NOW, TO WIT, this 20th day of August, 2018, comes Wim Ney,

by his attorney, Joseph N. Gothie, who files the within Answer to New Matter as follows:

11. Denied as a conclusion of law.

12. Each sentence will be responded to in order below.

- a. Admitted (Complainant ("Ney") contact Company ("Met-Ed") on August 16, 2016).
- b. Admitted that Met-Ed corresponded with Ney on August 30, 2016. The letter speaks for itself.

- c. Admitted that Ney contacted Met Ed on September 8, 2016 refusing installation and raising medical concerns.
- d. It is admitted that Met Ed responded to the concern requiring a medical letter.
- e. It is admitted that Ney sent a letter to Met Ed on or about September 13, 2016 complying with Met Ed's request for a medical letter saying a smart meter should not be installed.
- f. It is admitted smart meter installation was delayed.
- g. It is admitted Ney sent an "opt-out" letter to Met Ed on or about September 20, 2016.

13. Each sentence will be responded to in order below.

- a. Ney is without knowledge of Met Ed's deployment schedule and processes and legal approvals, and therefore denies the allegations contained herein.
- b. Admitted that Met Ed sent installation correspondence to Ney on September 21, 2017.
- c. Admitted that Met Ed sent a pre-disconnection letter to Ney on October 3, 2017. The legal justification for the letter or its effects are legal conclusions and therefore denied.
- d. Admitted that Met Ed sent a termination letter to Ney on October 13, 2017. The legal justification for the letter or its effects are legal conclusions and therefore denied.

- e. Admitted that Ney contacted Met Ed on October 17, 2017 and again raised health and safety concerns about installation of a smart meter at his home.
- f. Admitted that a Met Ed representative attempted to justify the installation of the meter. The legal grounds offered for installation are denied as conclusions of law.

14. Each sentence will be responded to in order below.

- a. Admitted that Ney filed an informal complaint with the BCS on October 17, 2017.
- b. Admitted that the BCS close the complaint and notified Ney while offering reasons for the denial. The legal grounds offered are conclusions of law and are denied.
- c. It is admitted that BCS told Ney there is no opt out and that BCS offered its conclusion that Met Ed was allowed to install a smart meter. The conclusions of law are denied.
- d. It is admitted that Ney was advised about electric consumption of the meter and that the meter does not affect consumption.
- e. It is admitted that Ney acknowledged that he understood the position but that he was not satisfied and wished to pursue it further.

15. Each sentence will be responded to in order below.

- a. It is admitted that Met Ed sent another install letter to Ney on February 16, 2018.

- b. It is admitted Met Ed sent another pre-disconnection warning letter to Ney on June 7, 2018. The justifications for and legal effects of the letter are legal conclusions and are denied.
- c. Admitted that Ney contacted Met Ed on June 15, 2018 about the meter dispute.
- d. Admitted that a Met Ed representative responded to Ney that BCS closed his complaint. Admitted that the Met Ed representative (unsurprisingly) told Ney Met Ed was required to install the meter. The legal conclusion is denied, of course.
- e. Admitted that a Met Ed representative offered meter relocation.
- f. Admitted that a Met Ed representative told Ney he could contact the PA PUC.
- g. Admitted that Ney advised the Met Ed representative he had already contacted his state representative.
- h. Admitted that Met Ed was called by James Swayer of Re. Carol Hill Evans' office notifying Met Ed that Evans had a meeting scheduled with Ney and asking for no termination prior to that meeting.
- i. Admitted that Met Ed placed Swayer on hold.
- j. It is unknown to Ney why or how the call terminated, and the allegation is therefore denied.
- k. Admitted that on June 28, 2018 Ney filed a formal complaint with the PA PUC.

1. Admitted that Met Ed was served on July 9, 2018 and that termination efforts have ceased.
16. Admitted that Met Ed is installing smart meters. Whether this is legal is a conclusion of law and denied. Act 129 speaks for itself, and any legal conclusions are denied.
17. Admitted that Met Ed's SMP was approved. Admitted the final SMP was approved. Admitted that the Commission approved the SMP on June 20, 2014. The SMP speaks for itself, and Ney is in any case not intimately familiar with the details, and the same is therefore denied.
18. Admitted that Ney only ever filed the informal and formal complaints referenced above.
19. Denied as a conclusion of law.
20. Denied as a conclusion of law.
21. Denied as a conclusion of law.
22. Denied as a conclusion of law.

Ney has no objection to mediation.

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Respectfully submitted,

Dated: 8-20-18

BY: 
GOTHIE LAW FIRM, P.C.
Joseph N. Gothie, Esq.

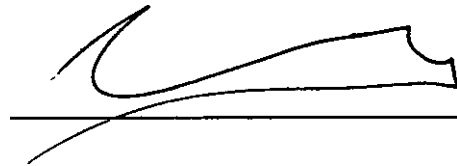
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VERIFICATION

I, hereby verify the facts as set forth in the foregoing document, as being true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

The foregoing document is based upon information which has been gathered by my counsel in preparation of the lawsuit. The language of the document is that of counsel and not my own. I have read the foregoing document to the extent that the document is based upon information which I have given to my counsel, it is true and correct to the best of my knowledge, information and belief. To the extent that the content of the document is that of counsel, I have relied upon counsel in making this verification.

Date: 8/20/2018

A handwritten signature in black ink, consisting of a stylized, cursive-like script, positioned above a horizontal line.

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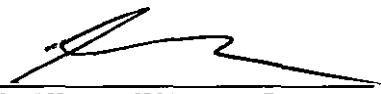
CERTIFICATE OF SERVICE

I certify that I am this day serving a copy of the foregoing, attached document, upon the person(s) and in the manner indicated below, which service satisfies the requirements of the 52 Pa. Code Section 1.54.

Service by first class mail delivery addressed as follows:

Counsel for Met Ed
Lauren Lepkoski
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001

Date: 8-20-18


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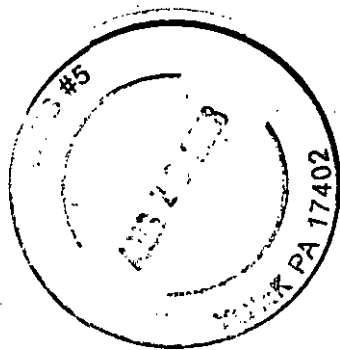
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Ms. Rosemary Chiavetta, Secretary
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