

December 21, 2018

**VIA ELECTRONIC FILING**

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

**Re: Docket No. C-2018-3005195  
Docket No. C-2018-3005783  
Thomas Conner v. Pennsylvania Electric Company  
Motion to Consolidate Dockets**

Dear Secretary Chiavetta:

Attached for filing is the Motion to Consolidate of Pennsylvania Electric Company (Penelec) to the Complaints filed by Thomas Conners (Complainant) in the above captioned proceedings.

A copy of the Motion to Consolidate 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, Esquire

MAM/kld

cc: John L. Munsch, Esquire, FirstEnergy Service Company [w/enc.]  
Thomas P. Conner [w/enc.]

**Re: Docket No. C-2018-3005195  
Docket No. C-2018-3005783  
Thomas Conner v. Pennsylvania Electric Company  
Motion to Consolidate Dockets**


**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the following persons on the attached service list, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

**Via Electronic and First Class Mail**

Thomas P. Conner  
13018 Route 87  
Dushore, PA 18614  
[tom.conner2006@hotmail.com](mailto:tom.conner2006@hotmail.com)

Dated: December 21, 2018

  
Margaret A. Morris, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**THOMAS CONNER**

v.

**PENNSYLVANIA ELECTRIC COMPANY**

:  
:  
:  
:  
:  
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**Docket No. C-2018-3005195**

**Docket No. C-2018-3005783**

**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 to Consolidate of Pennsylvania Electric Company within twenty (20) days from service of this notice, the facts set forth by Pennsylvania Electric Company in the Motion to Consolidate may be deemed to be true, whereby requiring no other proof. All pleadings, such as a Motion to Consolidate, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to all parties and where applicable, the Administrative Law Judge presiding over the issue.

**File with:**

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

**With a copy to:**

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

Date: December 21, 2018



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*Counsel for Pennsylvania Electric Company*

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

THOMAS CONNER	:	
	:	
v.	:	Docket No. C-2018-3005195
	:	Docket No. C-2018-3005783
	:	
PENNSYLVANIA ELECTRIC COMPANY:	:	

**PENNSYLVANIA ELECTRIC COMPANY’S MOTION TO CONSOLIDATE**

Pennsylvania Electric Company (Respondent or Penelec), by and through its attorneys, Reger Rizzo & Darnall LLP, hereby submits its Motion to Consolidate the Formal Complaints of Thomas Conner (Complainant) filed in the above-captioned dockets with the Pennsylvania Public Utility Commission, pursuant the Commission’s regulations, 52 Pa. Code §§ 5.103 and 5.81. In response thereto, Respondent avers and represents as follows:

**I. BACKGROUND**

1. On October 4, 2018, Complainant filed a Formal Complaint (October Complaint) with the Commission against Penelec at Docket No. C-2018-3005195. Complainant checked the boxes indicating that his service is subject to termination, there are incorrect charges and he is having a reliability or quality issue with his service. In his requested relief, he disputes termination, bills and alleges discrimination. Complainant attached medical information, letters to the PUC, usage history and a termination notice for the account.

2. On October 29, 2018, pursuant to 52 Pa. Code § 5.101(b), Penelec filed an Answer and New Matter admitting service was subject to termination and denying other material allegations, with a request for referral to Office of Administrative Law Judges, Mediation Unit.

3. By Interim Order, dated November 27, 2018, ALJ Charles E. Rhaney, Jr. directed the parties to participate in a mediation conference on or before December 26, 2018.

4. On November 1, 2018, Complainant filed a second Formal Complaint (November Complaint) with the Commission against Penelec at Docket No. C-2018-3005783. Complaint checked the boxes indicating that his service was subject to termination and incorrect charges. In his request for relief he disputes termination, bills and alleges discrimination. Complainant attached past bills, notices, and letters to the PUC to his November Complaint.

5. On November 26, 2018, Penelec filed an Answer and New Matter to the November Complaint averring the issues were pending in the October Complaint.

6. A hearing notice has not yet been issued in either proceeding.

## **II. CONSOLIDATION**

7. Section 5.81 of the Commission's regulations, 52 Pa. Code § 5.81, allows the Commission or the presiding officer to order the consolidation of proceedings "involving a common question of law or fact." The October and November Complaints (together Formal

Complaints) contain identical issues of law and fact, which, in order to further judicial economy and avoid needless duplication of litigation, justify consolidation.

8. The dispute in each Formal Complaint relate to the same issues. Complainant is disputing termination, bills, and alleging discrimination.

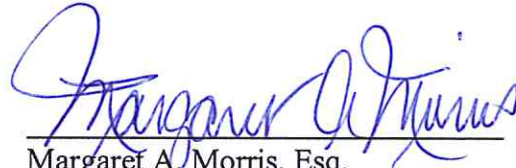
9. The presiding officer and the Commission have significant discretion in deciding a Motion to Consolidate Proceedings. Consolidation of these proceedings will avoid: (i) the need to appoint a separate administrative law judge to preside over all five Formal Complaints; (ii) participation by the parties in five separate proceedings on identical issues; and (iii) duplication of witnesses, discovery, testimony and cross-examination. Moreover, consolidation of the Formal Complaints for hearing and decision will avoid the potential for inconsistent decisions due to separate treatment in different proceedings, which ultimately may require Commission resolution. Basic principles of judicial economy, the avoidance of needless duplication of litigation and a desire to save Commission, and the parties' resources, all support consolidation of these proceedings.

**WHEREFORE**, for the foregoing reasons, Respondent, Pennsylvania Electric Company respectfully requests that its Motion to Consolidate the Formal

Complaints filed by Thomas Conner at Docket Nos. C-2018-3005195 and C-2018-3005783 be granted, and such other relief as may be just and reasonable under the circumstances.

Respectfully submitted,

Dated: December 21, 2019



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