

Diana Sabatine  
Non-domestic  
c/o 315 Possum Hollow Road  
Latrobe, Pennsylvania [15650]  
(724) 689-9771

January 9, 2019

**Via E-Service**

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

**Re: Diana Sabatine v. WEST PENN POWER COMPANY  
Docket No. C-2018-3002804**

Dear Secretary Chiavetta,

Please file the *First Amended Notice and Petition for Judicial Determination of Jurisdiction* for E-Filing in the above referenced docket number. This document has been served on the Respondent as shown in the Certificate of Service.

Sincerely,



Diana Sabatine

Enclosure(s)

**E-Service and Certificate of Service:**

Judge Jeffrey Watson, Pennsylvania Public Utility Commission  
Lauren Marissa Lepkoski, Esquire, Tori L. Gielser, Esquire, First Energy Service  
Company

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DIANA SABATINE**

v.

**WEST PENN POWER COMPANY**

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**Docket No. C-2018-3002804**

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**NOTICE TO FIRST ENERGY CORPORATION TO PLEAD**

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TO: Lauren Marissa Lepkoski, Esquire, Tori L. Gielser, Esquire, First Energy Service Company, First Energy Corporation

You are hereby notified that, if you do not file a written response denying or correcting the enclosed *First Amended Notice and Petition for Judicial Determination of Jurisdiction* within twenty (20) days from service of this Notice, the facts set forth by Diana Sabatine to be true, thereby requiring no other proof. All pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to Diana Sabatine, and where applicable, the Administrative Law Judge presiding over the case.

**File with:**

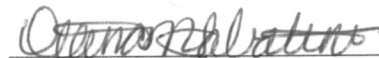
Rosemary Chiavetta, Secretary  
Pennsylvania Public Commission  
Commonwealth Keystone Building  
P.O. Box 3265  
Harrisburg, Pennsylvania 17105-3265  
***Via E-Filing***

**With a copy to:**

Diana Sabatine  
Non-domestic  
c/o 315 Possum Hollow Road  
Latrobe, Pennsylvania [15650]

All Right Reserved

Dated: January 9, 2019

  
\_\_\_\_\_  
Diana Sabatine

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Diana Sabatine**

v.

**WEST PENN POWER COMPANY**

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**Docket No. C-2018-3002804**

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**FIRST AMENDED NOTICE  
AND  
PETITION FOR JUDICIAL DETERMINATION OF JURISDICTION**

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To: Judge Jeffrey Watson, Administrative Law Judge, Pennsylvania Public Utility Commission

**LATITUDE ALLOWED IN FILINGS BY NON ATTORNEYS**

Since the Pennsylvania Public Utility Commission's (PUC) Administrative Court did not understand the issue of jurisdiction in the *Notice and Petition for Judicial Determination of Jurisdiction* dated October 11, 2018, the Complainant submits this clarified amended challenge to jurisdiction in the above referenced case. The Complainant brings to Respondent's attention two cases granting latitude in non attorney filings:

- (1) The February 27, 1992 United States Court of Appeals Eleventh Circuit case of  
SECURITIES AND EXCHANGE COM'N v. ELLIOTT 953 F.2d 1560 (1992),

references the following: “*When interpreting the pro se papers, the Court should use common sense to determine what relief the party desires. Simmons, 542 F.2d at 260*”.

- (2) In *Jena BALISTRERI, Plaintiff-Appellant, v. PACIFICA POLICE DEPARTMENT; Al Olsen, Police Chief, individually and as a police agent, Defendants-Appellees*. No. 87-1969, 901 F.2d 696 (9th Cir. 1990), “*defective service of complaint by pro se litigant does not warrant dismissal*); *Garaux v. Pulley, 739 F.2d 437, 439 (9th Cir. 1984)*. Thus, *for example, pro se pleadings are liberally construed, particularly where civil rights claims are involved.*”
- (3) The Complainant is not an attorney or lawyer and is following procedure to the best of Our ability, noting that the Complainant is not held to the same standards as an attorney or lawyer. (*BALDWIN COUNTY WELCOME CENTER v. BROWN, 466 U.S. 147 (1984)* 466 U.S. 147; *U.S. Supreme Court BOAG v. MacDOUGALL, 454 U.S. 364 (1982)* 454 U.S. 364; *SECURITIES AND EXCHANGE COM'N v. ELLIOTT* 953 F.2d 1560 (1992) United States Court of Appeals, Eleventh Circuit. February 27, 1992;

#### **THE HEART OF THE MATTER:**

#### **THE QUESTION OF THE COURT'S JURISDICTION**

- A. In *Interim Order Denying Petition for Review of Law by Pennsylvania Commonwealth Court to Determine Jurisdiction*, dated December 27, 2018 Respondent states: “The Petition fails to state clearly and concisely the controversy and uncertainty which is the subject of the Petition or the relief being sought by Complainant. Further, it is unclear from the Petition, what relief is being sought by Complainant.”
- B. For the sake of clarity, there are at least **three distinct challenges to jurisdiction**.

### **FIRST CHALLENGE TO JURISDICTION**

- C. It has been the Complainant's distinct impression that as a civil service employee of Pennsylvania, Judge Jeffrey Watson, Esquire, as Administrative Law Judge or as the man, has the jurisdiction to grant or deny a change to the PUC interpretation of any Act being questioned before him, in particular Act 129 of 2008.
- D. **However**, it appears from Judge Jeffrey Watson's Interim Order dated October 17, 2018, **"Complainant bears the burden of proof and must demonstrate by a preponderance of the evidence that Respondent violated its tariff, the Public Utility Code or a Commission order or regulation, and that he is entitled to the relief requested in the Complaint"** that Judge Jeffrey Watson does not have proper jurisdiction to grant the relief requested (to change the interpretation of Act 129 of 2008). If this is the case, this matter should be moved to a court of competent jurisdiction or Complainant should be made aware of the proper administrative procedure to change the existing PUC ruling. Emphasis added.
- E. Therefore, the **jurisdiction to change the interpretation of Act 129 of 2008 to comply with plain language reading and with Organic Law must be established** before the matter covered in Docket No. C-2018-3002804 now in front of Judge Jeffrey Watson can proceed.

### **WE WISH FOR THE FOLLOWING RELIEF AS TO THE FIRST CHALLENGE TO JURISDICTION**

- F. **Specific relief Requested:** We wish for **judicial determination**, from Pennsylvania Commonwealth Court, or any court of competent jurisdiction, that Judge Jeffrey Watson,

Esquire, as a civil service employee of the Pennsylvania Public Utility Commission, has or does not have jurisdiction to **order a change in the interpretation of Pennsylvania Act 129 of 2008** per item D above.

- G. **Specific relief requested:** If the PUC Administrative Court, and Judge Jeffery Watson do not have jurisdiction to change the PUC interpretation of Act 129 of 2008, We wish Judge Jeffrey Watson and the PUC suggest the proper administrative procedure within the PUC with jurisdiction as described in D above. If there is no proper administrative procedure available, so state.
- H. **Specific relief requested:** If the PUC Administrative Court, and Judge Jeffery Watson do not have jurisdiction to change the PUC interpretation of Act 129 of 2008, We wish Judge Jeffrey Watson to plainly so state.
- I. **Specific relief requested:** If this court does not have jurisdiction to make changes in final interpretation of Pennsylvania Act 129 of 2008 per item D above, We wish Judge Jeffery Watson, Esquire, of the Administrative Court of the PUC, to continue this case until it can be moved to a court of competent jurisdiction.
- J. **Specific relief requested:** If this court does not have jurisdiction to make changes in final interpretation of Pennsylvania Act 129 of 2008 per item D above, We wish Judge Jeffery Watson, Esquire, of the Administrative Court of the PUC, to forbid any assault on Our property by deployment of any home controller, meter, or other digital device by First Energy or its agents until this case can be moved to a court of competent jurisdiction and proceedings are completed.

All Rights Reserved

With all due respect,

Dated: January 9, 2019

A handwritten signature in cursive script, appearing to read "Diana Sabatine", written over a horizontal line.

Diana Sabatine  
315 Possum Hollow Road  
Latrobe, Pennsylvania [15650]  
(724) 689-9771

**C-2018-3002804 - Diana Sabatine v. WEST PENN POWER COMPANY**

**FILE WITH:**

ROSEMARY CHIAVETTA, SECRETARY  
PENNSYLVANIA PUBLIC COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
P.O. BOX 3265  
HARRISBURG, PENNSYLVANIA 17105-3265  
***Accepts E-Service***

**WITH A COPY TO:**

THE HONORABLE JUDGE JEFFREY A. WATSON  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
OFFICE OF ADMINISTRATIVE LAW JUDGE  
PIATT PLACE, SUITE 220  
301 FIFTH AVENUE  
PITTSBURGH, PA 15222  
***Accepts E-Service***

LAUREN MARISSA LEPKOSKI ESQUIRE  
TORI L. GIELSER, ESQUIRE  
FIRSTENERGY SERVICE COMPANY  
2800 POTTSVILLE PIKE  
PO BOX 16001  
READING PA 19612  
**610.921.6203**  
***Accepts E-Service***

Diana Sabatine  
315 Possum Hollow Road  
Latrobe, Pennsylvania [15650]  
**724.689.9771**  
***Accepts E-Service***

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Diana Sabatine**

v.

**WEST PENN POWER COMPANY**

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**Docket No. C-2018-3002804**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the *First Amended Notice and Petition for Judicial Determination of Jurisdiction* upon the individuals listed below.

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

Lauren M. Lepkoski, Esquire  
Tori L. Gielser, Esquire  
First Energy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, Pennsylvania 19612

The Honorable Judge Jeffrey A. Watson  
Pennsylvania Public Utility Commission  
Office Of Administrative Law Judge  
Piatt Place, Suite 220  
301 Fifth Avenue  
Pittsburgh, Pa 15222

Dated: January 10, 2019



\_\_\_\_\_  
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