

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

February 5, 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 *Fourth Amended Notice and Petition to Challenge Jurisdiction* for E-Filing in the above referenced docket number. A second copy of this document has been served on the Respondent as shown in the Certificate of Service correcting page 5.

Sincerely,



Diana Sabatine

Enclosure(s)

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

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

**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 SERVICE COMPANY, FIRST ENERGY SERVICE  
CORPORATION AND ITS SUBSIDIARIES TO PLEAD**

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**TO:** Tori L. Gielser, Esquire, Lauren Marissa Lepkoski, 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 *Fourth Amended Notice and Petition to Challenge Jurisdiction* within fourteen (14) 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, by email First Class Mail, and where applicable, the Administrative Law Judge presiding over the case.

**File with:**

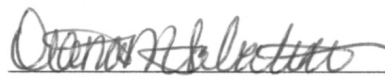
Rosemary Chiavetta, Secretary  
Pennsylvania Public Commission  
Commonwealth Keystone Building  
P.O. Box 3265  
Harrisburg, Pennsylvania 17105-3265  
***Via E-Filing***

**With a copy to:**

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

All Right Reserved

Dated: February 5, 2019

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Diana Sabatine</b>	:	
	:	
<b>v.</b>	:	<b>Docket No. C-2018-3002804</b>
	:	
<b>WEST PENN POWER COMPANY</b>	:	

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**FOURTH AMENDED NOTICE  
AND  
PETITION TO CHALLENGE JURISDICTION**

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

**THE HEART OF THE MATTER:**

Three *Amended Petitions for Judicial Determination of Jurisdiction* sent by the Complainant to Judge Watson were denied by this court stating Complainant’s 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 was unclear from the Petition, what relief was being sought by the Commission by Complainant or any legal authority for the request.” Complainant maintains that the petitions were written in plain English and multiple specific requests for relief were clearly stated.

Complainant received three E-filings from this court dated January 29, 2019, with Interim Orders denying all three petitions. On February 2, 2019, Complainant received by First Class Mail a copy of a letter from Respondent (West Penn Power Company and/or First Energy

Corporation, and/or First Energy Service Company as “West Penn” or the “Company”) in the above captioned docket to Judge Jeffrey Watson regarding the petitions. The Secretary of the Public Utility Commission failed to notify Complainant by E-Service the filing from the Respondent regarding this matter, causing a harm to Complainant.

It *may not be presumed* by Respondent or this court that the filing of the Formal Complaint is understood by the Complainant. The Complainant does not understand the jurisdiction of Judge Jeffrey Watson or the Commission. If that were the case, jurisdiction would not have been challenged.

Furthermore, Complainant *does not* “fall under the category of an ‘individual’ as contemplated by the definition” as stated in Respondent’s letter. Black’s Law Dictionary, Fifth Edition defines “individual” as follows:

As a noun, this term denotes a single person as distinguished from a group or class, and also, very commonly, a private or natural person as distinguished from a partnership, corporation, or association; but it is said that **this restrictive signification is not necessarily inherent in the word**, and that it may, in proper cases, include artificial persons. **See also Person**. As an adjective, "individual" means pertaining or belonging to, or characteristic of, one single person, either in opposition to a firm, association, or corporation, or considered in his relation thereto. – emphasis added

Complainant is a living, breathing, human being; one of the people and not a fictitious entity. Also, Complainant is not an attorney. In this matter the Respondent mis-labels the Complainant. It is critical that The Commission understand this plain English claim of divinely given rights ascribed to each of the people, such as the Complainant, as described in the Bible, the Magna Carta, the Declaration of Independence, Articles of Confederation, Pennsylvania Constitutions, and The Constitution for these united states of America, as lawfully amended. While the Complainant does not make light of any of the violations of

her rights and duties, she particularly points out potential damage to rights of privacy and pursuit of happiness.

Respondent continues in the letter by stating that “The Commission may make such regulations, not inconsistent with law”. The Complainant is glad that the Respondent agrees that The Commission must adhere to the law. The Complainant holds the Commission’s regulations to implement Act 129 of 2008 are inconsistent with the law. Further, the Complainant avers that regulations and deployment of control devices known as “smart meters” is contrary to both the law and the statute according to Act 129 of 2008. As pointed out by the Respondent, inconsistency with law is the core to this challenge to jurisdiction.

In short, The Commission has erred by violating both law and the statute known as Pennsylvania Act 129 of 2008. It now seems that Administrative Law Judge Jeffrey Watson has claimed he does not have jurisdiction to make that matter right.

### **CHALLENGE TO JURISDICTION**

Act 129 of 2008 states:

**The plan shall describe the smart meter technologies the electric distribution company proposes to install in accordance with paragraph (2).**

**(2) Electric distribution companies shall furnish smart meter technology as follows:**

**(i) Upon request from a customer that agrees to pay the cost of the smart meter at the time of the request.**

The word “shall” in Act 129 means there is no escape from the plain language meaning. The plain language of the act is “at the customer request.” There is nothing in the statute or the history of the statute to think that “at the customer request” means anything but what it says and is only emphasized by the word “shall” that precedes it.

According to the Public Utility Implementation Order, Docket No. M-2009-2092655, dated June 18, 2009, it states “Act 129 requires EDCs to furnish smart meter technology (1)

**upon request from a customer** that agrees to pay the cost of the smart meter at the time of the request.” The Implementation Order also states, “The Commission interprets the Act to mean that a customer must pay the costs of installing a meter at the time of the request.” – emphasis added

**QUESTIONS NEED ANSWERED:**

Do you, Judge Jeffrey Watson, as Administrative Law Judge have the jurisdiction to grant or deny a change to The Commission’s interpretation of Act 129 of 2008 as stated in the Implementation Order, Docket No. M-2009-2092655?

If Judge Jeffrey Watson does not have jurisdiction in the above matter, this matter should be moved to a court of competent jurisdiction or **as common courtesy** Complainant should be made aware of the proper administrative procedure to request for change in the existing PUC ruling.

**SPECIFIC RELIEF REQUESTED:**


- 1.) **Specific relief requested:** We wish for Judge Jeffrey Watson to clearly and succinctly state if he does or does not have jurisdiction to **order a change in the interpretation of Pennsylvania Act 129 of 2008.**
- 2.) **Specific relief requested:** We request relief from First Energy Corporation and its subsidiaries that they be ordered not breach our current contract with the non-digital mechanical meter, commonly known as an “analog” meter.
- 3.) **Specific relief requested:** If Judge Jeffery Watson does not have jurisdiction to make changes in interpretation of Pennsylvania Act 129 of 2008, We wish Judge Jeffery Watson 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 the proper administrative procedure or a court of competent jurisdiction and proceedings are completed.

All Rights Reserved

With all due respect,

Dated: February 5, 2019



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c/o 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***

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

Diana Sabatine  
Non-domestic  
c/o 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 upon the individuals listed below with a corrected true copy of the *Fourth Amended Notice and Petition to Challenge Jurisdiction*.

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

Tori L. Gielser, Esquire  
Lauren M. Lepkoski, 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: February 5, 2019



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