

Noreen McCarthy
18 Millstone Lane
Pottstown, PA 19465
610-469-2009

February 10, 2019

VIA E-Filing

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

In Re: Noreen McCarthy v. Metropolitan Edison Company

Docket No. C-2019-3006923

Dear Secretary Chiavetta:

Attached is my Reply to Preliminary Objections in the above-referenced matter. This document has been served on the Respondent as shown in the Certificate of Service.

Please feel free to contact me with any questions.

Sincerely,

Noreen McCarthy

Cc: ALJ Jeffrey A. Watson

Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NOREEN MCCARTHY	:	
	:	
v.	:	DOCKET No. C-2019-
3006923	:	
	:	
METROPOLITAN EDISON COMPANY	:	

Reply to Preliminary Objections of
Metropolitan Edison Company

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

I respond as follows:

- I. Introduction
- 1. Does not require an answer.
- 2. I am without knowledge.
- 3. Denied.

I do not recall requesting an “opt out.” Denied. I ended a phone call when I was not getting the information I was seeking, after I was transferred several times to various departments, and when I no longer had time to spend on the call. I do not recall refusing anything.

- 4. Denied.

Alleging a violation of Met- Ed's duties and responsibilities under PA 66 Section 1501, as I has alleged in my formal complaint, at Numbers 3, 4, 5, and 6, does set forth a matter which the PUC has jurisdiction to hear, and which, in fact, mandates the PUC to hear this formal complaint, taking all my allegations as true. Met- Ed argues aptly in preliminary objections number 14 that the moving party may not rely on its own factual assertions, but must accept for the purposes of disposition of the preliminary objection, all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts. County of Allegheny v. Commw. Of Pa., 490 A.2d 402 (Pa. 1985). Therefore, in ruling on a preliminary objection, the Commission must assume, for decisional purposes only, that the factual

allegations of the Formal Complaint are true. Id. I believe some of the dates stated may be incorrect.

5. Disagree. I request the Preliminary Objection be denied and the Commission grant my request for an accommodation from the installation of a smart meter and not dismiss the Formal Complaint in its entirety with prejudice, but grant me a hearing and grant me such other relief as may be just and reasonable under the circumstances.

6. Admit.

7. Denied.

I do not recall requesting an "opt out." Denied. I ended a phone call when I was not getting the information I was seeking, after I was transferred several times to various departments, and when I no longer had time to spend on the call. I do not recall refusing anything.

8. Admit regarding the first sentence. I am without information regarding the second sentence.

9. Denied. By way of further answer, I signed up for eFiling and Met-Ed ignored my eFile request and instead served me via US mail. I request that any additional filing by Met-Ed be served to me via my eFiling information.

10. Requires a legal conclusion.

11. Requires a legal conclusion.

12. Requires a legal conclusion.

13. Denied. Even if the Company may have been in compliance with Act 129 and the June 5 Order, which I disagree with, the Company is still violating Section 1501 and 1502 of the PUC Act, which I have alleged and will be amending my Formal Complaint to include 1502, and that will be sent soon. Met-Ed should not be permitted to ignore the plain language of customers' complaints to state that the customers have not alleged violations of any PUC regulation in their formal complaints.

14. Requires a legal conclusion. By way of further answer, I have alleged violations of Section 1501 in my Formal Complaint in my counts 3, 4, 5, and 6.

15. I am confused in Paragraph #15 of the Preliminary Objections based on the copies of the cases that I have read. Counsel for Met-Ed cites several cases in the paragraph. I believe that the Preliminary Objections should not be granted because:

a. Interstate Traveler Services, Inc. v. Pa. Dept. of Environmental Resources seems to claim no jurisdiction because they didn't "exhaust administrative remedies." However, Met-Ed's own correspondence from October 10, 2017, and Paragraph #4 above states that I can file a complaint with the PUC if I did not get resolution with Met-Ed.

b. I see no relevance for citing Rivera v. Philadelphia Theological Seminary of St. Charles Borromeo, Inc. as it seems to deal with serving an out-of-state garnishee.

c. Montague v. Philadelphia Electric Company seems to deal with

i. Theft of service;

ii. Welfare recipients; and,

iii. Relitigating the same case.

My case includes none of those.

I do not see the relevance of these cases to my case. If there is relevance, I request an explanation so that I may comment further.

Deny the last sentence of 15.

Met-Ed claims that it has not violated any law, regulation, Code, or order. However, my Formal Complaint states that Met-Ed is violating Section 1501. The PUC's interpretation of Act 129 as mandating no accommodations for any customers is illegal.

16. Denied. I am not asking for an opt-out, I am asking for an accommodation.

17. Denied.

Alleging a violation of Met-Ed's duties and responsibilities under PA 66 Section 1501, as I has alleged in my formal complaint, at Numbers 3, 4, 5, and 6, does set forth a matter which the PUC has jurisdiction to hear, and which, in fact, mandates the PUC to hear this formal complaint, taking all my allegations as true. Met-Ed argues aptly in preliminary objections number 14 that the moving party may not rely on its own factual assertions, but must accept for the purposes of disposition of the preliminary objection, all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts. County of Allegheny v. Commw. Of Pa., 490 A.2d 402 (Pa. 1985). Therefore, in ruling on a preliminary objection, the Commission must assume, for decisional purposes only, that the factual allegations of the Formal Complaint are true. Id. I believe some of the dates stated may be incorrect.

18. Denied.

As a matter of law, the Company is not required to install a smart meter at the Service Location, which will be harmful to me and my family. If the Company does install a smart meter at my home, the Company would be in violation of Section 1501.

19. Denied.

In Met-Ed's Preliminary Objections, they appear to admit that my facts are true. I agree that these Preliminary Objections should not be accepted, and I should proceed to a fair and impartial hearing. See Susan Kreider v. PECO, case number P-2015-2495064.

20. Requires a legal conclusion.

21. Denied.

See Antonio Romeo v. Pennsylvania Public Utility Commission, case No. 498 C.D. 2016. Commonwealth Court, February 8, 2017. The utility lawyers should be very familiar with this case.

22. Denied.

The cases cited by the utility lawyers are different from my case. My Formal Complaint alleges violations by the Company of Section 1501.

23. Denied. See Romeo v. PA PUC (attached).

24. The Colwell case is not applicable to my Formal Complaint.

25. Requires a legal conclusion. My Formal Complaint alleges violations of Section 1501 and terminating my service while my dispute is pending violates PUC code "§ 56.92. Notice when dispute pending. Per 52 Pa Code, Chapter 56, Subchapter E, section 56.92

A public utility may not mail or deliver a notice of termination if a notice of initial inquiry, dispute, informal or formal complaint has been filed and is unresolved and if the subject matter of the dispute forms the grounds for the proposed termination. A notice mailed or delivered in contravention of this section is void.

Authority

The provisions of this § 56.92 amended under Chapter 14 of the Public Utility Code, 66 Pa.C.S. Chapter 14.

26. Denied.

Alleging a violation of Met- Ed's duties and responsibilities under PA 66 Section 1501, as I has alleged in my formal complaint, at Numbers 3, 4, 5, and 6, does set forth a matter which the PUC has jurisdiction to hear, and which, in fact, mandates the PUC to hear this formal complaint, taking all my allegations as true. Met- Ed argues aptly in preliminary objections number 14 that the moving party may not rely on its own factual assertions, but must accept for the purposes of disposition of the preliminary objection, all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts. County of Allegheny v. Commw. Of Pa., 490 A.2d 402 (Pa. 1985). Therefore, in ruling on a preliminary objection, the Commission must assume, for decisional purposes only, that the factual allegations of the Formal Complaint are true. Id. I believe some of the dates stated may be incorrect.

Conclusion

Wherefore, for the foregoing reasons, I respectfully request the Commission: (1) Deny the Preliminary Objections and grant my request for a hearing on Met-Ed's violations of Section 1501 as to me and my family. (2) uphold my Formal Complaint in its entirety, and (3) grant me such other relief as may be just and reasonable under the circumstances.

Respectfully submitted,

Dated: February 10, 2019

Noreen McCarthy
contactnoreen1@gmail.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Noreen McCarthy :
 :
 :
v. : **Docket No. C-2019-3006923**
 :
Metropolitan Edison Company :

Certificate of Service

I hereby certify that I have this day electronically served a true copy of my Reply to the Preliminary Objections of Metropolitan Edison Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54.

Service by email, as follows:

Lauren M. Lepkoski
Tori L. Giesler
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, PA 19612-6001
llepkoski@firstenergycorp.com
tgiesler@firstenergycorp.com

Dated: February 10, 2019

Noreen McCarthy
18 Millstone Lane
Pottstown, PA 19465
610-469-2009
contactnoreen1@gmail.com

C-2019-3006923

1.36 Verification

Verification

I, Noreen McCarthy, hereby state that the facts above set forth are true (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. section 4904 (relating to unsworn falsification to authorities).

February 10, 2019

Date

Noreen McCarthy

Signature

C-2019-3006923