

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265

James Wolfgang
v.
Pennsylvania Electric Company

Public Meeting held February 28, 2019
2613989-ALJ

Docket No. C-2017-2613989

MOTION OF CHAIRMAN GLADYS M. BROWN

James Wolfgang filed a Formal Complaint against Pennsylvania Electric Company (Penelec) on July 6, 2017, stating that he objected to the installation of a smart meter at his residence because of health and safety concerns, and because he believes it will contribute to ongoing health concerns for himself and his family. Despite Penelec's Motion to Compel Responses to Discovery Requests, Mr. Wolfgang did not respond to the Motion. The ALJ subsequently ordered Mr. Wolfgang to respond or risk sanctions, but he did not. Penelec filed a Motion to Dismiss, and again, Mr. Wolfgang failed to respond. The Complaint was dismissed, with prejudice, by Initial Decision issued on December 19, 2018, for failure of the Complainant to comply with interim orders entered March 23, 2018, June 29, 2018, and November 9, 2018, requiring the Complainant to provide discovery responses and to identify witnesses.

Normally, this fact situation would support the dismissal of the formal complaint, but in this instance, Mr. Wolfgang had asked for a secure method in which to transmit his family's medical records, and the record does not show that he received any guidance.

I move that this case be remanded to the Office of Administrative Law Judge so that Mr. Wolfgang can be advised of his options for transmitting information, and the types of protection that are available to him, such as a protective order, and in-person transmittal of records. He can be educated regarding the procedure for filing confidential information as well, if any such information needs to be filed with the Commission.

Mr. Wolfgang is cautioned that he is expected to respond to motions and orders in this matter, and that failure to do so again will result in dismissal of his complaint.

THEREFORE, I MOVE:

1. That the Initial Decision be reversed consistent with this Motion.
2. That the Complaint be remanded to the Office of Administrative Law Judge.
3. That the Office of Special Assistants draft an Opinion and Order consistent with this Motion.

February 28, 2019
Date



Gladys M. Brown, Chairman