



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

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April 4, 2019

Via Hand Delivery

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

Re: Zackery L. George v. Pennsylvania Electric Company
Docket No. C-2018-3006495

Dear Secretary Chiavetta:

We are counsel for REA Energy Cooperative, Inc. in the above matter. Enclosed, as required by Ordering Paragraph No. 4 of Administrative Law Judge Dunderdale's First Interim Order, is REA's Prehearing Memorandum. Copies of the Prehearing Memorandum are being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By 

Thomas T. Niesen

Enclosure

cc: Certificate of Service (w/encl.)
Chad Carrick, President & CEO
(w/ encl.)

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**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Administrative Law Judge
Katrina L. Dunderdale, Presiding**

ZACKERY L. GEORGE,	:	Docket No. C-2018-3006495
Complainant	:	
	:	
v.	:	
	:	
PENNSYLVANIA ELECTRIC COMPANY	:	
Respondent	:	

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**PREHEARING MEMORANDUM OF
REA ENERGY COOPERATIVE, INC.**

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

AND NOW, comes REA Energy Cooperative, Inc. ("REA"), by its attorneys, and submits the following in connection with the Initial Prehearing Conference to be held on April 9, 2019:

History of the Proceeding

This matter involves the Complaint of Zackery L. George concerning electric service to a Proposed New Structure. Complainant's Proposed New Structure is within the service territory of REA.

Complainant George filed a Complaint against Penelec on or about December 10, 2018 asking the Public Utility Commission ("Commission") to direct Penelec to provide electric service to his Proposed New Structure. On or about January 8, 2019, Complainant George filed an Amended Complaint naming REA as a respondent in addition to Penelec.

Prior to the filing of the Amended Complaint, Respondent Penelec, on or about January 2, 2019, filed a Preliminary Objection requesting dismissal of the Complaint for failure to join

REA as a necessary party. In addition, on or about January 2, 2019, Penelec also filed an Answer and New Matter acknowledging that Complainant's new service is within the territory of REA and that Penelec is without authority to provide the new service.

By letter dated January 22, 2019, Secretary Chiavetta advised Complainant that the Commission could not process his Amended Complaint against REA because the Commission has no jurisdiction over rural electric cooperatives and, while she would send a copy of the Amended Complaint to REA,¹ REA has no obligation to answer it. The letter further advised Complainant that his Complaint would be sent to the Office of Administrative Law Judge for a hearing where he will be given the opportunity to prove that his Complaint has merit.

REA filed a Petition to Intervene on February 15, 2019.

On February 22, 2019, the Commission issued a notice scheduling a Call-In Telephone Initial Hearing for April 9, 2019, with Administrative Law Judge Katrina L. Dunderdale presiding.

By First Interim Order dated February 27, 2019, Judge Dunderdale, *inter alia*, granted REA's Petition to Intervene, denied, as moot, the Penelec Preliminary Objections and converted the Call-In Initial Hearing to an In-Person Prehearing Conference.

The First Interim Order explains that a prehearing conference is required to establish a litigation schedule, refine the factual dispute and engage in negotiations to settle the proceeding, in whole or part.

Ordering Paragraph No. 4 of the First Interim Order directs the parties to submit prehearing memoranda by 4:00 PM, Friday, April 5, 2019.

¹ Secretary Chiavetta's letter of January 22, 2019 indicates that a copy of the Amended Complaint was sent to the Rural Electric Association, 212 Locust Street, Harrisburg, PA 17101, and not to REA. REA ultimately became aware of the Amended Complaint through its membership in the Rural Electric Association.

Names, Addresses and Telephone Numbers of REA's Counsel

Charles E. Thomas, Jr, Esquire
Thomas T. Niesen, Esquire
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Harrisburg, PA 17101
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Participation at Prehearing Conference

The First Interim Order requires REA to bring at least one employee to the prehearing conference who is familiar with the service territory boundaries, the current location of distribution facilities located within five (5) aeronautical miles of the proposed service location (based on Complainant's coordinates) and the mapping protocols.

REA will appear at the Prehearing Conference with Counsel and also with Mr. Chad Carrick, President and Chief Executive Officer, REA, and/or Mr. Patrick A. McAndrew, P.E., Manager of Engineering, REA. REA will be prepared to address its service territory boundaries, current location of distribution facilities and mapping protocol.

To facilitate discussion at the Prehearing Conference, REA has included the following with this Prehearing Memorandum:

1. Map of qualifying facilities in place prior to July 30, 1975, with a direct line measurement to the center of Complainant's Proposed New Service Location showing the Location to be in the REA service territory;
2. Work Order Re REA Pole, existing in 1973, as a new transformer and secondary service installed on July 9, 1973 (Prior to 1975);
3. Google Earth Map using GPS Coordinates provided by Complainant; and
4. 1972 Boundary Map of Pennsylvania Electric Company and Southwest Central R.E.C., Inc. (REA's predecessor cooperative)

REA anticipates offering all or some of the foregoing as exhibits if this matter goes to hearing.

Witnesses

If this matter goes to hearing, REA intends to present the testimony of Mr. Carrick and/or Mr. McAndrew in opposition to the Complaint. REA respectfully reserves the right to present additional witnesses.

REA's Position

Complainant George's Proposed New Structure is within the service territory of REA and REA is the authorized supplier of retail electric service to it. Penelec is without authority to provide the new service to Complainant and the Commission has no authority to direct Penelec to provide the service.

Section 7354 of the Electric Cooperative Law, 15 Pa. C.S. § 7354, explains that the service territory boundaries between utilities and cooperatives in unincorporated areas are established based on a mapping protocol established in the mid-1970's.

Complainant's Proposed New Structure is within the service territory of REA based on the mapping protocol enacted by the General Assembly through the Electric Cooperative Law. REA is the legally authorized supplier of electric service to the Proposed New Structure.

Complainant George's Complaint should be dismissed.

Litigation Schedule

REA will work with Judge Dunderdale, Complainant George and Respondent Penelec to establish a schedule, if litigation is required. REA believes that litigation would require one day of hearing time.

Respectfully submitted,

By 

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*Attorneys for
REA Energy Cooperative, Inc.*


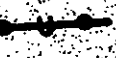





Dated: April 4, 2019

CENTRAL


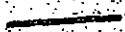
1 MILE
6000 7000 FEET
1 KILOMETER



COMPANY
R.E.C., INC.
STANDARDS
TON, D. C. 20242
AVAILABLE ON REQUEST

LEGEND

-  ELECTRIC UTILITY OVERHEAD DISTRIBUTION LINE
-  ELECTRIC UTILITY UNDERGROUND DISTRIBUTION LINE
-  ELECTRIC COOPERATIVE OVERHEAD DISTRIBUTION LINE
-  ELECTRIC COOPERATIVE UNDERGROUND DISTRIBUTION LINE
-  SUBSTATION
-  INTERCONNECTIONS BETWEEN DISTRIBUTION LINES
-  BOUNDARY

ROAD CLASSIFICATION

-  Light-duty
-  Unimproved dirt

U. S. Route  State Route 
E-718
 ALTOONA, PA.
 SW/4 ALTOONA 15' QUADRANGLE
 N4030—W7822.5/7.5
 1963
 PHOTOREVISED 1972
 AMS-3365 III SW—SERIES V831

25

19

DUNCANVILLE (U.S. 22 & 220) 8 MI.

HOLLIDAYSBURG 5 MI.
PA. TURNPIKE 35 MI.

722000-E 78°22'30"

10°30'

(FRANKSTOWN)
55°17' NE

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REPUBLIC UTILITIES COMMISSION
SECRETARY'S OFFICE

OVER SIZED DOCUMENTS

EXHIBIT A

STAKING SHEET

Work Order No. 3-1-07043

System Designation Penna 6

Sheet No. 1 of 1

Location Cambria

Line _____ Lead _____

Twp Dean R _____ Sec. _____

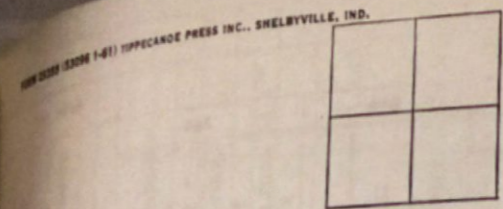
ENGINEER _____

Map Reference _____

Staked FL 7/9/73

Checked _____

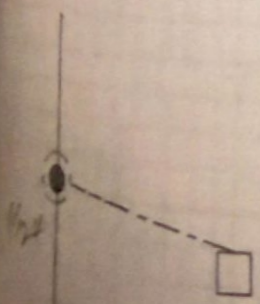
Released for Const. _____



SKETCH OF WORK

Ext pole
Add

POLE NO.	PRI. (BACK) SPAN	POLES H & C		PRI. UNIT MISC.	R-W CLEARING	LINE ANGLE	TRANS. "G"	GR. "M2"	GUY			ANCHOR "F"	SECONDARY SPAN			SERVICE UNIT			SEC. OR SER. WIRE SIZE	METER		MISC. & REMARKS
		MISC.	MISC.						NO.	UNIT "E"	LEAD		UNDER-BUILD	SEC. ONLY	NO.	JORK	SPAN	NO.		K	LOOP	
			35-6	AAA				2														271-5M
							105-15	1									1 14					115' 1 100# 2 Triplex 3/3 Richard Fink



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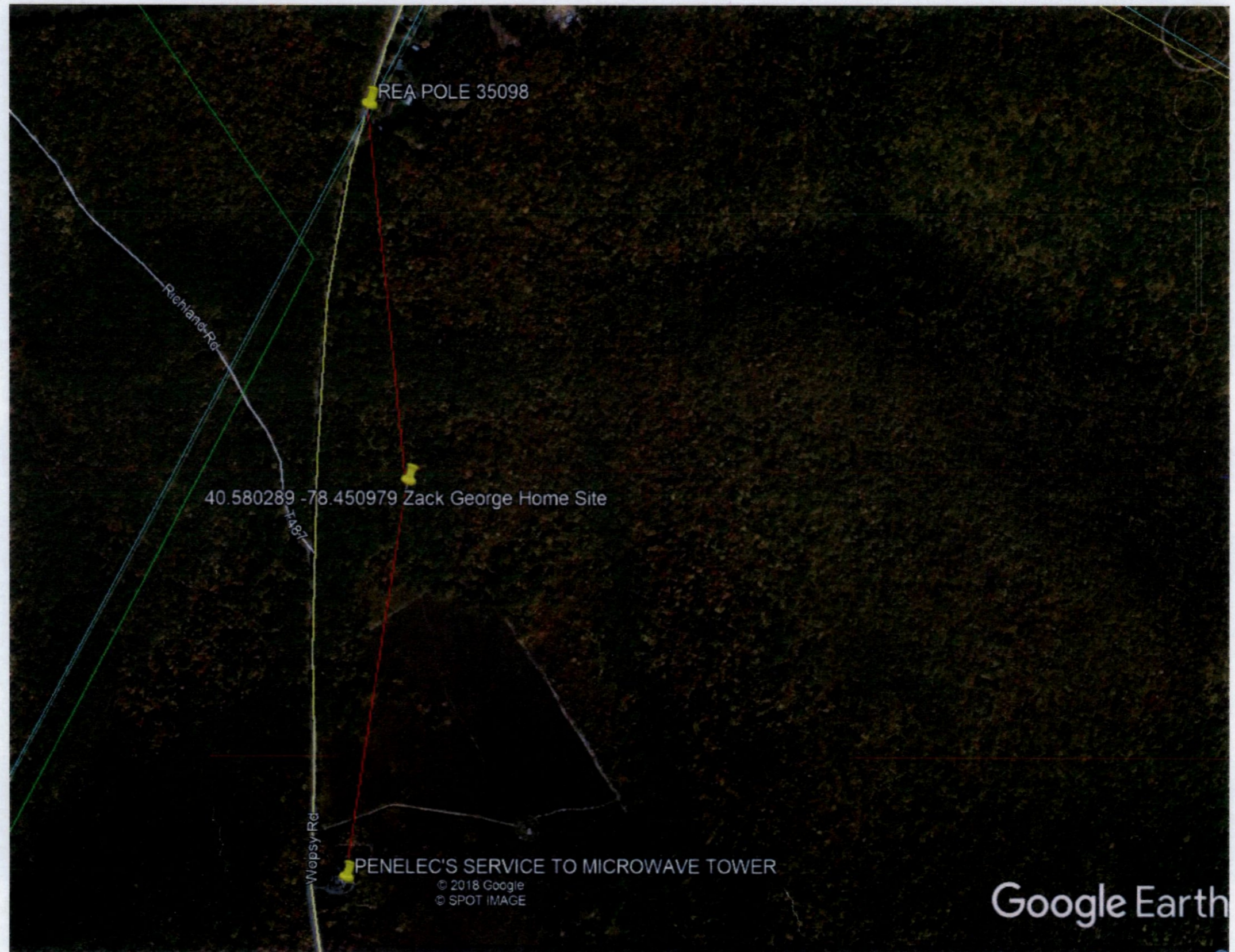
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SECRETARY'S BUREAU

	FEET	NO. OF WIRES	POLE LINE FEET	CONDUCTOR FEET		
				COVERED NO.	BARE WIRE NO.	NO.
PRIMARY LINE						
SECONDARY						
BARE						
COVERED						
UNDERBUILD						
SERVICE DROP	115'	1	115'	2 Triplex		
TOTAL						
NO. OF MEMBERS:						

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SECRETARY'S BUREAU



**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ZACKERY L. GEORGE,
Complainant

v.

PENNSYLVANIA ELECTRIC COMPANY
Respondent

: **Docket No. C-2018-3006495**

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CERTIFICATE OF SERVICE

I hereby certify that I have this 4th day of April, 2019, served a true and correct copy of the Prehearing Memorandum of REA Energy Cooperative, Inc., upon the persons and in the manner indicated below:

VIA FIRST CLASS MAIL, POSTAGE PREPAID

The Honorable Katrina L. Dunderdale
Administrative Law Judge
Piatt Place
Suite 220
301 5th Avenue
Pittsburgh, PA 15222

Margaret A. Morris, Esquire
Reger, Wizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

Mr. Zackery L. George
1807 Wopsy Road
Dysart, PA 16636

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