

432 E. Wesner Rd
Blandon, PA 19510
April 9, 2019

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
400 North Street 2ND Floor
Harrisburg, PA 17120

RECEIVED

APR - 9 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Heidi Fiedler v. Metropolitan Edison Company
Docket No. C-2018-3003642

Dear Ms. Chiavetta:

Please find enclosed Complainant's Motion to Dismiss Metropolitan Edison's Preliminary Objections to Second Amended Complaint.

I am also serving copies to the Honorable Tori Giesler of First Energy Services Company and to the Honorable Jeffrey Watson, Administrative Law Judge, Pennsylvania Public Utilities Commission.

Thank you for your attention to this matter.

Very truly yours,



Heidi Fiedler

Enclosures

cc: The Honorable Jeffrey Watson, Pennsylvania Public Utility Commission
The Honorable Tori Giesler, First Energy Services Company

RECEIVED

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

APR - 9 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

HEIDI FIEDLER

V.

METROPOLITAN EDISON COMPANY

:
:
:
:
:

Docket No. C-2018-3003642

**MOTION TO DISMISS METROPOLITAN EDISON'S PRELIMINARY OBJECTIONS TO
SECOND AMENDED COMPLAINT**

Complainant files this Motion to Dismiss Metropolitan Edison's Preliminary Objections to Complainant's Second Amended Complaint, which was received on April 1, 2019 by mail.

In support of her Motion, Complainant respectively submits the following:

1. Admitted.
2. Denied. Metropolitan Edison Company ("Company") has failed to properly maintain its electrical equipment and Complainant has the legal right to present evidence in support of her Complaint. Furthermore, the Second Amended Complaint includes documentation of the company's failure to maintain its equipment safely, which is a violation of Section 1501 of the Public Utility Code and Section 57.194 of the Commission's regulations.

In *John Rounce v. PECO*, the Commission upheld Rounce's complaint against PECO for the failure to provide safe and reliable service and referred the case to the Commission's Bureau of Investigation and Enforcement, for such further investigation and action as deemed appropriate.

Furthermore, the Second Amended Complaint raises the issue of Company's apparently known cyber security vulnerabilities. Interestingly, Company chooses not to include any reference to cyber security issues in their Preliminary Objections.

Therefore, Complainant requests the Commission to sustain Complainant's Second Amended Complaint.

3. Admitted.
4. Admitted.
5. Complainant mailed the Second Amended Complaint to Company on February 28, 2019. Company should have received this Complaint no later than March 4, 2019, since both Complainant and Company are located in Berks County. Complainant's Certificate of Service is attached as Exhibit 1 and the Post Office receipt showing that the Second Amended Complaint was mailed on February 28, 2019 is included as Exhibit 2.
6. Denied. Company filed its Answer on March 27, 2019, 23 days after service. The Company's Answer was not filed in a timely manner and Complainant requests the Commission dismiss Company's Preliminary Objections in their entirety.
7. No answer is required.
8. No answer is required.
9. No answer is required.
10. Admitted.
11. Admitted.
12. The Company states a conclusion of law.
13. In *Feingold v. Bell of Pa.*, the Pennsylvania Supreme Court explained:

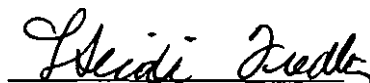
“The PUC has the power to impose fines upon a public utility for violations of the of the Public Utility Law. Act of May 28, 1937, P.L. 1053.

14. Denied as stated.
15. Denied as stated. The Commission has the power to impose fines and order the Commission's Bureau of Investigation and Enforcement to take additional action and investigation. Finally, Complainant has the right to be heard at an evidentiary hearing.

CONCLUSION

Based on the foregoing, Complainant respectfully requests that the Commission: (1) dismiss the Company's Preliminary Objections in their entirety; (2) sustain her Second Formal Complaint, (3) and issue an Order granting the relief requested and any other remedy that the Commission deems just and appropriate.

Respectively submitted,



Heidi Fiedler
432 E. Wesner Rd
Blandon, PA 19510

Dated: April 9, 2019

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Heidi Fiedler :
 :
 :
 v. : **C-2018-3003642**
 :
 :
Metropolitan Edison Company :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of Complainant's Second Amended Complaint upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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

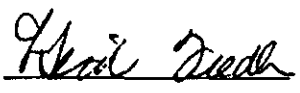
Tori Giesler, Esq

First Energy Services Company
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612

Hon. Jeffrey A. Watson

Administrative Law Judge
Pennsylvania Public Utility Commission
301 5th Avenue, Suite 220
Pittsburgh, PA 15222

Dated: February 28, 2019



Heidi Fiedler
432 E. Wesner Rd
Blandon, PA 19510

RECEIVED
APR - 9 2019
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

EXHIBIT 1
EXHIBIT 2

BLANDON
120 E WESNER RD
BLANDON
PA
19510-9998
4107160210
02/28/2019 (800)275-8777 2:04 PM

Product Description	Qty	Final Price
First-Class Mail Large Envelope (Domestic) (PITTSBURGH, PA 15222) (Weight:0 Lb 4.90 Oz) (Estimated Delivery Date) (Saturday 03/02/2019)	1	\$1.60
Certified Mail (USPS Certified Mail #) (701706600008816237)	1	\$3.50
Return Receipt (USPS Return Receipt #) (9590940241438092585498)	1	\$2.80
First-Class Mail Large Envelope (Domestic) (HARRISBURG, PA 17120) (Weight:0 Lb 4.40 Oz) (Estimated Delivery Date) (Saturday 03/02/2019)	1	\$1.60
Certified Mail (USPS Certified Mail #) (7017066000086316267)	1	\$3.50
Return Receipt (USPS Return Receipt #) (9590940241438092585504)	1	\$2.80
First-Class Mail Large Envelope (Domestic) (READING, PA 19612) (Weight:0 Lb 4.80 Oz) (Estimated Delivery Date) (Saturday 03/02/2019)	1	\$1.60

Total \$17.40
Cash \$20.00
Change (\$2.60)

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

Preview your Mail
Track your Packages
Sign up for FREE @
www.informedelivery.com

All sales final on stamps and postage
Refunds for guaranteed services only
Thank you for your business

NOW HIRING - JOIN OUR TEAM!
\$15.00 to \$18.62 per hour
depending on position
APPLY ONLINE at www.usps.com/careers
Use Keyword Search
"Type City of Interest within PA"

HELP US SERVE YOU BETTER

TELL US ABOUT YOUR RECENT
POSTAL EXPERIENCE

Go to:
<https://postalexperience.com/Pos>

RECEIVED

APR - 9 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

APR - 9 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Heidi Fiedler

:
:
:
:
:

v.

C-2018-3003642

Metropolitan Edison Company

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of Complainant's Motion to Dismiss Metropolitan Edison's Preliminary Objections to Second Amended Complaint upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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

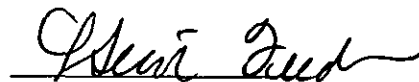
Tori Giesler, Esq

Hon. Jeffrey A. Watson

First Energy Services Company
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612

Administrative Law Judge
Pennsylvania Public Utility Commission
301 5th Avenue, Suite 220
Pittsburgh, PA 15222

Dated: April 9, 2019



Heidi Fiedler
432 E. Wesner Rd
Blandon, PA 19510

432 E. Wesner Rd.
Blandon, PA 19510



CERTIFIED MAIL®



7017 0660 0000 8631 6885

MS ROSEMARY CHIAVETTA
SEC.
PUC
400 NORTH ST.
HARRISBURG, PA 17120



1000



17120

U.S. POSTAGE PAID
FCM LETTER
BLANDON, PA
19510
APR 09, 19
AMOUNT
\$7.00
R2305K141693-11

1712030211 0000

