

432 E. Wesner Rd
Blandon, PA 19510
April 22, 2019

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

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 Answer and New Matter 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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEIDI FIEDLER

V.

METROPOLITAN EDISON COMPANY

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Docket No. C-2018-3003642

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NOTICE TO PLEAD

TO: Tori Giesler, Esq.
Metropolitan Edison Company

Pursuant to 52 Pa. Code 5.101, you are hereby notified that if you do not file a reply to the enclosed Motion to Dismiss Metropolitan Edison's Answer and New Matter to Second Amended Complainant within ten (10) days from this service of this notice, facts as set forth by Complainant in this Motion may be deemed to be admitted, thereby requiring no other proof. All pleadings, such as a Reply, must be filed with the Secretary of the PA Public Utility Commission, with a copy to Complainant, and where applicable, the Administrative Law Judge presiding over the case.

File with:

Rosemary Chiavetta, Secretary
PA Public Utility Commission
400 North St.
Harrisburg, PA 17120

With a copy to:

Heidi Fiedler
432 E. Wesner Rd
Blandon, PA 19510



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432 E. Wesner Rd
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Docket No. C-2018-3003642

MOTION TO DISMISS METROPOLITAN EDISON'S ANSWER AND NEW MATTER TO
SECOND AMENDED COMPLAINT

Complainant files this Motion to Dismiss Metropolitan Edison's Answer and New Matter 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.-14. No further answer is required.

15.-16. Denied. The pole braces did not fail. Rather, Metropolitan Edison ("Company") allowed the pole to rot and deteriorate.

17.-29. Denied as stated. Complainant's Second Amended Complaint speaks for itself.

30. No answer is required.

31.-32. Admitted.

33. Complainant has no confidence in Company's alleged interest to properly remediate damage to her property. Company sent a representative without any notice to Complainant's property only **after** the filing of the Second Amended Complaint.

34.-36. Conclusions of law that do not require a response.

37. 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.

38. No answer is required.

39. Denied as stated. Previous filings by Complainant have already detailed the this history.

40-41. No answer is required.

42. Complainant was not a Company customer in 2014 and did not have standing to file a complaint or comment on company's SMP.

43. -45. Denied as stated.

ARGUMENT

46. Complainant mailed the Second Amended Complaint to Company on February 28, 2019. 52 PA Code Chapter 1, Subchapter F, Section 1.56 Date of Service, part (b) allows three days to be added to the date of service when the document is served by first class mail. Accordingly, Company had until March 25, 2019 to respond.

Company filed its Answer on March 27, 2019, 23 days after service. The Company's Answer and New Matter were not filed in a timely manner and Complainant requests the Commission dismiss Company's Answer and New Matter in their entirety.

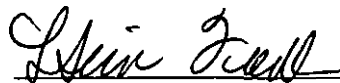
47. Complainant received Respondent's Answer and New Matter on April 1, 2019. In fact, each time that Respondent certifies that their PUC filings are mailed on a certain day, Complainant receives it **four days later**, excluding Sunday, despite the fact that Respondent and are located in the same Pennsylvania county.

CONCLUSION

Based on the foregoing, Complainant respectively requests that the Commission:

- (1) dismiss Company's Answer and New Matter; (2) sustain her Second Formal Complaint;
- (3) Grant an in-person evidentiary hearing; (4) 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 22, 2019

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SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Heidi Fiedler

v.

Metropolitan Edison Company

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C-2018-3003642

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the aforementioned document 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

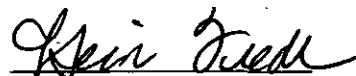
Administrative Law Judge
Pennsylvania Public Utility Commission
301 5th Avenue, Suite 220
Pittsburgh, PA 15222

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SECRETARY'S BUREAU

Dated: April 22, 2019

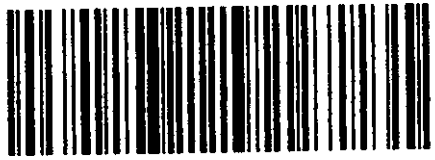


Heidi Fiedler
432 E. Wesner Rd
Blandon, PA 19510

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Blandon PA 19510

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