



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGE
301 FIFTH AVENUE, SUITE 220, PIATT PLACE, PITTSBURGH, PA 15222

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IN REPLY PLEASE
REFER TO OUR FILE

May 29, 2019

Eldon Kibler
420 Snyder Avenue
Reading, PA 19605

Re: Eldon Kibler v. Metropolitan Edison Company, Docket No. C-2018-3003158

Dear Mr. Kibler:

I am in receipt of your letter dated May 16, 2019 regarding the Interim Order Closing the Record. I am returning your documents to you. You did not verify that the letter was provided to counsel for Respondent. I am not permitted to receive *ex parte* communications. An *ex parte* communication is a communication directly with the judge about the issues in the case without the other parties' knowledge. If you wish to resubmit your request, please verify that it was also provided to counsel for Respondent. Thank you.

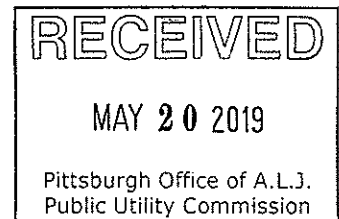
Sincerely,

/s/

Jeffrey A. Watson
Administrative Law Judge

16 May 2019
Jeffery A. Watson
PA PUC
Piatt Place, Suite 220
301 5th St
Pittsburgh PA
15222

C-2018-3003158



Re: Interim order closing the hearing record.

Mr Watson,

This note is in response to a note from you dated 7 May 2019 and titled "Initial decision".

I am appealing the order that C-2018-3003158 is closed.

Pages 1 through 6 contain a lot of excerpts from previous documents which, for the most part, restate information contained in previous documents.

You made statements on page 2 that the complainant did not provide names and addresses of expert witnesses and written summaries of expected witnesses. There are no expert witnesses, therefore no names, addresses, or summery of testimony to provide. In retrospect, I should not have assumed that if you were not provided a list, a list did not exist and therefore.

On pages 4, 5 and 6 you discuss a prehearing conference. A letter, from the complainant, was sent to your office that stated, in part, that I would not be participating in the conference call. Again, in retrospect, I should have been more explanatory.

The prehearing conference was scheduled outside of the requirements of your document of 15 October 2018 and as you were reminded in a letter from the complainant dated 18 March 2019, the scheduled prehearing was illegally scheduled. You farther state that your assistant left a message on the telephone of the complainant reminding him of the prehearing conference. That message was received late that afternoon.

The prehearing conference was unilaterally scheduled by your office using a process that was banned by you in a letter dated 15 October 2018.

The letter, under the title "Prehearing Conference" states;


*Any Party may request a prehearing conference or settlement conference, in writing, **after conferring with the opposing Party** and requesting consent to the scheduling of such a conference.*

The letter of 15 October 2018 also states, under the title "Modification";

Any of the provisions of this interim order may be modified by an interim order entered into the record upon motion and good cause shown by a Party in interest.

I am not aware of an interim order modifying the Prehearing Conference rules as stated on page 6 of your 15 October 2018 letter.

The prehearing conference scheduled for 26 March 2019 was improperly scheduled, therefore the Motion to Dismiss, filed by respondent, is not ripe for disposition and must be denied.

A handwritten signature in black ink, appearing to read "Eldon R Kibler". The signature is written in a cursive style with a large initial "E".

Eldon R Kibler

All copies are wet ink signed.

cc; Secretary Chiavetta

C-2018-3003158 - ELDON KIBLER v. METROPOLITAN EDISON COMPANY

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