

*gene bazan*

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June 10, 2019

VIA E-FILING

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utilities Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

RE: Eugene J. Bazan v. West Penn Power Company Docket No. C-2017-2640338  
LETTER TO GLADYS BROWN DUTRIEUILLE, CHAIRMAN, PUC, PETITION FOR  
EXISTING CASE

Dear Secretary Chiavetta:

I am enclosing my letter to Chairman Gladys Brown Dutrieuille, PETITION FOR EXISTING  
CASE as part of my Formal Complaint against West Penn Power Company.

Sincerely,



Eugene J. Bazan,  
Complainant

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITIES COMMISSION**

|                              |   |                       |
|------------------------------|---|-----------------------|
| EUGENE J. BAZAN              | : |                       |
|                              | : |                       |
| Complainant                  | : | <b>C-2017-2640338</b> |
|                              | : |                       |
| Vs                           | : |                       |
|                              | : |                       |
| FIRST ENERGY/WEST PENN POWER | : |                       |
|                              | : |                       |
| Respondent                   | : |                       |

**PETITION FOR EXISTING CASE**

June 10, 2019

Gladys Brown Dutrieuille, Chairman  
Pennsylvania Public Utilities Commission  
Commonwealth Keystone Building  
400 North Street  
3<sup>rd</sup> Floor, Room N-304  
Harrisburg, PA 17120

Dear Ms. Brown:

In June my wife and I start the third year in our case against West Penn Power/First Energy and the PUC to keep our analog electric meter. We have met many who have spent this amount of time or more, and others who have recently started the complaint procedure. What we all face is legal harassment and intimidation.

First Energy bragged, in its 2018 Progress Report, that it had beaten back 5,400 “disputed installations” from its customers who were opposed to the “mandated” installation of smart meters. Hardier souls, 200 or so, filed informal or formal complaints. As Americans, we are used to the concept of consumer choice – not having items forced upon us, especially those that are demonstrably hazardous to property, injurious to health and well-being, damaging to other life forms, invasive of privacy, and more costly to install, use, and replace.

Those of us who have become steeped in this litigation have come to an inescapable conclusion on how a bill that legislators authorized as opt-in for smart meters became transmogrified into an Implementation Order mandating deployment: collusion between the PUC and the Electric Distribution Companies (EDCs).

Our conclusion seems borne out by the voiced inability of EDCs and the PUC to grant any relief. Again bragging, West Penn Power/First Energy reports it has not allowed a single customer to retain its analog meter. The EDCs claim they are only following the law and the

PUC's Implementation Order. The PUC in turn claims it is following the law. Both argue that relief must be found in the General Assembly. If that is the case, why do we, the consumer public, have to go through this oppressive, bureaucratic, time-consuming legal procedure when no relief can be granted herein?

In Diana Sabatine's letter and filing of April 12, 2019 to you (Docket No. C-2018-3002804), Ms. Sabatine has raised the critical question of jurisdiction. As of this date, she has not received a reply. She raised this question after having received no clear answer to this question from her Administrative Law Judge, Jeffrey Watson, who is also our ALJ. We, the present complainant, are asking you a similar question:

**Does the PUC accept that it has the jurisdiction and the administrative procedure to correct the PUC's interpretation of Act 129 of 2008 as stated in the Implementation Order, Docket No. M-2009-2092655?**

Specifically, we want adherence to the plain English understanding, in the minds of the customer base and legislators, of Act 129 § 2807 (f) (2) that "Electric distribution companies shall furnish smart meter technology as follows: (i) Upon request from a customer that agrees to pay the cost of the smart meter at the time of the request." To us – customers and legislators – this means we have choices. We can keep our present meter or elect to pay for and get a smart meter. The PA General Assembly went further than the forty other states that allowed an opt-out. It is time for the PUC to correct this misinterpretation and serve the customer public of Pennsylvania with the "meter choice" we voted for.

***If you do not have said jurisdiction, we respectfully request your acknowledgment of this, and your direction to the court that does have such jurisdiction and capability of granting relief. We respectfully request your response within 20 days. Not hearing from you within 20 days, we will conclude that you do not have said jurisdiction.***

Sincerely,



Eugene J. Bazan, Secretary  
PA Smart Meter Work Group  
PO Box 24  
Lemont, PA 16851

Cc: PA PUC Board Members:  
David W. Sweet, Vice Chairman N-307  
Norman J. Kennard, Commissioner N-308  
Andrew G. Place, Commissioner N-305  
John F. Coleman, Jr., Commissioner N-306

Cc:  
ALJ Jeffrey Watson  
Lauren M. Lepkoski, Esq., West Penn Power

**CERTIFICATE OF SERVICE**

I certify that I have this day sent a letter dated June 10, 2019 to Chairman Gladys Brown Dutrieuille, Chairman of the PA PUC, PETITION FOR EXISTING CASE as part of my Formal Complaint against West Penn Power Company. .

Service via E-Filing to the person listed below:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utilities Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

Dated June 10, 2019

A handwritten signature in black ink that reads "Eugene J. Bazan". The signature is written in a cursive style with a large initial 'E' and a distinct 'B'.

Eugene J. Bazan  
PO Box 24  
Lemont, PA 16851  
Docket No. C-2017-2640338