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CONCHITA M BRAUN

**1220 Parkside Drive South
Reading, PA 19611**

610 /375-3501

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

June 21, 2019

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

**RE: Conchita M Braun vs. Metropolitan Edison Company
Docket No. C-2018-3003001**

Dear Secretary Chiavetta,

As established during the Pre-Hearing conference held in this case on May 16th, 2019, please find enclosed the filing of Complainants' **Status Report** in the above captured matter.

A copy of this filing is being sent to the Honorable Jeffrey Watson and to Respondent, along with the correspondent Certificate of Service.

Sincerely,



Conchita M Braun

JUN 21 2019

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CONCHITA M BRAUN
v.
METROPOLITAN EDISON COMPANY

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Docket No. C-2018-3003001

STATUS REPORT

As agreed during the Pre-Hearing conference held on May 16th, 2019 in the above referenced matter, Complainant, Conchita M Braun, files the following Status Report.

- 1 After request by Respondent, Administrative Law Jeffrey A Watson issued an Interim Order scheduling a Pre-hearing conference for May 16th, 2019.
- 2 Complainant filed a request for cancellation of this Pre-hearing as the Respondent had not conferred with Complainant, to agree on a pre-hearing conference to take place. Complainant also explained that she did not disagree to a pre-hearing conference later in the proceeding, but that on May 16th, it was premature, being that parties were in the middle of discovery.
- 3 Administrative Law Judge Jeffrey A Watson, denied Complainants' request to cancel the pre-hearing conference and issued an order that Complainant must participate or her case would be dismissed.
- 4 Complainant complied with Judge Watson's order and participated in the Pre-hearing conference on May 16th. To do so, the Complainant had to miss a day of work, therefore losing income, unlike the other participants in this conference.
- 5 On April 11th, Complainant had filed a Motion to Compel Respondent to answer 23 questions from Complainant's Interrogatory Set 1, that Respondent had objected to. On May 15th, the night before the pre-hearing conference, Complainant received the ruling on the Motion to Compel. It was very disappointing to see that Judge Watson sustained all but two of the 23 objections from Respondent. Being that the conference was taking place first thing in the morning, Complainant didn't have the needed time to prepare to adequately discuss during the conference her concerns in regards to this ruling. Complainant however did bring the issue up at the beginning of the conference and Judge Watson said that the ruling on the Motion could be addressed towards the end of the conference. (More on this below)
- 6 During the pre-hearing conference, there was misrepresentation from counsel for Respondent, falsely accusing Complainant of missing multiple deadlines. Complainant expressed that statement not to be true. On the contrary, Complainant has been going above and beyond to respond and file all documents to the best of her ability. Whenever Complainant wasn't able to respond on time, Complainant made sure to request an extension in a timely manner. Only two extensions were requested by Complainant so far

in this proceeding, the first for time to reply to the initial Preliminary Objection and Answer and New Matter, and the second time to extend the litigation schedule. Complainant again stated in the Pre-hearing conference that she has only a limited amount of time available, due to her work schedule, which involves traveling out of town and long hours. Complainant also expressed how since the Formal Complaint was initially filed at the end of June 2018, Complainant was out of the country three times, for a total of almost two months. In addition, Complainant assists with the affairs and needs of her elderly mother and management of her rental properties and the upkeep of Complainants' large property, further limiting the amount of time she can dedicate to this matter. Given all that, Complainant cannot be accused of not responding, as it's obvious this is not the case, when looking at the large volume of filings on record. Complainant also stated during the conference that she's always feeling stressed and rushed with this complicated and unfamiliar process.

7 Dates and matters agreed upon during May 16th Pre-Hearing Conference:

- **Witnesses:** Complainant explained that no witnesses had been identified by the deadline established by Judge Watson earlier on in the proceeding and that is why she had not provided a list. Complainant was unaware that if no witnesses had been secured by the deadline, she had to file a report stating so. **Judge Watson established a new deadline of May 30th, 2019, for Complainant to provide a list of any witnesses that the Complainant might be able to identify in her case.** Accordingly, on May 30th, Complainant filed the name and brief summary of a Factual Witness identified in her case. A second factual witness that had been identified, sadly passed away shortly before May 30th.
- **Pending Discovery:** It was agreed that Respondent would have until **June 21st 2019**, to respond to the pending Interrogatory Set II. Respondent would also have until **June 21st**, to respond to the two questions, No. 22 and 69 from Interrogatory Set I, that judge Watson ordered them to answer in his ruling on Complainant's Motion to Compel. On the ruling on the Motion to Compel that the Complainant received the night before the pre-hearing conference, Judge Watson forgot to include the date by when the Respondent had to answer questions 22 and 69. Judge Watson stated during the conference that he thought paperwork with the date for Respondent to respond by June 12th might have already gone out and if that was the case he would re-issue new paperwork with the new agreed date of June 21st.

On May 29th, Complainant received an envelope from Judge Watson containing two documents. One of the documents was An Interim Order requiring Respondent to provide responses to portions of Complainant's discovery requests nos. 22 and 69 no later than June 12th. Was this the one he referred to that needed to be re-issued?

The other document was a Supplemental Interim Order Granting in Part and Denying in Part Complainants' Motion to Compel Discovery Responses. On this supplemental Interim Order the Judge sustains the objection from Respondent and denies the Motion to Compel response to Interrogatory 39. (Please see comments below on the discussion that took place during the pre-hearing conference in regards to the Judges' ruling on Complainant's Motion to Compel.)

On June 16th (dated June 12th and per stamp on envelope mailed on June 13th) Complainant received Respondents' answers to Interrogatory set II and to the two questions from Interrogatory Set I, question 22 and 69.

Please note that Complainant has not had the opportunity yet to review in detail the answers provided and will do so as soon as she's able to.

- **Status Report.** It was agreed that a Status Report must be submitted by both parties by **June 21st, 2019.**
On June 17th, Complainant received a Status Report from Respondent. Please see comments below by Complainant on Respondents' Status Report.
- **Written testimony.** Judge Watson instructed that the Complainant will have to submit Written Testimony by **July 31st 2019.**
Note: Complainant is trying to locate samples of other Written testimonies to view as examples and learn how to properly do it.
- **Rebuttal testimony.** Respondent will have to provide Rebuttal testimony by **August 30th 2019.**
- **Hearing:** Judge Watson talked about hearings being able to be held in person or over the phone. Complainant informed the parties that she will be unavailable and out of the country most of September and beginning of October. Judge Watson mentioned the possibility of a hearing being held at the **end of October or sometime in November**, to be determined at a later date.

8 Other Matters- Ruling on the Motion to Compel. Towards the end of the pre-hearing conference, after other matters were discussed, the ruling on the Motion to Compel was brought up. Complainant explained that all (23) questions from Interrogatory Set-I that the Respondent objected to, were relevant and directly related to the issues raised in the Formal Complaint and not irrelevant or vague as the Respondent suggested. On the Judge's ruling on the Motion to Compel, he stated that Complainant had not provided an argument to the objection by Respondent of question 39, a question that the Company erroneously numbered as 26. Complainant explained during the conference that was not the case, as she did provide an argument and explanation in her Motion to Compel and seemed to have been overlooked by the judge when reading through the Motion. Complainant is confused as the same statement, of lack of an argument by Complainant is again included in the Supplemental Interim order issued on May 24th, when

Complainant already discussed that was not the case during the conference and that she did provide an argument to that question. As re-stated again here:

Braun Interrogatory Set 1. No. 26

What guarantee does the Company give its customers, that the SM's being deployed, will not cause any personal or property damage, such as sparks, explosions, fires, or will damage existing appliances? What responsibility does the Company assume, in case any damage is caused by the SM?

COMPANY'S OBJECTION:

This Discovery request is vague, ambiguous, overly broad, irrelevant, unduly burdensome, outside the scope of this proceeding, and not reasonably calculated to lead to the discovery admissible evidence, as it seeks information beyond that which relates to smart meters. Information related to tort liability is wholly irrelevant to the Complaint or expected to be addressed at any hearing in this matter and is therefore not discoverable.

First of all, the Company used number 26 as the number for this interrogatory question. The question stated belongs to Braun Interrogatory No. 39, not to No. 26. Question 26 is not listed by the Company as one of their Interrogatory objections. The Complainant is left to assume that the Company made a mistake in writing No. 26 here, when they intended to write No. 39. If that is the case, I will address question 39, which is relevant to the safety concerns raised by the Complainant in this case. If the Company is confident in the safety of their products, in this case their Smart Meters, they should gladly be willing to communicate that with their customers and provide proper documentation to that effect. How can it be irrelevant and unduly burdensome to provide testament safety of a product the Company is demanding to install? Doesn't the Company assume any responsibility in case their Smart Meter would cause any personal or property damage? It seems unreal that this is what the Company seems to imply by refusing to answer such questions. Very concerning. Honestly the more this goes on, the more concerned I'm becoming. Again, lack of information, creates added concern and is a recurring issue brought up in my Formal Complaint, together with safety concerns as referred to in this Interrogatory number 39.

During the pre-hearing conference Complainant further stated that under PA Code Subchapter O § 57.259 the EDC has responsibilities to provide information to its customers as stated here (reference from pacode.com):

§ 57.259. Customer education on advanced metering.

(a) An EDC shall provide an initial summary statement to its customers which describes the availability and general uses of advanced metering. The initial summary statement may be distributed as part of a regularly scheduled customer electric usage bill or other regularly scheduled customer communications as applicable.

(b) The EGS shall ensure that a customer is informed as to the capabilities, advantages and disadvantages of a qualified advanced meter prior to installation or participation in a generation service program utilizing advanced metering. An EGS shall provide to the customer a terms of service disclosure statement that addresses advanced metering.

(c) An EDC shall provide, as part of the customer education program, information addressing the use of an advanced meter, basic meter operations and capabilities, advantages and disadvantages of advanced metering, including qualified advanced meter options, applicable costs/surcharges and methods to obtain additional information.

(d) The informational and promotional materials are required to:

(1) Comply with applicable requirements of the act and existing truth-in advertising requirements.

(2) Prominently disclose that additional information is available from either the local EDC, the customer's EGS or the Commission.

(3) State that the available advanced meters are qualified to meet current Commission performance and technical standards.

The Company is not only not complying, but further more refuses to provide such information even when asked directly by the customer to do so. Respondent and Judge Watson seemed to not be familiar with Subchapter O, when Complainant brought it up during the pre-hearing conference, as counsel for Respondent stated that she was unaware of such Subchapter and Judge Watson asked Complainant where I obtained the information. I stated from the PA Code.

As this matter was being discussed, another Complainant called in as it was time for her pre-hearing conference to start. Judge Watson asked her to call back in 10 minutes. I, Complainant, didn't feel comfortable continuing on much longer and felt pressured, and rushed which wasn't the proper way to adequately discuss the matters and concerns raised in the Motion to Compel, knowing someone else was waiting to have her pre-hearing conference. Therefore, shortly after the pre-hearing conference concluded.

In the issued Supplemental order on May 24th, Judge Watson writes that parties argued their position on question 39 and that he based his decision of sustaining Respondents objection of discovery no. 39 on the circumstance and the argument of the parties during the prehearing conference. The only argument that Respondent raised on this question was that they were not familiar with the responsibility of the Company to educate and inform customers as stated by Complainant when citing Pa Code Subchapter O § 57.259. Complainant was frankly surprised and disappointed by the ruling by Judge Watson, sustaining Respondents' objections not only on discovery no 39, but all the other 21 objected to questions, as every one of those questions is relevant and related to all the issues raised in the Formal Complaint. And the Company should have no issues responding to such requests. On the contrary, if they claim that they have no issues regarding, health, safety, privacy, inflated bills, compliance with the law, they should be more than happy to provide that information, rather than object to it. Giving the Complainant the burden of proof and then restricting the answers to be provided, creates a huge and unfair disadvantage for a Pro se Complainant going against a multi-billion dollar Company.

- 9 On June 17th 2019, Complainant received a Status Report from Respondent, dated June 14th. Respondent states that discovery has concluded as they have served all outstanding responses. The Company request that a hearing be held telephonically. The Company states that the Complainant in addition to herself will use a factual witness and that the Company intends to present only one witness in this matter. The Company goes on to offer dates in July and August for availability to participate in a one-day hearing.

As commentary to the Status Report provided by Respondent, Complainant is confused, as the dates that the Company is offering for a hearing, have nothing to do with what was agreed upon by the parties at the pre-hearing conference.

The Complainant is left to believe that either the Company is getting this case confused with a different case, or that they are ignoring what already was discussed and agreed upon at the pre-hearing conference. None of the dates provided by the Company would work for the Complainant. As stated in the pre-hearing conference, Complainant won't be able to participate in a hearing before the end of October or November.

On their statement that they intend to present only one witness in this matter, Respondent doesn't name who that witness is. Must the Complainant be left to guess who that witness will be out of the three they had mentioned in prior filings?

Complainant has not yet decided if she would rather have the hearing in person or by telephone.

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After filing this Status Report, Complainant will be reviewing in detail the responses to Discovery received by Complainant on June 15th. Any conflicting responses or lack thereof will be addressed if necessary.

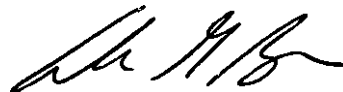
10. As of this date, June 21st, Complainant has not received written documentation from Judge Watson with the revisions to the litigation schedule that were discussed and agreed upon by the parties during the Pre-hearing conference held on May 16th. As stated previously in this report, those agreed dates being:

- **Conclusion of discovery by June 21st.**
- **Status Report due by June 21st**
- **Complainant written testimony due by July 31st**
- **Respondent Rebuttal written testimony due by August 30th.**
- **Possible dates for a hearing sometime in late October or November.**

Complainant is surprised that she has not received the revision to the schedule with the dates agreed upon by the parties at the pre-hearing conference, as two of the dates, May 30th and June 21st already have come up. Being that no revision has still been received, and the confusing Status Report issued by the Company, Complainant has felt obliged to describe what was discussed and agreed upon on the pre-hearing conference in this Status Report. Complainant has had to rely on her notes, memory and best recollection of what was discussed and agreed upon to submit this filing and the one sent on May 30th.

This concludes the Status Report. If you have any question regarding this report, please don't hesitate to contact me.

Sincerely,



Conchita M Braun

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

CONCHITA M BRAUN

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2018-3003001

CERTIFICATE OF SERVICE

I, Conchita M Braun, hereby certify that I have this day, June 21, 2019, served a true copy of the Status Report upon the Company and individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant)

Service by Certified Mail to:

and First-Class Mail to:

Lauren Lepkoski
Tori L Giesler
First Energy Service Company/Met Ed
2800 Pottsville Pike
P.O. BOX 16001
Reading, PA 19612-6001

ALJ Jeffrey A Watson
Pennsylvania Public Utility Commission
301 5th Avenue, Suite 220- Platt Place
Pittsburgh, PA 15222

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



Conchita M Braun
1220 Parkside Drive South
Reading PA 19611
(610) 375-3501

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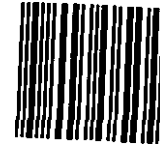
Conchita Braun
1220 Parkside Dr. S.
Reading, PA 19611



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Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd floor
Harrisburg PA 17120