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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

CONCHITA M BRAUN
1220 Parkside Drive South
Reading, PA 19611

610 /375-3501

July 8 , 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:

Please find enclosed Complainants' Motion to Compel Discovery with regards to incomplete and omitted Discovery Requests from Complainants Interrogatory Set I No.22 and Interrogatory Set II No. 12.

A copy of this document has been served upon Respondent and with the Honorable Jeffrey A Watson.

Please feel free to contact me if you have any questions.

Sincerely,



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

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CONCHITA M BRAUN :
v. : Docket No. C-2018-3003001
METROPOLITAN EDISON COMPANY :

NOTICE TO PLEAD

TO: FIRST ENERGY/METROPOLITAN EDISON COMPANY

Pursuant to 52 Pa. Code 5. 102 (b), you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Compel of Complainant, Conchita M Braun, within **five (5) days** from the service of the Notice, the facts set forth by the Complainant in the Motion may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy service to the Complainant and to the Administrative Law Judge presiding over the case.

File with:

Rosemary Chiavetta Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
Harrisburg, PA 17120

With a copy to:

ALJ Jeffrey A Watson
Pennsylvania PUC
301 5th Avenue, Platt Place- suite 220
Pittsburgh, PA 15222

Conchita M Braun
1220 Parkside Drive South
Reading, PA 19611

Date: July 8, 2019



Conchita M Braun

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

CONCHITA M BRAUN :
v. : **Docket No. C-2018-3003001**
METROPOLITAN EDISON COMPANY :

MOTION TO COMPEL RESPONDENT TO PROVIDE FULL AND COMPLETE ANSWERS TO BRAUN INTERROGATORY SET I, No. 22 AND BRAUN INTERROGATORY SET II No. 12.

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to 52 Pa. Code § § 5.371-5.372, Complainant, Conchita M Braun, hereby files this Motion to Compel Metropolitan Edison Company/First Energy (The Company) to provide full and complete answers to Braun Interrogatory Set I No. 22 and Braun Interrogatory Set II No. 12. In support thereof, the Complainant avers as follows:

1. On March 18th 2019, Complainant served Respondent with Interrogatory and Production of Documents Set I.
2. On April 6th, Complainant received a letter from the Company, dated April 1st, (envelope stamped in their office on April 2nd and mailed April 3rd) with Objections to 23 discovery requests from Braun Interrogatory Set I, Nos. 16,17,22,39,41,50-52, 54-58,60-61, and 64-68 as well as portions of Interrogatory Nos, 4,69 and 71.
3. On April 11th Complainant filed a Motion to Compel Respondent to answer all the questions objected by the Company on their letter dated April 1st, as stated above.
4. At the request of Respondent, on April 23rd, ALJ Jeffrey Watson scheduled a pre-hearing conference in the above reference matter for May 16th, 2019.

5. On April 30th, Complainant requested the Pre-hearing conference to be cancelled as she felt it was premature, since parties were in the middle of discovery and Respondent had not conferred with her to agree to such conference to take place.
6. On April 30th, Complainant issued the Company with Braun - Interrogatory and Request for Production of Documents Set II. Respondent didn't file objections to any of the discovery requests on Braun Set II.
7. On May 11th, Complainant received an order dated May 9th where Judge Watson denied Complainant's request to cancel the pre-hearing conference and ordered parties to Participate on May 16th, 2019.
8. On May 15th, the day before the scheduled pre-hearing conference, Complainant received Judge Watson's ruling on Complainants' Motion to Compel, Granting in Part Complainants Motion to Compel discovery Responses. Of the 23 objected discovery requests by the Company, Judge Watson sustained 21 of their objections and overruled two of the Company's objections, ordering the Company to provide complete and full responses to Braun Discovery no. 22 and portions of Discovery no. 69.
9. On May 16th the parties participated in the prehearing conference, where different issues were addressed. At the end of the pre-hearing conference the ruling on the Motion to Compel was discussed. Complainant said that on the ruling, Judge Watson stated that the Complainant had not provided an argument to question 39. Complainant explained that she did in fact provide an argument. Complainant further stated that all the questions objected by the Company in her interrogatory Set I, were directly related to the issues brought up in her Formal Complaint and not vague, unduly burdensome, irrelevant, etc. as stated in Respondent's objections. During the pre-hearing conference Complainant also

stated that under PA Code Subchapter O § 57.259 the EDC has responsibilities to provide information to its customers and by refusing to do so is not complying with such responsibilities.

10. On May 28th, Complainant received an interim order issued by Judge Watson, dated May 24th, providing the date of June 12th by which Respondent had to provide full and complete responses to Braun Interrogatory set I no. 22 and to portion of no. 69.
11. Also, on May 28th, Complainant received a Supplemental Interim order where Judge Watson sustains Respondents objection to Braun Interrogatory Set I no. 39. In this supplemental Judge Watson again, states that Complainant did not provide an argument for the Company's objection on Complainants' Motion to Compel, even though this had already been addressed during the Pre-hearing conference held on May 16th, when Complainant stated that she did in fact provide an argument to this objection in her Motion to Compel.
12. On May 30th, as agreed upon at the pre-hearing conference, Complainant submitted the information on the Factual Witness she intends to use at a future evidentiary hearing.
13. On June 15th 2019, Complainant received the Company's Responses to Braun Interrogatory Set I, Nos, 22 and 69 and to Braun Interrogatory Set II.
14. 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, but doesn't name who that witness is. The Company, contrary to what was agreed upon during the pre-hearing conference, goes on to

offer dates in July and August for availability to participate in a one-day hearing. During the pre-hearing conference it was agreed that a hearing would take place, either in late October or November.

15. As agreed upon the pre-hearing conference, Complainant filed a Status Report on June 21st 2019.
16. As of this date, July 8th, Complainant has not received any documents from Judge Watson with a summary or a review of the dates agreed upon by the parties during the Pre-hearing conference held on May 16th, 2019.
17. Upon review of the responses provided by the Company to Interrogatory Set I - question 22, the Company fails to provide full and complete responses as ordered by Judge Watson in his Interim order on May 24th. As shown here:

Braun Interrogatory Set I, No. 22

Is the Complainant being charged for a smart meter? If yes, please provide the following: How and when was the Complainant notified of such charge? How did the company obtain consent from the Complainant for such a charge? How much is the Complainant being charged for a smart meter? Since when has the Complainant been charged a fee? Where is it specified what the total charge for the smart meter will be?

RESPONSE:

Yes.

On June 25, 2010, Metropolitan Edison Company ("Met-Ed") filed Supplement No. 21 to Tariff Electric-Pa. P.U.C. No. 50, to implement a Smart Meter Technologies Charge ("SMT-C") Rider as directed by the Opinion and Order of the Pennsylvania Public Utility Commission ("Commission") entered June 9, 2010 in Docket No. M-2009-2123950. The SMT-C Rider is applied as a monthly line item customer charge during each billing month to metered customers served under the Met-Ed tariff. The SMT-C Rider was first approved effective August 1, 2010.

The terms and conditions of service from Met-Ed, as may change from time to time based on Commission order, and which would include the smart meter charges listed herein, are publicly available for viewing on the websites of both the Commission and Met-Ed. Consent is not required from the Complainant.

The current SMT-C Rider provides the Residential Customer Class a credit of \$(0.88) per month. Rider G of the Commission-approved tariff for Met-Ed provides the SMT-C Rider rates by customer class.

**Complainants' argument to Respondent's answer to Braun Interrogatory Set I-
No. 22:**

The only part of the question that is answered directly is "Yes" when answering if the Complainant is being charged for a Smart Meter. No answer is given that indicates how and when the Complainant was notified of such charge. No answer is given that indicates how the Company obtained consent from Complainant for such charge, (given that the Complainant never requested a Smart Meter at her property, so she did not agree to pay for it). No answer is given as to how much the Complainant is being charged, or since when, or what the total charge of the Smart meter will be.

Instead of answering question 22 full and directly, as part of their answer the Company tells Complainant to go look for information on the website of the Commission or Met-Ed. The Company wrote several paragraphs and yet did not provide answers to the questions. It would have required less writing on their part to answer directly the simple questions asked. Filling the page with words that are not answering simple straight forward questions is not acceptable. Instead, it only creates confusion and required the Complainant to read responses over and over again, wasting time trying to decipher what is going on with such unclear responses. Complainant has tried to look on her own through the Commissions' and Company's website and has not been able to find answers to the questions asked in Discovery no. 22.

Therefore, Complainant request that the Company be Compelled to Answer full and complete responses to Discovery set I -No. 22, as ordered by Judge Watson in his Interim Order of May 24th. To answer question 22 as asked.

The company admits that the Complainant is being charged for a Smart Meter, so the Company needs to respond clearly the following simple questions:

How and when was the Complainant notified of such charge? How did the company obtain consent from the Complainant for such a charge? How much is the Complainant being charged for a smart meter? Since when has the Complainant been charged a fee? Where is it specified what the total charge for the smart meter will be?

18. On April 30th, Complainant sent the Company Interrogatory and Request for Production of Documents Set II to which the Company didn't file any objections.
19. On June 15th, Complainant received the answers to Interrogatory Set II. Braun Interrogatory Set II Question 12 was omitted in its entirety. The Company, once again (this also happened when answering Interrogatory Set I No. 39), stated and provided an answer to the wrong discovery question.

The Company re-stated Braun Interrogatory Set II No. 12 **erroneously** as follows:

Braun Interrogatory Set II, No. 12

Does Met-Ed/First Energy make sure that all customers are notified of the exact date and time when the proposed Smart Meter will be deployed/installed at the service property, regardless if the Smart Meter is inside the customer's property or outside?

1. If the answer is "Yes", explain how such notification is issued.
2. If the answer is "No" please explain why customers are not notified of the exact date and time the Company plans to install a SM.

RESPONSE:

No.

a) N/A

- a) If the meter is located outside of the customer's premise, the customer is not required to be home during the meter exchange. Metropolitan Edison Company will send the

customer a letter approximately two weeks in advance of the meter exchange. A number is provided if the customer wishes to schedule an appointment for the exchange.

Complainants' argument to response by Company to Interrogatory Set II No. 12.

The Company re-stated the wrong question, when addressing Interrogatory Set II No. 12. Respondent re-stated question 12 from Braun Interrogatory Set I, instead of Set II. Therefore, Complainant requests that the Company be Compelled to answer the correct question 12 on Interrogatory set II. Question 12- Interrogatory Set II should read as follows:

Set II- Question 12.

Does every residential customer have the same identical Smart Meter installed?

20.PA Code Subchapter O § 57.259 which addresses advance metering, clearly states that the EDC has responsibilities to provide information to educate 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.

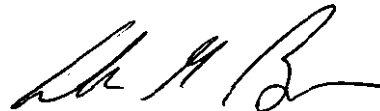
(3) State that the available advanced meters are qualified to meet current Commission performance and technical standards.

21. Unlike what the Company states in their Status Report dated June 14th, Respondent has failed to provide all outstanding responses to Discovery questions.

WHEREFORE, the Complainant respectfully requests that the Commission issue an Order compelling the Company to fully and completely respond to the discovery requests from Braun Interrogatory Set I- No. 22 and Braun Interrogatory Set II- No 12.

Respectfully submitted,

Dated July 8th, 2019



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

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

CONCHITA M BRAUN :
v. : **Docket No. C-2018-3003001**
METROPOLITAN EDISON COMPANY :

CERTIFICATE OF SERVICE

I, Conchita M Braun, hereby certify that I have this day, July 8, 2019, served a true copy of the aforementioned documents upon the Company and individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant)

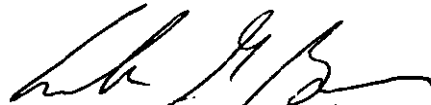
Service by Certified Mail to:

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
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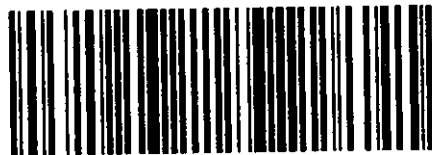
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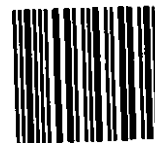
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Pennsylvania Public Utility Commission
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