

July 24, 2019

Via Electronic Filing

Rosemary Chiavetta, Esquire
PA Public Utility Commission
Secretary
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Docket Nos. C-2019-3011183 & C-2019-3008814
Celia Whengreen v. Pennsylvania Electric Company
Sherry Stiles v. Pennsylvania Electric Company
Motion to Consolidate Dockets**

Dear Secretary Chiavetta:

Attached for filing is the Motion of Pennsylvania Electric Company (Penelec) to consolidate the respective Formal Complaints filed by Sherry Stiles and Celia Whengreen in the above-referenced dockets.

A copy of the Motion to Consolidate has been provided to each complainant in the manner indicated on the attached Certificate of Service.

If there are any questions, please do not hesitate to contact me

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/lam
Enclosures

cc: John L. Munsch, Esquire, FirstEnergy Service Company [w/enc.]
Celia Whengreen [w/enc.]
Sherry Stiles [w/enc.]

**Re: Docket Nos. C-2019-3011183 & C-2019-3008814
Celia Whengreen v. Pennsylvania Electric Company
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Motion to Consolidate Dockets**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

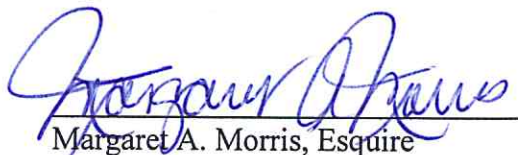
Via First Class Mail

Celia Whengreen
288 Route 247
Greenfield Township, PA 18407-4011

Via Electronic and First Class Mail

Sherry Stiles
30 Schoolhouse Road
Nicholson, PA 18446
SHERRYL181@gmail.com

Dated: July 24, 2019


Margaret A. Morris, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

CELIA WHENGREEN	:	
v.	:	Docket No. C-2019-3011183
PENNSYLVANIA ELECTRIC COMPANY	:	
SHERRY STILES	:	
v.	:	Docket No. C-2019-3008814
PENNSYLVANIA ELECTRIC COMPANY	:	

NOTICE TO PLEAD

Pursuant to 52 Pa.Code § 5.103, you are hereby notified that if you do not file a written response answering the enclosed Motion to Consolidate of Pennsylvania Electric Company within twenty (20) days from service of this notice, the facts set forth by Pennsylvania Electric Company in the Motion to Consolidate may be deemed to be true, whereby requiring no other proof. All pleadings, such as a Motion to Consolidate, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to all parties and where applicable, the Administrative Law Judge presiding over the issue.

File with:

Rosemary Chiavetta, Esq.
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building – 2 North
P.O. Box 3265
Harrisburg, PA 17105

With a copy to:

Margaret A. Morris, Esq.
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

Date: July 24, 2019



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(215) 495-6524 tel.
mmorris@regerlaw.com

Counsel for Pennsylvania Electric Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CELIA WHENGREEN :
 v. : Docket No. C-2019-3011183
PENNSYLVANIA ELECTRIC COMPANY :

SHERRY STILES :
 v. : Docket No. C-2019-3008814
PENNSYLVANIA ELECTRIC COMPANY :

**PENNSYLVANIA ELECTRIC COMPANY’S MOTION TO CONSOLIDATE
THE FORMAL COMPLAINTS OF SHERRY STILES AND CELIA WHENGREEN**

Pennsylvania Electric Company (Respondent or Penelec), by and through its attorneys, Reger Rizzo & Darnall LLP, hereby submits its Motion to Consolidate the Formal Complaints of Sherry Stiles (Tenant) and Celia Whengreen (Owner) filed in the above-captioned dockets with the Pennsylvania Public Utility Commission, pursuant the Commission’s regulations, 52 Pa. Code §§ 5.103 and 5.81. In response thereto, Penelec avers and represents as follows:

I. BACKGROUND

1. On March 19, 2019, the Tenant filed a Formal Complaint (Tenant Complaint) at Docket No. C-2019-3008814 alleging there are incorrect charges for service rendered to 695 Johnson Hill Road, Lenoxville, Pennsylvania (Service Location).
2. On April 16, 2019, Penelec filed an Answer and New Matter denying a relationship with the Tenant, as the account for the Service Location is in the name of the Owner.

3. That same day, Penelec filed Preliminary Objections requesting the Tenant's Complaint be dismissed since the Tenant lacked standing to assert a claim on behalf of the Owner.

4. By Order, dated June 13, 2019, the Honorable Steven K. Haas (Judge Haas) denied the Preliminary Objections finding although the Tenant did not reside at or own the Service Location, she had a substantial interest as she uses the Service Location for the purpose of raising beef cattle. Judge Haas found a reasonable inference that the Tenant is responsible for payment of the electric bills for the Service Location.

5. By Order, dated June 25, 2019, Judge Haas referred the matter to the Commission's Mediation Unit for mediation review.

6. On June 20, 2019, the Owner filed a Formal Complaint (Owner Complaint) at Docket No. C-2019-3011183 alleging incorrect charges and attached, *inter alia*, the identical 7-page handwritten letter signed by the Tenant and attached to her Complaint.

7. The relief in both complaints requests a refund.

II. CONSOLIDATION

8. Section 5.81 of the Commission's regulations, 52 Pa. Code § 5.81, allows the Commission or the presiding officer to order the consolidation of proceedings "involving a common question of law or fact."

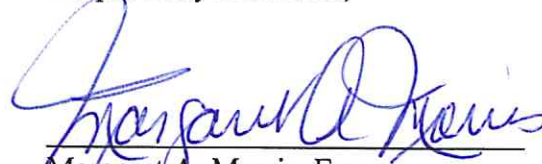
9. The presiding officer and the Commission have significant discretion in deciding a motion to consolidate proceedings. The dispute in each Formal Complaint relate to the same issues. Both the Tenant and the Owner dispute the charges for the period January through April

2018. The Tenant and Owner complaints contain identical issues of law and fact, which, in order to further judicial economy and avoid needless duplication of litigation, justify consolidation.

10. Consolidation of these proceedings will avoid: (i) the need to appoint a separate administrative law judge to preside over the separate formal complaints; (ii) participation by the parties in separate proceedings on identical issues; and (iii) duplication of witnesses, discovery, testimony and cross-examination. Moreover, consolidation of the Tenant and Owner complaints for hearing and decision will avoid the potential for inconsistent decisions due to separate treatment in different proceedings, which ultimately may require Commission resolution. Basic principles of judicial economy, the avoidance of needless duplication of litigation and a desire to save Commission, and the parties' resources, all support consolidation of these proceedings.

WHEREFORE, for the foregoing reasons, Respondent, Pennsylvania Electric Company respectfully requests that its Motion to Consolidate the Formal Complaints filed by Sherry Styles at Docket No. C-2019-3008814 and Celia Whengreen at Docket No. C-2019-3011183 be granted, and such other relief as may be just and reasonable under the circumstances.

Respectfully submitted,



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Dated: July 24, 2019

Counsel for Pennsylvania Electric Company