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August 13, 2019

VIA ELECTRONIC FILING

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

Re: Paul Berginc v. West Penn Power Company
Docket No. C-2017-2632636

Dear Secretary Chiavetta:

On July 26, 2019, West Penn Power Company (“West Penn”) was served with notice of the filing of exceptions by the Complainant in the above-referenced proceeding. In response, West Penn offers this letter as its brief reply to exceptions. Mr. Berginc briefly explains as his exceptions that his wife is ill, and that he has had to “hard wire” his household. He also notes that he has “returned a questions and answers” to West Penn twice, seemingly as a defense as to why his case should not be dismissed.

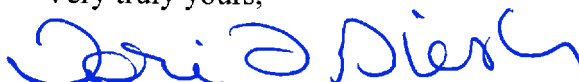
While West Penn acknowledges that Mr. Berginc did provide two partial responses to discovery requests issued by the Company, what he fails to acknowledge is that despite an order compelling his replies, he still has yet to provide full and complete discovery responses. In particular, his first set of responses only replied to portions of fifteen out of thirty-eight questions. Of those he did answer, some had subparts he did not fully respond to. In his second response, he provided three pages of what could best be construed as arguments for why he doesn’t want a smart meter installed at his property, but which had no discernable nexus to the questions to which replies were sought. These responses were attached to the Company’s Motion to Dismiss filed on April 18, 2019 as Exhibits A and B. Furthermore, Mr. Berginc never identified whether he would be presenting witnesses in this proceeding or a status report, despite an order from the presiding officer directing him to do both. He also never responded to the Company’s Motions to Compel or Dismiss this matter.

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Overall, Mr. Berginc's unwillingness to actively participate in the proceeding that he himself initiated impairs West Penn's ability to effectively defend itself against the Complainant's claims and against any testimony he would have presented in this matter, and thus its due process rights would be in jeopardy should Mr. Berginc's case be permitted to move forward given his repeated disregard for the presiding officer's orders. For these reasons, the Initial Decision should be approved and Mr. Berginc's case should be dismissed, with prejudice.

Please contact me if you have any questions regarding this matter.

Very truly yours,



Tori L. Giesler

kbw

c: Per Certificate of Service
Office of Special Assistants (via email at ra-OSA@pa.gov)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PAUL BERGINC

V.

WEST PENN POWER COMPANY

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Docket No. C-2017-2632636

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of this document of West Penn Power Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by electronic and First Class Mail, postage prepaid, as follows:

Paul Berginc
245 Penn Adamsburg Road
Penn, PA 15675
pbberginc@verizon.net

Administrative Law Judge Jeffrey A. Watson
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Piatt Place, Suite 220
301 5th Street
Pittsburgh, PA 15222

Dated: August 13, 2019



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