

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BRIAN A HOEFT

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2019-3011586

PA.P.U.C.
SECRETARY
BUREAU

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REPLY TO RESPONDENT'S ANSWER

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

I, BRIAN A HOEFT, file this Reply to Respondent's Answer.

I, am an honest and prudent Citizen of the State of Pennsylvania, operating with my own faculties, but without a formal legal education and without the ability to speak in Legalese.

I, will do my best to address the Answer and New Matter submitted by Met-Ed while honoring and protecting my inherent rights of mankind established at conception and protected by Article 1§1 of our Constitution for the Commonwealth of Pennsylvania.

In response to Admissions or Denials of my original Formal Complaint by Met-Ed in paragraphs 1 through 10, it should be apparent that I stand by my Formal Complaint as true and correct to the best of my knowledge and belief.

Paragraph 1: Admitted.

Paragraph 2: Admitted.

Paragraph 3: Admitted

Paragraph 4: Admitted in part and Denied in part. It is admitted that I filed the Complaint. It is admitted that I attempted amicable resolution through continued correspondence as described by Met-Ed. It is denied that Met-Ed can deny its intentions. Met-Ed has clearly stated in its own Answer that it has threatened to shut-off service on multiple occasions. Furthermore, Met-Ed continues stating its belief that it would be justified in such an action.

Paragraph 5: Denied. Pursuant to article 10§2, Met-Ed is subject to the Constitution for the Commonwealth of Pennsylvania. Met-Ed must respect my rights protected by our state Constitution including, but not limited to, protection of property, protection of liberty and pursuit of happiness enumerated under Article 1§1. Met-Ed must also respect my rights to privacy as enumerated in Article 1§8 which can be compromised by advanced metering technology. As well, 52 Pa. Code §57.251(a), which specifically states that it “does not require the public to participate in an advanced metering program.”

Paragraph 6: It was admitted previously that I have no Protection From Abuse order issued to me. I cannot say why this was denied by Respondent.

Paragraph 7: It is admitted that I filed by Formal Complaint as directed by the PPUC, being that I was receiving threats of termination of service. I would prefer to have this issue settled without controversy in legal proceedings. However, to the best of my knowledge and since I was facing imminent disconnection of a vital utility, this was the proper course of action.

Paragraph 8: Not Applicable.

Paragraph 9: Not Applicable.

Paragraph 10: Not Applicable.

Paragraph 11: No Admission or Denial is believed to be necessary.

Paragraph 12: Admitted in part and Denied in part. It is admitted that I contacted Met-Ed on several occasions to seek amicable resolution for refusal of smart meter installation. It is Denied that a smart meter is “required for all customers.” as is stated by our Legislature on the day in which Act 129(HB2200) was passed. From the Senate Legislative Journal October 8th 2008: Senator Tomlinson(Bucks), pg2626, “It also contains language in there that we will have smart meters. It is not mandated,”. Senator Boscola(Northampton), pg 2627, “We also made sure that smart meters would not be mandated”. Senator Fumo(Philadelphia), pg 2629, In addition, we did not mandate smart meters, but

we made them optional.

Paragraph 13: Admitted in part and Denied in part. While Act 129 may provide that EDC's develop an implementation plan, it is denied that any part of Act 129 demands advanced metering technology to be installed at every possible location. Particularly, when 52 Pa. Code §57.251(a) exists, specifically stating that it “does not require the public to participate in an advanced metering program

Paragraph 14: Denied. Met-Ed's SMP, Docket No. M-2013-2341990, and the “June 5th Order” are not Law. Pursuant Article 3§1 of our Constitution for the Commonwealth of Pennsylvania, Law can only be established by our Legislature. Therefore, no commission and/or corporation can “approve” or be “in accordance with” any “plan” which is in violation to any part of our State Constitution.

Paragraph 15: Admitted. Until offers of installation were received in late 2018, I had no threats of advanced metering technology being attached to my home.

Paragraph 16: Denied. No means of enforcement exist in Act 129 for denial of smart meter installation. Therefore, the relief requested is simpler to accomplish than all of these efforts described herein. Simply keep the status-quo. I would be happy to welcome a new analog meter if Met-Ed is concerned with the age of the existing meter.

Paragraph 17: Denied. As explained in paragraphs 5, 12, 13, 14 and 16, Met-Ed has and continues to claim that it has the authority to carry out violations of my Rights as well as that of the Public Trust.

Paragraph 18: Denied. No means of enforcement exist in Act 129 for denial of smart meter installation. In fact, as is evidenced by reference to the Senate Legislative Journal October 8th 2008: Senator Tomlinson(Bucks), pg2626, states “It also contains language in there that we will have smart meters. It is not mandated,” continued by Senator Boscola(Northampton), pg. 2627, “We also made sure that smart meters would not be mandated” as well as Senator Fumo(Philadelphia), pg. 2629, In addition, we did not mandate smart meters, but we made them optional.

WHEREFORE, for the foregoing reasons, I request the the Commission: (1) grant an exemption from the installation of a smart meter; (2) dismiss Respondent's Answer and New Matter. Alternatively, I request this matter be scheduled for oral argument.

In addition, I, BRIAN A HOEFT do state that the writing presented herein is true and correct to the best of my knowledge, information and belief.

Sincerely,



BRIAN A HOEFT

August 21st 2019

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Docket No. C-2019-3011586

CERTIFICATE OF SERVICE

I, BRIAN A HOEFT, hereby certify that on August 21st 2019 I am serving a true copy of my Reply to Answer upon:

Lauren M. Lepkoski (llepkoski@firstenergycorp.com)
& Tori L. Giesler (tgiesler@firstenergycorp.com)

by their listed e-mail addresses as well as first class post mail to:

FirstEnergy Service Company
200 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania
19612-6001
ATTN: Lauren Lepkoski & Tori Giesler

And,

the Pennsylvania Public Utility Commission by "eFile" as well as first class post mail to:

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

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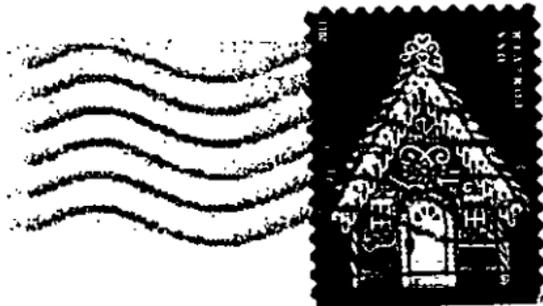
BRIAN A HOEFT

August 21st 2019

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