

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITIES COMMISSION**

EUGENE J. BAZAN	:	
	:	
Complainant	:	C-2017-2640338
	:	
Vs	:	
	:	
FIRST ENERGY/WEST PENN POWER	:	
	:	
Respondent	:	
	:	

REQUEST FOR TWO SUBPOENAS

TO THE HONORABLE ALJ Jeffrey A. Watson:

We wish to use excerpts from the following document as an exhibit at the time of our hearing:

“Act 128 of 2008 Overview and Implementation” (March 5, 2009) at http://www.madrionline.org/wp-content/uploads/2009/04/Act_129_Presentation.pdf from which we append excerpts in Exhibit 1.

The information in this document is relevant to the dispute we have with West Penn Power over Act 129 and its mandates. To ensure the document is admitted as evidence and not rejected on the basis of hearsay, we wish to subpoena the authors of the document – Kim Pizzingrilli and Shane Rooney - to be available for cross-examination at the time of our hearing on February 7, 2020.

We maintain that West Penn Power is in violation of Title 66 § 2807 (f)(2), and will be in further violation by installing a smart meter on our home, as we have not requested such a meter, nor have agreed to pay for it; our home is not new construction; and the 15 year depreciation schedule is an accounting term which does not apply to replacement of an existing analog meter nor implies mandatory installation of smart meters.

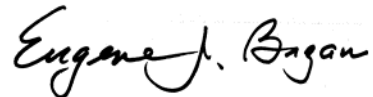
Ms. Pizzingrilli and Mr. Rooney, by virtue of this presentation, can testify to the transition from the language of Act 129 of 2008 to that of the PUC’s Implementation Order of 2009 which is relevant to our mutual comprehension of said matter. Specifically, we will focus on and contrast § 2807 (f)(2) with the material in the above link, appended in Exhibit 1, to gain evidentiary information on its evolution into the Implementation Order of June 2009 which West Penn Power maintains – and we dispute - is synonymous with Act 129 of 2008. As per 52 PA Code 5.421, we have copied this application to West Penn Power’s attorneys, Ms. Pizzingrilli and Mr. Rooney, the Commission’s Law Bureau, as Mr. Rooney is an employee of the PUC, and the Secretary of the PUC, as shown on the attached Certificate of Service.

A response or objection to this application must be filed with the PUC and your office within 10 days of service of the application.

Attached are PUC-291 subpoena forms for Pizzingrilli and Rooney which we have partially filled out.

We trust you will issue these subpoenas in a timely manner so that the two individuals listed here will be present at the hearing. We further trust that you will notify us of any deficiencies in our application and subpoena forms so that we can remedy these in a timely manner.

Sincerely,

A handwritten signature in black ink that reads "Eugene J. Bazan". The signature is written in a cursive style with a large initial 'E' and a long, sweeping underline.

Eugene J. Bazan,
Complainant
PO Box 24
Lemont, PA 16851

CERTIFICATE OF SERVICE

I certify that I have this day sent this letter to ALJ Jeffrey A. Watson dated December 16, 2019,
REQUEST FOR TWO SUBPOENAS.

Service by First Class Mail to the persons listed below:

Jeffrey A. Watson, ALJ
Office of Administrative Law Judge
301 Fifth Ave., Suite 220, Piatt Place
Pittsburgh, PA 15222

Attorneys:

Tori L. Giesler, Attorney FirstEnergy Service Co. 2800 Pottsville Pike P.O. Box 16001 Reading, PA 19612-6001	Curtis Renner, Watson & Renner 1910 Pennsylvania Avenue, NW Suite 1005-ENS Washington, DD 20008	Thomas Carl Watson, Watson & Renner 1910 Pennsylvania Avenue, NW Suite 1005-ENS Washington, DD 20006
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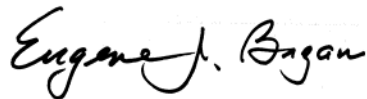
Subpoened Individuals

Kim Pizzingrilli Buchanan, Ingersoll & Rooney PC, 409 North Second Street, Suite 500 Harrisburg, PA 17101-1357	Shane Rooney Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 2 nd Floor, Room-N201, 400 North Street Harrisburg, PA 17120
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The PUC Law Bureau
Robert F. Young, Deputy Chief Counsel
PUC Law Bureau
Harrisburg, PA 17105-3265

E-filed with Rosemary Chiavetta
Pennsylvania Public Utilities Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Dated: December 16, 2019



Eugene J. Bazan
PO Box 24
Lemont, PA 16851
Docket No. C-2017-2640338

Act 129 of 2008 Overview and Implementation

MADRI Steering Committee Meeting
March 5, 2009

Kim Pizzigrilli, Commissioner
kpizzin@state.pa.us
717.772.0692

Shane Rooney, Counsel
srooney@state.pa.us
717.787.2871

Pennsylvania Public Utility Commission
Harrisburg, PA 17105-3265
www.puc.state.pa.us

Act 129


- Legislative History
- Implementation Schedule
- Energy Consumption Reduction Objective
- Peak Demand Reduction Objective
- Standards for Implementation
- Penalties
- Smart Metering Mandate
- Time Based Rate Mandate



Legislative History

- Act 129 was signed into law October 15, 2008.
(effective November 14, 2008)
- Declaration of Policy:
 - Health, safety and prosperity of Pennsylvania are dependent on having adequate, reliable, affordable and environmentally sustainable electric service.
 - Public interest will be served by adoption of energy efficiency and conservation measures.
 - Public interest will be served by expanding the use of alternative energy.

4



Smart Metering Mandate

- All EDCs with 100,000 or more customers must file a smart metering procurement and implementation plan with the Commission by August 14, 2009.
- “Smart meter” is bidirectional and records usage at least hourly.
- At a minimum, smart meters must be provided upon customer request (if customer pays), in all new building construction in the service territory, and to all other customers within 15 years.
- EDCs may fully recover reasonable costs.
- Direct access to meters and data will be provided to third parties with customer consent.

12



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of: Eugene J. Bazan Docket No. C-2017-2640338
v West Penn Power

SUBPOENA

To: Ms. Kim Pizzingrilli, Buchanan, Ingersoll & Rooney PC, 409 North Second Street, Suite 500, Harrisburg, PA 17101-1357

(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to telephonic hearing
(place)
_____ , at _____

Pennsylvania, on 7 February 2020, at _____ o'clock, in the above case, to testify
(date)
on behalf of the Complainant _____ and to remain until excused;

2. And bring with you and produce the following: _____
"Act 129 of 2008 Overview and Implementation" presentation dated March 5, 2009
as related to the MADRI Steering Committee: Slides 1 (title slide), 2, 4 and 12

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

BY THE COMMISSION

Date _____

Administrative Law Judge

Commonwealth of Pennsylvania)
) SS:
Count of)

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared _____
who, being duly sworn according to law, deposes and says that he/she served a true and correct
copy of the within SUBPOENA upon _____
by handing the same to him/her at _____ on the
_____ day of _____, 20__ at _____ a.m./p.m.

(Signature)

Sworn to and subscribed before me
this _____ day of _____, 20__

Notary Public



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of: Eugene J. Bazan
v West Penn Power

Docket No. C-2017-2640338

SUBPOENA

To: Mr. Shane Rooney, Pennsylvania Public Utility Commission, Commonwealth Keystone Building, 2nd Floor, Room-N201, 400 North Street, Harrisburg, PA 17120
(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to telephonic hearing
(place)
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Count of)

AFFIDAVIT OF SERVICE

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who, being duly sworn according to law, deposes and says that he/she served a true and correct
copy of the within SUBPOENA upon _____
by handing the same to him/her at _____ on the
_____ day of _____, 20____ at _____ a.m./p.m.

(Signature)

Sworn to and subscribed before me
this _____ day of _____, 20____

Notary Public