

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BRIAN A HOEFT

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2019-3011586

**CERTIFICATE OF SERVICE
AND
REPLY BRIEF**

I, BRIAN A HOEFT, as agreed to during Prehearing Conference, am furnishing a true copy of this Reply Brief upon:

The Honorable ALJ Dennis J. Buckley, by electronic mail (debuckley@pa.gov)

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

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

I, BRIAN A HOEFT, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



BRIAN A HOEFT
December 20th 2019

In Response to Main Brief of Metropolitan Edison Company

I, BRIAN A HOEFT, stand on my Main Brief and previous filings in support of my position.

I provided my Constitutional argument as was inquired about by the honorable ALJ Dennis Buckley, along with supporting case law. It is by simple inquiry of the Court which shows that Constitutional challenges are appropriate in this Court.

I further provided Pennsylvania statute and code, which Met-Ed is subject to.

Met-Ed being subject to these provisions is evidenced by several items. Including, but not limited to, their own court filings, as well as these three examples.

(1) The President and CEO of Met-Ed's parent company, FirstEnergy, on November 10th, 2016, in which he clearly stated; "We have made our decision that over the next 12 to 18 months we're going to exit competitive generation and become a fully regulated company," said Charles E. Jones, president and CEO of FirstEnergy, during a presentation at the Edison Electric Institute Financial Conference in Phoenix, Ariz.

<https://www.powermag.com/firstenergy-wants-out-of-competitive-power-markets/?pagenum=1>

(2) By Certificate of Public Convenience Under 66 Pa. C.S.

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol47/47-49/2061.html>

(3) Supplement No. 72 Electric Pa. P.U.C. No. 52

<https://www.firstenergycorp.com/content/dam/customer/Customer%20Choice/Files/PA/tariffs/Met-Ed-Tariff-52-Supp-72.pdf>

Statement with Regards to Privacy

While I can respect opinions rendered by the Pennsylvania Utility Commission, the very essence of privacy is a very personal issue. Each individual has the right to set his or her own threshold for what is, or is not, an acceptable intrusion. As shown below, the etymology of "privacy" is a bit abstract, however any honest observer can recognize that this particular noun is clearly tied to a "state of freedom from intrusion", which clearly varies from person to person. My position is not altered by one citation in Met-Ed's Main Brief purporting that smart

meter installation does not present a privacy risk.

privacy (n.)

1590s, "a private matter, a secret;" c. 1600 as "seclusion," from private (adj.) + abstract noun suffix -cy. Meaning "state of freedom from intrusion" is from 1814. Earlier was privatie (late 14c. as "secret, mystery;" c. 1400 as "a secret, secret deed; solitude, privacy"), from Old French privauté. <https://www.etymonline.com/word/privacy>

Reiteration for Want of Amicable Resolution

From the onset of communication by FirstEnergy(Met-Ed) regarding installation of Advanced Metering Infrastructure(AMI) on my home, I have been seeking to settle the issue without litigation. I agree with 52 Pa. Code § 5.231 and once again ask for settlement, in abstaining from accepting this AMI installation on my home.

Please note the following:

Pursuant to our Regulations at 52 Pa. Code § 5.231, it is the Commission's policy to promote settlements. Settlement terms often are preferable to those achieved at the conclusion of a fully litigated proceeding. In addition, a full settlement of all the issues in a proceeding eliminates the time, effort and expense that otherwise would have been used in litigating the proceeding. Settlements allow the Parties to avoid the substantial costs of preparing and serving testimony, cross-examining witnesses in lengthy hearings, and preparing and serving briefs, reply briefs, exceptions and reply exceptions, together with the briefs and reply briefs necessitated by any appeal of the Commission's decision, yielding significant expense savings for the company's customers. For this and other sound reasons, settlements are encouraged by long-standing Commission policy.

<http://www.puc.state.pa.us/pcdocs/1469890.docx>

Conclusion

For the preceding reasons, this Court should demand that Metropolitan Edison Company cease efforts to install a smart meter on my house.

Sincerely,

BRIAN A HOEFT

A handwritten signature in black ink, appearing to read "BRIAN A HOEFT", written over a horizontal line.

December 20th, 2019