

 **H**awke
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ATTORNEYS AT LAW

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December 30, 2019

BY ELECTRONIC FILING

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

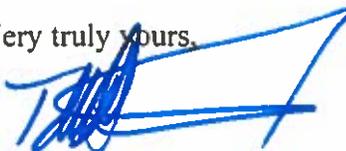
RE: Interstate Gas Supply, Inc. d/b/a IGS Energy, Direct Energy Services LLC and Shipley Choice, LLC d/b/a Shipley Energy v. Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and WestPenn Power Company; Docket Nos. C-2019-3013805, C-2019-3013806, C-2019-3013807, and C-2019-3013808; **JOINT COMPLAINANTS' MOTION TO DISMISS OBJECTIONS AND COMPEL RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, SET I, NOS. 1, 2, 5 & 6**

Dear Secretary Chiavetta:

Please find enclosed Interstate Gas Supply, Inc., Direct Energy Services LLC, and Shipley Choice, LLC (collectively, the "EGS Parties") Motion to Dismiss Objections and Compel Responses to Interrogatories and Requests for Production of Documents, Set I, Nos. 1, 2, 5 and 6. A copy of this filing has been served in accordance with the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Todd S. Stewart

Counsel to EGS Parties

TSS/das

Enclosures

cc: Honorable Joel H. Cheskis, Presiding Administrative Law Judge
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Interstate Gas Supply, Inc. d/b/a IGS	:	
Energy, Direct Energy Services LLC, and	:	
Shipley Choice, LLC d/b/a Shipley Energy	:	
Complainants	:	Docket No. C-2019-3013805
	:	C-2019-3013806
v.	:	C-2019-3013807
	:	C-2019-3013808
Metropolitan Edison Company,	:	
Pennsylvania Electric Company,	:	
Pennsylvania Power Company, and	:	
WestPenn Power Company	:	
Respondents	:	

**MOTION TO DISMISS OBJECTIONS
AND COMPEL RESPONSES
TO JOINT COMPLAINANT’S SET I, NOS. 1, 2, 5 & 6**

As discussed more completely herein, Interstate Gas Supply, Inc., Shipley Choice LLC and Direct Energy Services LLC, (collectively “Joint Complainants”) hereby move the Presiding Administrative Law Judge, Joel H. Cheskis, and the Pennsylvania Public Utility Commission (“Commission”) to dismiss the objections of Respondents, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (“Respondents”) to Joint Complainants’ Interrogatories, Set I, Nos. 1, 2, 5 & 6, pursuant to 52 Pa. Code § 5.342(g). In support thereof, the Joint Complainants state as follows:

I. BACKGROUND AND PROCEDURAL HISTORY

1. On or about October 25, 2019, Joint Complainants filed the above-captioned complaints against Respondents to address the Respondents’ unwarranted discrimination against the Joint Complainants in their provision of customer billing service. The Complaints allege that

Respondents each bill for non-commodity products and services provided by Respondents, or an affiliate, on their utility bills to customers, and yet Respondents refuse to bill for the charges of the Joint Complainants for similar non-commodity products and services provided to the same universe of customers.

2. On November 14, 2019, Respondents filed a single Answer and New Matter to the Complaints in which they deny the majority of the material allegations of the Complaints. Respondents do admit, however, that they provide on-bill billing of non-commodity products for their own products while refusing to provide a similar billing service for Joint Complainants.

3. On December 4, 2019, Joint Complainants filed an Answer to Respondents' New Matter.

4. On December 9, 2019, Joint Complainants served their Interrogatories and Requests for Production of Documents, Set I, upon Respondents ("Set I")(A copy of Set I is appended hereto as Appendix A). Set I, includes Interrogatory No. 1, which requests:

1. **With regard to FirstEnergy's Answer and New Matter, ¶ 5, and its denial that "changes to the companies' billing systems to allow for non-commodity product and service charges by third parties would not be significant."**
 - a. **Provide all studies, investigations, cost assessments internal work products or similar analysis that were undertaken by FirstEnergy, its affiliates or any third party on behalf of same, to ascertain the scope of work or costs that would be required to modify the FirstEnergy billing system to accommodate billing for non-commodity products and services.**
 - b. **Has FirstEnergy provided on-bill billing for EGSs within the last 10 years in any jurisdiction (i.e., within or outside Pennsylvania) in which it operates? If the answer is yes, identify the EGS, the jurisdiction(s) and provide copies of any agreements or other documents related to the provision of such billing service.**
 - c. **Does FirstEnergy or any of its affiliates in any jurisdiction (i.e., within or outside the Commonwealth) provide or have provided on-bill billing for any non-EGSs in the last 10 years? If the answer is yes, please identify each and**

every non-EGS, the jurisdiction(s) and provide copies of any agreements or other documents related to the provision of such billing service.

5. On December 19, 2019, Respondents interposed the following Objection to Set I,

No. 1:

OBJECTION:

The Companies object to this request to the extent that it seeks information regarding the Companies' parent company, FirstEnergy Corp., and the Companies' affiliate utilities located in other states, which are outside the scope of this proceeding and jurisdiction of the Pennsylvania Public Utility Commission. Moreover, none of these entities are parties within the context of the Answer and New Matter in this proceeding.

6. On December 23, 2019, Respondents untimely served Objections to Set I, Nos. 2, 5 and 6, claiming to have inadvertently left the pages off on the first submission that was served four days earlier. (A copy of Respondents' Objection to Set I, No. 1, is attached as Appendix B, while a copy of the Objections to Set I, Nos. 2, 5 and 6, is attached as Appendix C). The Objections to Nos. 2, 5 & 6 are identical to that interposed for No. 1. Respondents "excuse" for submitting its objections late is belied by the fact that the email serving the Objection to Set I, No. 1 December 19, clearly states it is serving a singular "objection", not plural "objections." Because these objections are untimely without good excuse, and because of the timing of the objections—being served late, without good excuse, during the holidays—they prejudice Joint Complainants and should be dismissed out of hand. To the extent that the Presiding Administrative Law Judge is willing to consider the untimely objections, they are identical, and in the form of a general objection, which likewise are not favored in Commission practice, and should therefore be dismissed.

7. The Interrogatories to which untimely objections were made are Set I, Nos. 2, 5 &

6:

2. **With regard to FirstEnergy's Answer and New Matter ¶ 19, and the contention that billing for FirstEnergy's products and services is "perfectly reasonable"; provide a copy of any affiliated interest agreements between FirstEnergy and its Pennsylvania affiliates regarding said practice. Provide the following:**

a. **The development costs of adapting FirstEnergy's billing system to allow it to bill non-commodity products and services;**

b. **If the option to provide non-commodity billing was not an "add-on" to the FE billing system, (i.e., was included in the initial specifications) provide any and all cost estimates or proposals that identify the development and implementation costs of including the non-commodity billing functionality; The annual operation and maintenance costs incurred by any FirstEnergy entity to operate the billing system for the previous 5 years, and any portion of its billing system that bills non-commodity products and services, broken down by month and by EDC; and**

c. **Does FirstEnergy or any of its Pennsylvania affiliates intentionally terminate customers' electricity service for failure to pay any non-commodity charges?**

5. **With regard to FirstEnergy's Answer and New Matter ¶ 22, has FirstEnergy or any of its affiliates ever terminated electric service to a customer for failing to pay non-commodity charges on their utility bill? Describe each and every incident in the most recent 5 years including the date of any termination, the service territory and the duration of the termination.**

6. **Does FirstEnergy or any of its affiliates allow charges for non-commodity products and services to be paid using budget billing? If the answer is anything but "No", explain how such charges are separated from regulated charges, and describe the mechanism for ensuring that customers are not terminated for failing to pay charges for non-commodity charges in that context?**

8. On December 30, 2019, the undersigned attempted to reach FirstEnergy Counsel via telephone, but was unable to do so. The undersigned will continue the effort to resolve the objections, but due to the expiration of the 10 day period for filing such motions, this motion to compel had to be filed.

II. MOTION TO COMPEL

9. It is telling that Respondents cite to no legal authority that would relieve them of the responsibility for responding to Set I, Nos. 1, 2, 5 or 6 in their entirety. According to the Commission's Regulations, 52 Pa. Code § 5.321, the scope of discovery is broad:

(c) *Scope.* Subject to this subchapter, a party may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party, including the existence, description, nature, content, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of a discoverable matter. It is not ground for objection that the information sought will be inadmissible at hearing if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. (Emphasis added).

10. Coupled with this broad scope of discovery are the Instructions to Set I, particularly, Instruction 13, which defines Respondents as themselves, and "any company affiliated therewith." Respondents did not object to this instruction.

11. The Commission's Regulations require that an objection must:

(1) Be served instead of an answer.

(2) Restate the interrogatory or part thereof deemed objectionable and the specific ground for the objection.

(3) Include a description of the facts and circumstances purporting to justify the objection.

52 Pa. Code § 5.342(c),(emphasis added).

12. Submitting the identical objection to four questions, without any specific identification of what part of each question is objectionable, providing no description of facts, let alone any that justify an objection, simply and completely fail to meet the most basic requirements for objections, and require that the objections be dismissed. Joint Complainants have no ability to

decipher the extent of the objections and are left to speculate as to the basis for each. The objections likewise contain no citation to any part of the Commission's regulations that would purportedly support the objection, rendering them not only incomplete, but legally deficient as well.

13. As discussed above, the Complaint involves the billing for products that the Respondents allege they provide on their own, but which were alleged in the Complaint to be provided by FirstEnergy, the parent. Accordingly, the issue of which corporate entity actually provides the non-commodity products and services is at issue in this matter and is contested. Set I, No. 1, explores this issue. Likewise, because the Complaint alleges that the conduct of Respondents in refusing to provide on-bill billing for the Joint Complainants constitutes discrimination, it is well within the scope of the proceeding to determine whether FirstEnergy or any other affiliate of the Respondents provides a similar service whether it be in Pennsylvania or another jurisdiction. Such evidence would support the claims in the Complaint, which were denied by Respondents, that providing a similar billing service for Complainants would not impose significant additional costs on Respondents or their affiliates.

14. Set I, No. 2 explores the cost of implementing billing system changes that Respondents allege would be significant. It is not clear from the Answer if the Respondents use a shared billing platform or whether they each maintain an isolated platform. Either way, those questions would heavily influence the costs associated with the changes and are at issue in this case.

15. In their New Matter to the Complaint, Respondents allege that due to the operation of its billing system, requiring Respondents to provide on-bill billing to Joint Complainants would create a condition that could cause termination of customers for failure to pay for non-commodity

products or services. Set I, No. 5, seeks to explore that contention, placed at issue by Respondents. Respondents cannot make this allegation and then seek to hide the truth behind some artificial, and legally unsupported wall suggested by its objection, that information from its parent or out of state affiliates is out of reach. The regulations contain no such limitation.

16. Likewise, in Set I, No. 6, seeks to explore the operation of Respondents billing systems in the use of budget billing to pay for non-commodity products and services. Again, how these services operate for Respondents could provide useful information to address Respondent's claims that its billing systems are not capable of billing for non-commodity products for Joint Complainants.

17. Simply put, the information sought in Set I., Nos. 1, 2, 5 & 6 is obviously relevant to this proceeding, regardless of whether it relates to the activities of FirstEnergy, the Respondents, or an affiliate of either that operates in another state. There is no limitation on discovery in the Commission's regulations that causes relevance to cease at the state line or upon some division in the corporate structure, particularly as here, where it is not entirely clear what corporate entity actually does the billing. Accordingly, the Joint Complainants contend that the Objections cannot stand and must be dismissed.

WHEREFORE the Joint Complainants respectfully move the Honorable Presiding Administrative Law Judge, to dismiss Respondent's Objections to Set I, No. 1, 2, 5 & 6 and to Compel Respondents to provide complete and timely responses to same.

Respectfully submitted,



Todd S. Stewart, Attorney ID No. 75556
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Counsel for the EGS Parties

DATED: December 30, 2019

APPENDIX A

Hawke
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 Sniscak LLP
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December 9, 2019

VIA ELECTRONIC AND FIRST-CLASS MAIL

Tori L. Giesler
Teresa K. Harrold
FirstEnergy Service Company
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612-6001

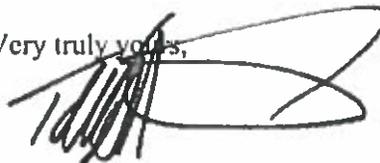
RE: Interstate Gas Supply, Inc. d/b/a IGS Energy, Direct Energy Services LLC and Shipley Choice, LLC d/b/a Shipley Energy v. Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and WestPenn Power Company; Docket Nos. C-2019-3013805, C-2019-3013806, C-2019-3013807, and C-2019-3013808; **COMPLAINANTS' INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS, SET I, DIRECTED TO METROPOLITAN EDISON COMPANY, ET AL.**

Dear Counsel:

Please find enclosed Interstate Gas Supply, Inc., Direct Energy Services LLC, and Shipley Choice, LLC (collectively, the "EGS Parties") Interrogatories and Requests for Production of Documents, Set I, Directed to Metropolitan Edison Company, et al. in the above matter. Copies of the Interrogatories and Requests for Production of Documents have been served in accordance with the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Todd S. Stewart
Counsel to EGS Parties

TSS/jld
Enclosures

cc: Rosemary Chiavetta, Secretary (via e-file Letter and COS only)
Per Certificate of Service

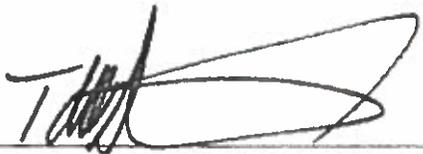
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

Tori L. Giesler
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Reading, PA 19612-6001
tgiesler@firstenergycorp.com
tharrold@firstenergycorp.com

DATED: December 9, 2019



Todd S. Stewart

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

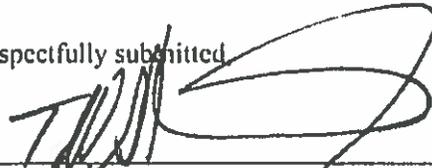
Interstate Gas Supply, Inc. d/b/a IGS Energy,	:	
Direct Energy Services LLC, and Shipley	:	
Choice, LLC d/b/a Shipley Energy	:	
Complainants	:	Docket No. C-2019-3013805
	:	C-2019-3013806
v.	:	C-2019-3013807
	:	C-2019-3013808
Metropolitan Edison Company, Pennsylvania	:	
Electric Company, Pennsylvania Power	:	
Company, and WestPenn Power Company	:	
Respondents	:	
	:	

**INTERSTATE GAS SUPPLY, DIRECT ENERGY AND SHIPLEY CHOICE
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS, SET I, DIRECTED
TO METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY,
PENNSYLVANIA POWER COMPANY, AND WEST PENN POWER COMPANY**

TO: Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and WestPenn Power Company

Interstate Gas Supply, Inc. d/b/a IGS Energy, Direct Energy Services LLC, and Shipley Choice, LLC d/b/a Shipley Energy ("RESA") (collectively "EGS Parties"), by and through their counsel in this matter, Hawke McKeon & Sniscak, LLP, and pursuant to the Pennsylvania Utility Commission's ("Commission") Regulations at 52 Pa. Code §§5.341 and 5.349 *et. seq.*, hereby propound the following Interrogatories and Requests for Production of Documents upon Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and WestPenn Power Company (collectively, the "Companies") and those individuals authorized to answer on the First Energy's or the Companies' behalf. Said answers are due within 20 days from the date of service.

Respectfully submitted



Todd S. Stewart, Attorney ID No. 75556
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Facsimile: (717) 236-4841
tsstewart@hmslegal.com

Dated: December 9, 2019

Counsel for the EGS Parties

INSTRUCTIONS AND DEFINITIONS

1. The term “document” means any written, printed, typed, or other graphic matter of any kind or nature whether physical or electronic in form, however produced or reproduced, whether sent or received or neither, including drafts and copies bearing notations or marks not found in the original, and includes, but is not limited to:

- (a) all contracts, agreements, representations, warranties, certificates, opinions;
- (b) all letters or other forms of correspondence or communication, including envelopes, notes, telegrams, cables, telex messages, messages (including reports, notes, notations, and memoranda of or relating to telephone conversations or conferences);
- (c) all memoranda, reports, test results, financial statements or reports, notes, transcripts, tabulations, studies, analyses, evaluations, projections, work papers, government records or copies thereof, lists, comparisons, questionnaires, surveys, charts, graphs, summaries, extracts, statistical records, compilations;
- (d) all desk calendars, appointment books, diaries;
- (e) all books, articles, press releases, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, manuals;
- (f) all minutes or transcripts of all meetings; and/or
- (g) all photographs, microfilms, phonographs, tapes or other records, punch cards, magnetic tapes, print-outs, and other data compilations from which information can be obtained.

2. The term “communication” means not only oral communications but also any “documents” (as such term is defined in Paragraph 1 above), whether or not such document or the information contained therein was transmitted by its author to any other person and regardless of format – physical, electronic or other.

3. When used in reference to a natural person, the terms “identify,” “identity,” or “identification” mean to provide the following information:

- (a) the person’s full name;
- (b) the person’s present or last-known business and residential addresses;
- (c) the person’s present or last-known business affiliation; and
- (d) the person’s present or last-known employment position (including job title and a description of job responsibilities).

4. When used with reference to any entity other than a natural person, the terms “identify,” “identity,” or “identification” mean to provide the following information:

- (a) its full name;
 - (b) the address of its principal place of business;
 - (c) in the case of a corporation, the names of its directors and principle officers;
- and
- (d) in the case of an entity other than a corporation, the identities of its partners or principals or all individuals who acted or authorized another to act on its behalf in connection with the matters referred to.

5. When used in reference to a document, the terms “identify,” “identity,” or “identification” mean to provide the following information:

- (a) the nature of the document (e.g., letter, contract, memorandum) and any other information (i.e., its title, index, or file number) which would facilitate in the identification thereof;
- (b) its date of preparation;
- (c) its present location and the identity of its present custodian, or if its present location and custodian are not known, a description of its last known disposition);
- (d) its subject matter and substance or, in lieu thereof, attach a legible copy of the document to the answers of those interrogatories;
- (e) the identity of each person who performed any function or had any role in connection therewith (i.e., author, contributor of information, recipient, etc.) or who has any knowledge; and
- (f) if the document has been destroyed or is otherwise no longer in existence or cannot be found, the reason why such document no longer exists, the identity of the people responsible for the document no longer being in existence and of its last custodian.

6. When used in connection with an oral communication, the terms “identify,” “identity,” and “identification” mean to provide the following information:

- (a) the general nature (i.e., conference, telephone communication, etc.);
- (b) the time and place of its occurrence;
- (c) its subject matter and substance;
- (d) the identity of each person who performed any function or had any role in connection therewith or who has any knowledge thereof, together with a description of each such person’s function, role, or knowledge; and

(e) the identity of each document which refers thereto or which was used, referred to, or prepared in the course or as a result thereof.

7. The terms “describe” and “description” mean:

(a) provide a descriptive statement or account thereof, including but not limited to the general nature of the subject and its time or location;

(b) identify each person who has any knowledge thereof;

(c) identify each document which refers thereto, or which was used, referred to, or prepared in the course of, or as a result thereof, and

(d) identify each oral communication which refers thereto, or which occurred in the course of or as a result thereof.

8. The term “basis” means set forth each item of information upon which the allegation, contention, claim, or demand referred to in the interrogatory is based.

9. The terms “relates to” or “thereto” or “relating to” means used or occurring or referred to in the preparation therefore, or in the course thereof, or as a consequence thereof, or referring thereto.

10. Answer by Reference to Documents: If any interrogatory is answered by reference to a document or group of documents, with respect to each such interrogatory answer, identify the specific document or documents containing the requested information.

11. The term “person” means all natural persons, corporations, partnerships, or other business associations, public authorities, municipal corporations, state governments, local governments, all governmental bodies, and all other legal entities.

12. Inability to Answer: If any interrogatory cannot be answered after the Company has conducted a reasonable investigation, state:

(a) the answer to the extent possible;

(b) what information cannot be provided; and

(c) what efforts were made to obtain the unknown information?

13. “FirstEnergy” or “the Companies” refer to and are interchangeable with Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and WestPenn Power Company and any company affiliated therewith.

**INTERSTATE GAS SUPPLY, DIRECT ENERGY AND SHIPLEY CHOICE
INTERROGATORIES AND REQUESTS FOR PRODUCTION
OF DOCUMENTS, SET I, DIRECTED
TO METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC
COMPANY, PENNSYLVANIA POWER COMPANY,
AND WEST PENN POWER COMPANY**

1. With regard to FirstEnergy's Answer and New Matter, ¶ 5, and its denial that "changes to the companies' billing systems to allow for non-commodity product and service charges by third parties would not be significant."
 - a. Provide all studies, investigations, cost assessments internal work products or similar analysis that were undertaken by FirstEnergy, its affiliates or any third party on behalf of same, to ascertain the scope of work or costs that would be required to modify the FirstEnergy billing system to accommodate billing for non-commodity products and services.
 - b. Has FirstEnergy provided on-bill billing for EGSs within the last 10 years in any jurisdiction (i.e., within or outside Pennsylvania) in which it operates? If the answer is yes, identify the EGS, the jurisdiction(s) and provide copies of any agreements or other documents related to the provision of such billing service.
 - c. Does FirstEnergy or any of its affiliates in any jurisdiction (i.e., within or outside the Commonwealth) provide or have provided on-bill billing for any non-EGSs in the last 10 years? If the answer is yes, please identify each and every non-EGS, the jurisdiction(s) and provide copies of any agreements or other documents related to the provision of such billing service.

2. With regard to FirstEnergy's Answer and New Matter ¶ 19, and the contention that billing for FirstEnergy's products and services is "perfectly reasonable"; provide a copy of any affiliated interest agreements between FirstEnergy and its Pennsylvania affiliates regarding said practice. Provide the following:
 - a. The development costs of adapting FirstEnergy's billing system to allow it to bill non-commodity products and services;
 - b. If the option to provide non-commodity billing was not an "add-on" to the FE billing system, (i.e., was included in the initial specifications) provide any and all cost estimates or proposals that identify the development and implementation costs of including the non-commodity billing functionality;
 - c. The annual operation and maintenance costs incurred by any FirstEnergy entity to operate the billing system for the previous 5 years, and any portion of its billing

system that bills non-commodity products and services, broken down by month and by EDC; and

- d. Does FirstEnergy or any of its Pennsylvania affiliates intentionally terminate customers' electricity service for failure to pay any non-commodity charges?
3. With regard to FirstEnergy's Answer and New Matter ¶ 20, describe each and every "implementation issue" that "only exist when offering non-commodity billing service to third parties."
4. Identify all FirstEnergy employees and contractors who had significant responsibility for the design, development and/or implementation of the billing system capability that allows for the billing of non-commodity products and services. For each person identified, provide their name, title, and a description of the scope of their participation.
5. With regard to FirstEnergy's Answer and New Matter ¶ 22, has FirstEnergy or any of its affiliates ever terminated electric service to a customer for failing to pay non-commodity charges on their utility bill? Describe each and every incident in the most recent 5 years including the date of any termination, the service territory and the duration of the termination.
6. Does FirstEnergy or any of its affiliates allow charges for non-commodity products and services to be paid using budget billing? If the answer is anything but "No", explain how such charges are separated from regulated charges, and describe the mechanism for ensuring that customers are not terminated for failing to pay charges for non-commodity charges in that context?
7. Please describe in detail the process used by FirstEnergy to include charges on the distribution bill once a consumer has made a decision to purchase a non-commodity product and service. Is there a direct link or data connection from the point of sale to the billing system? If not, please describe how purchases are billed.

APPENDIX B

Debbie A. Schreffler

Subject: FW: IGS-Direct-Shipley v. FE; Docket Nos. C-2019-3013805, et al.
Attachments: Met-Ed, Penelec, Penn Power and West Penn - Objection to set I no. 1.pdf

From: Weidel, Kaitlyn B <kweidel@firstenergycorp.com> **On Behalf Of** Harrold, Teresa K
Sent: Thursday, December 19, 2019 3:30 PM
To: Todd Stewart <TSSewart@hmslegal.com>
Cc: Giesler, Tori <tgiesler@firstenergycorp.com>; Harrold, Teresa K <tharrold@firstenergycorp.com>
Subject: IGS-Direct-Shipley v. FE; Docket Nos. C-2019-3013805, et al.

Attorney Stewart:

On behalf of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company please find attached the Objection of the Company with regard to the above-captioned matter. Hard copies will follow pursuant to the cover letter and certificate of service.

Thank you.

Kaitlyn B. Weidel
Executive Assistant
FirstEnergy Service Company
Legal Department - Reading
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612
kweidel@firstenergycorp.com
Telephone: 610-921-6685
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.....
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Teresa K. Harrold, Esq.
(610) 921-6783
(330) 315-9263 (Fax)

December 19, 2019

VIA FIRST CLASS MAIL

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Harrisburg, PA 17101
tsstewart@hmslegal.com

Re: Interstate Gas Supply, Inc. d/b/a IGS Energy, Direct Energy Services LLC and Shipley Choice, LLC d/b/a Shipley Energy v. Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company; Docket Nos. C-2019-3013805, C-2019-3013806, C-2019-3013807, and C-2019-3013808

Dear Attorney Stewart:

Attached please find the Objections of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company to Set I, Interrogatory No. 1 of Interstate Gas Supply, Inc., Direct Energy Services LLC, and Shipley Choice, LLC in the above-referenced matter. This document has been served as shown in the Certificate of Service.

Please contact me if you have any questions.

Very truly yours,

Teresa K. Harrold /KBW

Teresa K. Harrold

Enclosures

cc: As Per Certificate of Service
Rosemary Chiavetta, Esq., Public Utility Commission (Cover Letter and Certificate of service via electronic filing)

Metropolitan Edison Company, Pennsylvania Electric Company,
Pennsylvania Power Company and West Penn Power Company
Objection to Interstate Gas Supply, Inc, Direct Energy Services, LLC
and Shipley Choice, LLC Interrogatory Set I, No. 1

Interstate Gas Supply, Inc, Direct Energy Services, LLC and Shipley Choice, LLC

v.

**METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY,
PENNSYLVANIA POWER COMPANY, AND WEST PENN POWER COMPANY
Docket No. C-2019-3013805, C-2019-3013806, C-2019-3013807, and C-2019-3013808**

**Interstate Gas Supply, Inc, Direct Energy Services, LLC and Shipley Choice, LLC
Interrogatory Set I, No. 1**

With regard to FirstEnergy's Answer and New Matter, ¶ 5, and its denial that "changes to the companies' billing systems to allow for non-commodity product and service charges by third parties would not be significant."

- a. Provide all studies, investigations, cost assessments internal work products or similar analysis that were undertaken by FirstEnergy, its affiliates or any third party on behalf of same, to ascertain the scope of work or costs that would be required to modify the FirstEnergy billing system to accommodate billing for non-commodity products and services.
- b. Has FirstEnergy provided on-bill billing for EGSs within the last 10 years in any jurisdiction (i.e., within or outside Pennsylvania) in which it operates? If the answer is yes, identify the EGS, the jurisdiction(s) and provide copies of any agreements or other documents related to the provision of such billing service.
- c. Does FirstEnergy or any of its affiliates in any jurisdiction (i.e., within or outside the Commonwealth) provide or have provided on-bill billing for any non-EGSs in the last 10 years? If the answer is yes, please identify each and every non-EGS, the jurisdiction(s) and provide copies of any agreements or other documents related to the provision of such billing service.

OBJECTION:

The Companies object to this request to the extent that it seeks information regarding the Companies' parent company, FirstEnergy Corp., and the Companies' affiliate utilities located in other states, which are outside the scope of this proceeding and jurisdiction of the Pennsylvania Public Utility Commission. Moreover, none of these entities are parties within the context of the Answer and New Matter in this proceeding.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

INTERSTATE GAS SUPPLY, INC. D/B/A	:	
IGS ENERGY, DIRECT ENERGY	:	
SERVICES LLC AND SHIPLEY CHOICE,	:	Docket No. C-2019-3013805
LLC D/B/ A SHIPLEY ENERGY	:	C-2019-3013806
v.	:	C-2019-3013807
	:	C-2019-3013808
METROPOLITAN EDISON COMP ANY,	:	
PENNSYLVANIA ELECTRIC COMPANY,	:	
PENNSYLVANIA POWER COMPANY,	:	
AND WEST PENN POWER COMPANY	:	

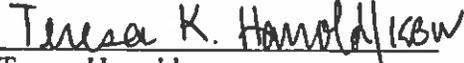
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Objections of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company to Set I, Interrogatory No. 1 of Interstate Gas Supply, Inc., Direct Energy Services LLC, and Shipley Choice, LLC upon the individual 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:

Todd S. Stewart
Hawke, McKeon & Sniscak, LLP
100 North Tenth Street
Harrisburg, PA 17101
tsstewart@hmslegal.com

Dated: December 19, 2019


Teresa Harrold
Tori L. Giesler
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001
(610) 921-6783
(610) 921-6658
tharrold@firstenergycorp.com
tgiesler@firstenergycorp.com

APPENDIX C

Debbie A. Schreffler

Subject: FW: IGS-Direct-Shipley v. FE; Docket Nos. C-2019-3013805, et al.
Attachments: IGS Objections 12-23-19 - Final.pdf

From: Harrold, Teresa K <tharrold@firstenergycorp.com>
Sent: Monday, December 23, 2019 1:43 PM
To: Todd Stewart <TSSStewart@hmslegal.com>
Cc: Giesler, Tori <tgiesler@firstenergycorp.com>
Subject: IGS-Direct-Shipley v. FE; Docket Nos. C-2019-3013805, et al.

Attorney Stewart:

On behalf of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company, please find attached the Objections of the Companies with regard to the above-captioned matter. The Companies inadvertently failed to include all objection sheets in their prior distribution. However, the objection remains the same with regard to all questions.

Hard copies will follow pursuant to the cover letter and certificate of service.

Thank you.

Teresa Harrold | [FirstEnergy](#) | Attorney | 2800 Pottsville Pike Reading PA 19612 |
office: 610.921.6783 | fax: 330.315.9263 | tharrold@firstenergycorp.com

.....
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Teresa K. Harrold, Esq.
(610) 921-6783
(330) 315-9263 (Fax)

December 23, 2019

VIA FIRST CLASS MAIL

Todd S. Stewart
Hawke, McKeon & Sniscak, LLP
100 North Tenth Street
Harrisburg, PA 17101
tsstewart@hmslegal.com

Re: Interstate Gas Supply, Inc. d/b/a IGS Energy, Direct Energy Services LLC and Shipley Choice, LLC d/b/a Shipley Energy v. Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company; Docket Nos. C-2019-3013805, C-2019-3013806, C-2019-3013807, and C-2019-3013808

Dear Attorney Stewart:

Attached please find the Objections of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company to the Interrogatories and Requests for Production of Interstate Gas Supply, Inc., Direct Energy Services LLC, and Shipley Choice, LLC, Set I, in the above-referenced matter. The Companies inadvertently failed to include all objection sheets in their prior distribution. However, the objection remains the same with regard to all questions.

This document has been served as shown in the Certificate of Service. Please contact me if you have any questions.

Very truly yours,



Teresa K. Harrold

Enclosures

cc: As Per Certificate of Service
Rosemary Chiavetta, Esq., Public Utility Commission (Cover Letter and Certificate of service via electronic filing)

Metropolitan Edison Company, Pennsylvania Electric Company,
Pennsylvania Power Company and West Penn Power Company
Objection to Interstate Gas Supply, Inc, Direct Energy Services, LLC
and Shipley Choice, LLC Interrogatory Set I, No. 1

Interstate Gas Supply, Inc, Direct Energy Services, LLC and Shipley Choice, LLC

v.

**METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY,
PENNSYLVANIA POWER COMPANY, AND WEST PENN POWER COMPANY
Docket No. C-2019-3013805, C-2019-3013806, C-2019-3013807, and C-2019-3013808**

**Interstate Gas Supply, Inc, Direct Energy Services, LLC and Shipley Choice, LLC
Interrogatory Set I, No. 1**

With regard to FirstEnergy's Answer and New Matter, ¶ 5, and its denial that "changes to the companies' billing systems to allow for non-commodity product and service charges by third parties would not be significant."

- a. Provide all studies, investigations, cost assessments internal work products or similar analysis that were undertaken by FirstEnergy, its affiliates or any third party on behalf of same, to ascertain the scope of work or costs that would be required to modify the FirstEnergy billing system to accommodate billing for non-commodity products and services.
- b. Has FirstEnergy provided on-bill billing for EGSs within the last 10 years in any jurisdiction (i.e., within or outside Pennsylvania) in which it operates? If the answer is yes, identify the EGS, the jurisdiction(s) and provide copies of any agreements or other documents related to the provision of such billing service.
- c. Does FirstEnergy or any of its affiliates in any jurisdiction (i.e., within or outside the Commonwealth) provide or have provided on-bill billing for any non-EGSs in the last 10 years? If the answer is yes, please identify each and every non-EGS, the jurisdiction(s) and provide copies of any agreements or other documents related to the provision of such billing service.

OBJECTION:

The Companies object to this request to the extent that it seeks information regarding the Companies' parent company, FirstEnergy Corp., and the Companies' affiliate utilities located in other states, which are outside the scope of this proceeding and jurisdiction of the Pennsylvania Public Utility Commission. Moreover, none of these entities are parties within the context of the Answer and New Matter in this proceeding.

Metropolitan Edison Company, Pennsylvania Electric Company,
Pennsylvania Power Company and West Penn Power Company
Objection to Interstate Gas Supply, Inc, Direct Energy Services, LLC
and Shipley Choice, LLC Interrogatory Set I, No. 2

Interstate Gas Supply, Inc, Direct Energy Services, LLC and Shipley Choice, LLC

v.

**METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY,
PENNSYLVANIA POWER COMPANY, AND WEST PENN POWER COMPANY
Docket No. C-2019-3013805, C-2019-3013806, C-2019-3013807, and C-2019-3013808**

**Interstate Gas Supply, Inc, Direct Energy Services, LLC and Shipley Choice, LLC
Interrogatory Set I, No. 2**

With regard to FirstEnergy's Answer and New Matter ¶ 19, and the contention that billing for FirstEnergy's products and services is "perfectly reasonable"; provide a copy of any affiliated interest agreements between FirstEnergy and its Pennsylvania affiliates regarding said practice. Provide the following:

- a. The development costs of adapting FirstEnergy's billing system to allow it to bill non-commodity products and services;
- b. If the option to provide non-commodity billing was not an "add-on" to the FE billing system, (i.e., was included in the initial specifications) provide any and all cost estimates or proposals that identify the development and implementation costs of including the non-commodity billing functionality;
- c. The annual operation and maintenance costs incurred by any FirstEnergy entity to operate the billing system for the previous 5 years, and any portion of its billing system that bills non-commodity products and services, broken down by month and by EDC; and
- d. Does FirstEnergy or any of its Pennsylvania affiliates intentionally terminate customers' electricity service for failure to pay any non-commodity charges?

OBJECTION:

The Companies object to this request to the extent that it seeks information regarding the Companies' parent company, FirstEnergy Corp., and the Companies' affiliate utilities located in other states, which are outside the scope of this proceeding and jurisdiction of the Pennsylvania Public Utility Commission. Moreover, none of these entities are parties within the context of the Answer and New Matter in this proceeding.

Metropolitan Edison Company, Pennsylvania Electric Company,
Pennsylvania Power Company and West Penn Power Company
Objection to Interstate Gas Supply, Inc, Direct Energy Services, LLC
and Shipley Choice, LLC Interrogatory Set I, No. 5

Interstate Gas Supply, Inc, Direct Energy Services, LLC and Shipley Choice, LLC
v.
**METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY,
PENNSYLVANIA POWER COMPANY, AND WEST PENN POWER COMPANY**
Docket No. C-2019-3013805, C-2019-3013806, C-2019-3013807, and C-2019-3013808

Interstate Gas Supply, Inc, Direct Energy Services, LLC and Shipley Choice, LLC
Interrogatory Set I, No. 5

With regard to FirstEnergy's Answer and New Matter ¶ 22, has FirstEnergy or any of its affiliates ever terminated electric service to a customer for failing to pay non-commodity charges on their utility bill? Describe each and every incident in the most recent 5 years including the date of any termination, the service territory and the duration of the termination.

OBJECTION:

The Companies object to this request to the extent that it seeks information regarding the Companies' parent company, FirstEnergy Corp., and the Companies' affiliate utilities located in other states, which are outside the scope of this proceeding and jurisdiction of the Pennsylvania Public Utility Commission. Moreover, none of these entities are parties within the context of the Answer and New Matter in this proceeding.

Metropolitan Edison Company, Pennsylvania Electric Company,
Pennsylvania Power Company and West Penn Power Company
Objection to Interstate Gas Supply, Inc, Direct Energy Services, LLC
and Shipley Choice, LLC Interrogatory Set I, No. 6

Interstate Gas Supply, Inc, Direct Energy Services, LLC and Shipley Choice, LLC

v.

**METROPOLITAN EDISON COMPANY, PENNSYLVANIA ELECTRIC COMPANY,
PENNSYLVANIA POWER COMPANY, AND WEST PENN POWER COMPANY
Docket No. C-2019-3013805, C-2019-3013806, C-2019-3013807, and C-2019-3013808**

**Interstate Gas Supply, Inc, Direct Energy Services, LLC and Shipley Choice, LLC
Interrogatory Set I, No. 6**

Does FirstEnergy or any of its affiliates allow charges for non-commodity products and services to be paid using budget billing? If the answer is anything but "No", explain how such charges are separated from regulated charges, and describe the mechanism for ensuring that customers are not terminated for failing to pay charges for non-commodity charges in that context?

OBJECTION:

The Companies object to this request to the extent that it seeks information regarding the Companies' parent company, FirstEnergy Corp., and the Companies' affiliate utilities located in other states, which are outside the scope of this proceeding and jurisdiction of the Pennsylvania Public Utility Commission. Moreover, none of these entities are parties within the context of the Answer and New Matter in this proceeding.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

INTERSTATE GAS SUPPLY, INC. D/B/A	:	
IGS ENERGY, DIRECT ENERGY	:	
SERVICES LLC AND SHIPLEY CHOICE,	:	Docket No. C-2019-3013805
LLC D/B/ A SHIPLEY ENERGY	:	C-2019-3013806
v.	:	C-2019-3013807
	:	C-2019-3013808
METROPOLITAN EDISON COMP ANY,	:	
PENNSYLVANIA ELECTRIC COMPANY,	:	
PENNSYLVANIA POWER COMPANY,	:	
AND WEST PENN POWER COMPANY	:	

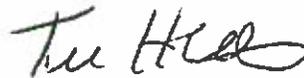
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Objections of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company to the Interrogatories and Requests for Production of Interstate Gas Supply, Inc., Direct Energy Services LLC, and Shipley Choice, LLC, Set I, upon the individual 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:

Todd S. Stewart
Hawke, McKeon & Sniscak, LLP
100 North Tenth Street
Harrisburg, PA 17101
tsstewart@hmslegal.com

Dated: December 23, 2019



Teresa Harrold
Tori L. Giesler
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001
(610) 921-6783
(610) 921-6658
tharrold@firstenergycorp.com
tgiesler@firstenergycorp.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

Tori L. Giesler
Teresa K. Harrold
FirstEnergy Service Company
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612-6001
tgiesler@firstenergycorp.com
tharrold@firstenergycorp.com

DATED: December 30, 2019



Todd S. Stewart