

Andrew and Theresa Sabatini

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January 27, 2020

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

RE: Docket # C-2018-3005177

Dear Secretary Chiavetta,

Today we received an Interim Order and a Hearing Notice, dated January 24, 2020, from ALJ Watson regarding our above referenced Docket number and formal complaint against West Penn Power.

In his response to our January 10, 2020 Request for Extension to Secure Legal Representation, ALJ Watson stated, "Complainants were previously advised, early in the proceeding, of their right to obtain legal counsel and chose to represent themselves. Under the circumstances in this case, complainants have not established good cause to grant an additional extension in this proceeding."

Our good cause is as follows: On January 10, 2020, as we prepared to send our exhibits for our hearing, we spoke with a friend, Kim Martin (PUC Docket # C-2017-2631482), who had just finished her hearing. She reported that she was rudely and sharply cross-examined by the utility attorneys and every single one of her exhibits, save a few from MedEd itself, was disallowed as hearsay.

Some examples of the MetEd attorneys' objections were:

- complainant is not qualified to draw conclusions from the document...
- the author is not here to support it or respond to questioning on cross examination...
- this exhibit is commentary and not a study...
- there is no expert witness to make proper interpretation of it...
- And when Ms. Martin produced a document from the FDA, the attorneys complained that even though Ms. Martin "says" that this document is from a government website, there is no proof of that, and even if we accepted that, it would not qualify as the type of document that is appropriate to take judicial notice under the rules and procedure that have been adopted by the commission

And on and on and on. In Kim's hearing, ALJ Watson agreed with the MedEd lawyers' objections in EVERY instance and against the pro-se complainant and dismissed nearly all of her exhibits.

It's obvious by this example and the fact that NOT ONE SINGLE COMPLAINANT FIGHTING SMART METER INSTALLATION IN THE STATE OF PENNSYLVANIA HAS WON BEFORE THE PUC, that there is NO WAY a pro-se complainant can get a fair, unbiased hearing at the PUC.

ALJ Watson stated in his Interim Order that we "were previously advised, early in the proceeding" of our right to get legal counsel. Little did we know at that time, "early in the proceeding" 1) of the complexities of the formal complaint process 2) of the outright collusion between the utility company attorneys and the PUC ALJs 3) of the corruption at the highest levels of the PUC that has lead to the intentional, blatant misinterpretation and wrongful, illegal implementation of Act 129. If we had known any one of these things, we would have gotten a lawyer right from the start!

We must have the chance now to secure legal guidance and representation in our Formal Complaint before the PUC against West Penn Power to protect our rights under the law and under the constitutions of the State of Pennsylvania and the United States of America.

ALJ Watson, in a separate Hearing Notice dated January 24, 2020, set a hearing date of February 20, 2020, without consulting with us as to our available dates in February. We are not available on this date.

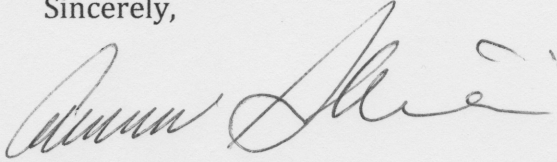
Watson's Interim Order lays out a timeline for the possibility of an attorney representing us which gives that attorney until February 7, 2020 to enter his/her appearance and, if necessary, to consult with respondent's attorneys to determine a hearing date for March. This leaves no time or room for an attorney to conduct discovery, which has been denied to us, or to name witnesses, which we were unable to do due to our ignorance and misunderstanding of the process and procedural rules. This leaves no time for the attorney to develop a case, gather evidence, and produce exhibits. This is unacceptable and must be reversed.

Why is ALJ Watson so intent on quickly moving us through this hearing process? There is NO compelling legal deadline that would necessitate this rush. Perhaps it's to accommodate the convenience of West Penn Power in its planned process of deployment of the "smart" meters. What about the inconvenience and miscarriage of justice to US? That seems a small matter to ALJ Watson and the West Penn Power attorneys, Ms. Lepkoski and Ms. Giesler. It's funny how the "political capital" of the utility lawyers seems to influence the workings of the PUC hearings and ALJ decisions. We may not have any "ins" with the PUC, but we nonetheless deserve, expect, and require the decency of a fair process and hearing of our legitimate and substantial complaint against West Penn Power.

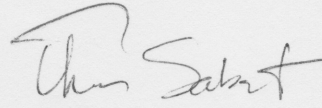
West Penn Power, in following the faulty and corrupted Implementation Order of the PUC in regards to Act 129, is, in fact, breaking the law, since the plain sense reading of the law is clearly an OPT-IN law. This is reflected in the Official Legislative Record and in the history of the MANY mandatory deployment versions of the law that were rejected by the Pennsylvania Legislature simply BECAUSE THEY WERE MANDATORY. The final version, known as Act 129, was accepted BECAUSE IT IS OPT-IN. It's disheartening to discover just how deep the PUC's corruption is.

We started out this process naively expecting fairness. It was simple. We are a West Penn Power customer. We pay our bill. We expect safe and reasonable electric service. We have a complaint. We thought the PUC would be our advocate and fair adjudicator. Clearly that is not the case. We now understand that we must have a lawyer to protect our rights, and that lawyer must have time to develop our case.

Sincerely,

A handwritten signature in cursive script, appearing to read "Andrew Sabatini".

Andrew Sabatini

A handwritten signature in cursive script, appearing to read "Theresa Sabatini".

Theresa Sabatini

CERTIFICATE OF SERVICE

We hereby certify that we have this day served a true copy of this Motion upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by email followed by a hard copy sent via First Class Mail, postage prepaid, as follows:

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Honorable Judge Jeffrey Watson
Administrative Law Judge
Piatt Place, Suite 220
301 Fifth Avenue
Pittsburgh, PA 15222
jeffwatson@pa.gov

Dated: January 29, 2020

Andrew and Theresa Sabatini