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January 30, 2020

VIA ELECTRONIC FILING

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

Re: Liza Mousios & Roy Cumming v. Metropolitan Edison Company
Docket No. C-2019-3007989, C-2019-3007995

Dear Secretary Chiavetta:

By letter dated January 23, 2020, Ms. Mousios and Mr. Cumming (collectively, the “Complainants”) filed a “Motion and Request to Deputy Chief Administrative Law Judge Christopher Pell for a Different Judge Such As Administrative Judge DeVoe Whom We Previously Had” and a “Motion for Judge Heep to Vacate Her Own Violation of Complainants’ Right to Due Process and Right to Preserve Their Issues on Appeal in Her Preventing their Use of Their Expert Witness.” Please consider this letter the response of Metropolitan Edison Company (“Met-Ed”) to the Complainants’ Motions.

In response to the “Motion and Request to Deputy Chief Administrative Law Judge Christopher Pell for a Different Judge Such As Administrative Judge DeVoe Whom We Previously Had,” Met-Ed avers that the Motion should be denied. The Complainants requested an in-person hearing to be scheduled in the Pennsylvania Public Utility Commission’s (“Commission”) Philadelphia office. Given that Administrative Law Judge (“ALJ”) Emily I. DeVoe is located in the Commission’s Pittsburgh office, in order to honor the Complainants’ own request for an in-person hearing to be held at the Philadelphia office, the above-referenced proceedings had to be reassigned to a new ALJ. The Commission assigned ALJ Heep as she is located in the Commission’s Philadelphia office. Met-Ed is unaware of any “violations” of the Complainants’ due process rights that this reassignment creates and purports that it is standard procedure of the Commission for proceedings to be re-assigned should a party request a change in location or format of a formal complaint hearing, especially when the requesting party is participating *pro se*. The Commission simply honored the Complainants’ request.¹

¹ Further, it is Met-Ed’s understanding that many, if not all, of ALJ DeVoe’s assigned matters during the relevant period have been reassigned regardless of geographical restraints due to her being out of office on extended leave – having nothing to do with the Complainants’ or any other individual party’s case.

The Complainants further allege that they were not given an opportunity to respond to Met-Ed's objection to their request for a continuance which they believe to be illegal and a breach of their rights. The Complainants are simply incorrect. Further, the Complainants have not pointed to any statute, regulation, rule or order that permits a party requesting a continuance the opportunity to respond to an objection made by an opposing party. Met-Ed avers that the Complainants were treated fairly and in the same way as any other party who requests a continuance in a formal proceeding before the Commission. Furthermore, this issue should be deemed moot given that ALJ Heep in fact DID continue the Complainants' hearing that was originally scheduled to be held on January 14-15, 2020.

The Complainants also allege that a photo of Ms. Mousios and her dogs in front of her tent was ubiquitously disseminated. It is unclear by whom or to where Ms. Mousios believes her photograph was disseminated. However, Met-Ed notes that Ms. Mousios herself filed a document which included a photograph with the Commission's Secretary's Bureau on January 3, 2020 as part of a public docket. It is also unclear as to whether or not the photo filed by Ms. Mousios on January 3, 2020 is the photograph she references in her Motion. Met-Ed further notes that the photo filed by Ms. Mousios with the Commission is the same or a similar photograph which can be found on a publicly available website on which Ms. Mousios has herself historically participated: <https://pasafetech.org/important-updates>.

In response to the "Motion for Judge Heep to Vacate Her Own Violation of Complainants' Right to Due Process and Right to Preserve Their Issues on Appeal in Her Preventing their Use of Their Expert Witness," Met-Ed avers that the Complainants' Motion should be denied. Met-Ed further avers that the Complainants have not been prohibited from utilizing Mr. Bill Bathgate as an expert witness and that they have had ample opportunity since the filing of their formal complaint in February 2019 to develop their case and witnesses. Specifically, via an Interim Order entered on January 9, 2020, ALJ Heep directly addressed the Complainants' use of Mr. Bathgate as an expert witness – not only authorizing them special accommodations but also permitting additional time in order for the Complainants to adequately prepare written testimony as well as prepare for a future telephonic evidentiary hearing, which is anticipated to include the submission of testimony from Mr. Bathgate. As such, this argument is not only moot but simply nonsensical.

Met-Ed avers that the Commission and ALJ Heep have attempted to honor all reasonable requests from the Complainants, including their prior requests for an in-person and then their later request via a telephone call to the Commission on January 8, 2020 that the hearing be conducted in writing as Ms. Mousios is ill and cannot attend the hearing in person, as well as that the proceedings be extended to permit the Complainants time to include the testimony of Mr. Bathgate. The Complainants' offer to hold an evidentiary hearing at Ms. Mousios's "homeless tent" is inappropriate, disingenuous and does not warrant further response.

The bottom line here is that the Complainants appear to simply not agree with ALJ Heep's decisions – inexplicably, given that she's granted all but one of their requests – or, more likely, that they are trying to be as difficult as possible in order to delay the orderly procession of this

Secretary Rosemary Chiavetta

January 30, 2020

Page 3

matter. Either way, their lack of agreement does not constitute a violation of their due process rights and the Motions should be denied as both moot and without warrant.

Copies of this response are being provided in accordance with the Certificate of Service. Should you have any questions or concerns regarding this information, please feel free to contact me.

Very truly yours,



Tori L. Giesler

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LIZA MOUSIOS AND ROY CUMMING	:	
	:	
v.	:	Docket No. C-2019-3007989
	:	C-2019-3007995
METROPOLITAN EDISON COMPANY	:	

CERTIFICATE OF SERVICE

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

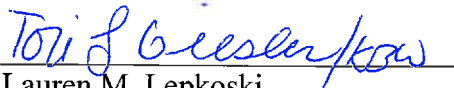
Service by First Class Mail, postage prepaid, as follows:

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P.O. Box 116
Revere, PA 18953

Administrative Law Judge Darlene Heep
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
801 Market Street
Philadelphia, PA 19107

Roy Cumming
P.O. Box 396
Revere, PA 18953

Dated: January 30, 2020



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