

432 E. Wesner Rd
Blandon, PA 19510
February 13, 2020

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

Heidi Fiedler v. Metropolitan Edison Company
Docket No. C-2018-3003642

PA P.U.C.
SECRETARY'S BUREAU

FEB 13 2020

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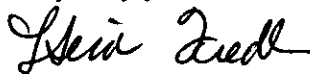
Dear Ms. Chiavetta:

Please find enclosed Complainant's Appeal of ALJ F. Joseph Brady's Interim Order Rejecting Complainant's Third Amended Complaint and Dismissing Her Motion for Discovery and Revised Litigation Schedule.

I am also serving copies to PUC Commissioners Gladys Brown Dutrieuille, David Sweet, Ralph Yanora, Andrew Place and John Coleman in addition to Tori Giesler of First Energy Services Company, the Honorable Francis Brady, Administrative Law Judge, and the Honorable Joel Cheskis, Administrative Law Judge.

Thank you for your attention to this matter.

Very truly yours,



Heidi Fiedler

Enclosures

cc: Gladys Brown Dutrieuille, PUC Chairman
David Sweet, PUC Vice Chairman
Ralph Yanora, PUC Commissioner
Andrew Place, PUC Commissioner
John Coleman, PUC Commissioner
The Honorable F. Joseph Brady, ALJ, Public Utility Commission
The Honorable Joel Cheskis, ALJ, Public Utility Commission
Ms. Tori Giesler, First Energy Services Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEIDI FIEDLER

V.

METROPOLITAN EDISON COMPANY :

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Docket No. C-2018-3003642

NOTICE TO PLEAD

To: Metropolitan Edison Company

Pursuant to 52 Pa Code 5.63, you are hereby notified that, if you do not file a written response denying or correcting the enclosed APPEAL OF INTERIM ORDER REJECTING COMPLAINANT'S THIRD AMENDED COMPLAINT AND DISMISSING HER MOTION FOR DISCOVERY AND REVISED LITIGATION SCHEDULE within twenty(20) days from service of this Notice, the facts set forth by Heidi Fiedler in the Third Amended Complaint may be deemed to be true, thereby requiring no other proof. All pleadings, such as Reply to Third Amended Complaint, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to Heidi Fiedler and to the presiding Administrative Law Judge.

Filed with:

Rosemary Chiavetta, Secretary
PA Public Utility Commission
400 North St
Harrisburg, PA 17120

With a copy to:

Heidi Fiedler
432 E. Wesner Rd
Blandon, PA 19510

Dated: February 13, 2020



Heidi Fiedler

PA P.U.C.
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEIDI FIEDLER

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V.

Docket No. C-2018-3003642

METROPOLITAN EDISON COMPANY :

**APPEAL OF INTERIM ORDER REJECTING COMPLAINANT'S THIRD
AMENDED COMPLAINT AND DISMISSING HER MOTION FOR
DISCOVERY AND REVISED LITIGATION SCHEDULE**

February 13, 2020

Gladys Brown Dutrieuille, Chairman
Pennsylvania Public Utility Commission
400 North St.
Harrisburg, PA 17120

Dear Ms. Dutrieuille:

Complainant respectfully appeals the Interim Order Rejecting Complainant's Third Amended Complaint and Dismissing her Motion for Discovery and Revised Litigation Schedule issued February 3, 2020 by Administrative Law Judge F. Joseph Brady. Complainant believes she has filed a timely Amended Complaint, per 52 Pa. Code 5.91(c), and is entitled to additional discovery time for this Amended Complaint.

On January 27, 2020, Administrative Law Judge Brady issued an **Interim Order Changing In-Person Hearing to Call-In Pre-Hearing Conference**. This Interim Order states:

"The Complainant requested that both parties be consulted to reschedule a mutually agreeable date for the in-person hearing. I shall grant the Complainant's request and change the February 5, 2020 In-person Hearing to a Call-in Telephone Prehearing Conference for the sole purpose of scheduling a date and place certain for an in-person Hearing this matter."

A copy of the January 27, 2020 Interim Order is attached as Exhibit A, with the above paragraph highlighted on page 2.

After having conducted more research in my case, I learned that I needed to raise the issue of Respondent's safety and environmental record in my formal complaint in order to address this issue at my hearing. Accordingly, I filed my Third Amended Complaint and my Motion for Discovery and Revised Litigation Schedule on February 3, 2020, which are included as Exhibit B.

Then, on February 3, 2020, ALJ Brady issued an Interim Order Rejecting Complainant's Third Amended Complaint and Dismissing her Motion for Discovery and Revised Litigation Schedule, and is included as Exhibit C. In his interim order, ALJ Brady states:

“On January 27, 2020, I issued an Order granting the Complainant's request and changing the February 5, 2020 In-person Hearing to a Call-in hearing for the purpose of scheduling a date and place certain for an in-person hearing in this matter.”

However, the January 27, 2020 order states that the February 5, 2020 was changed to a “Call-in Telephone Prehearing Conference” [emphasis added] and was no longer a “Hearing.” ALJ Brady's February 3, 2020 Interim Order simply is not consistent with ALJ Brady's January 27, 2020 Interim Order.

Public Utility Code 52 Pa. Code § 5.91(c) states that “no amendment to a pleading may be filed within 5 days preceding the commencement of or during a hearing unless directed or permitted by the Commission or the presiding officer after opportunity for all parties to be heard thereon.” Furthermore, in 52 Pa. Code § 1.8. Definitions, no definitions exist for either “hearings” or “conferences.” Therefore, it is logical and reasonable to conclude that a “pre-hearing conference” is not a “hearing”, especially when the pre-hearing conference was held to only discuss a new date and location for the actual hearing. As a pro se litigant, Complainant believes that she should prevail on this issue.

Finally, on February 5, 2020, a pre-hearing conference was held. A new in-person Hearing was scheduled for April 28, 2020 in Harrisburg. Complainant also tentatively agreed to this date subject to her appeal of the aforementioned February 3, 2020 Interim Order.

In conclusion and based on the documentation provided, Complaint believes that her Third Amended Complaint was filed in a timely manner since no Hearing date existed on the February 3, 2020 filing date. In addition, the new April 28, 2020 Hearing date is more than five days after the filing of Complainant's Third Amended Complaint

and Motion for Discovery and Revised Litigation Schedule on February 3, 2020 and therefore in compliance with 52 Pa. Code § 5.91(c).

Complainant respectfully requests the Commission to reverse ALJ Brady's Interim Order Rejecting Complainant's Third Amended Complaint and Dismissing her Motion for Discovery, reinstate her Third Amended Complaint, grant her Motion for Discovery and Revised Litigation Schedule, and issue an Order granting the relief requested, and any other remedy that the Commission deems just and appropriate.

Respectively submitted,



Heidi Fiedler
432 E. Wesner Rd
Blandon, PA 19510

Dated: February 13, 2020

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Heidi Fiedler

v.

Metropolitan Edison Company

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C-2018-3003642

INTERIM ORDER
CHANGING IN-PERSON HEARING TO CALL-IN PREHEARING CONFERENCE

On July 23, 2018, Heidi Fiedler (Complainant) filed a Formal Complaint (Complaint or Original Complaint) with the Pennsylvania Public Utility Commission (Commission) against Metropolitan Edison Company (Respondent or Company or Met-Ed) alleging that the Respondent was threatening to shut off her electric service and objecting to the installation of a smart meter.

On August 13, 2018, the Respondent filed an Answer and New Matter to the Complaint. The Respondent admitted that it provides residential retail electric service to the Complainant and that she refused the installation of a smart meter at the service location. The Respondent denied the remaining material allegations set forth in the Complaint. The Respondent further averred it is required by Act 129 of 2008¹ (Act 129), to install a smart meter.

On February 28, 2019, the Complainant filed a "Second Amended Complaint," which was served on the Company on March 7, 2019.

By Hearing Notice dated December 5, 2019, an Initial In-Person Hearing was scheduled for Wednesday, February 5, 2020 in Philadelphia, PA.

¹ 66 Pa.C.S. Sections 2806.1, *et seq.*

PA P.U.C.
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C-2018-3003642 - HEIDI FIEDLER v. METROPOLITAN EDISON COMPANY

HEIDI FIEDLER
432 EAST WESNER ROAD
BLANDON PA 19510
610.944.9013

LAUREN MARISSA LEPKOSKI ESQUIRE
TORI L GIESLER ESQUIRE
FIRSTENERGY SERVICE COMPANY
2800 POTTSVILLE PIKE
PO BOX 16001
READING PA 19612
610.921.6203
610.921.6658
Accepts E-Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEIDI FIEDLER

V.

METROPOLITAN EDISON COMPANY :

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Docket No. C-2018-3003642

NOTICE TO PLEAD

To: Metropolitan Edison Company

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PA P.U.C.
SECRETARY'S BUREAU

Pursuant to 52 Pa Code 5.63, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Third Amended Complaint within twenty(20) days from service of this Notice, the facts set forth by Heidi /Fiedler in the Third Amended Complaint may be deemed o be true, thereby requiring no other proof. All pleadings, such as Reply to Third Amended Complaint, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to Heidi Fiedler and to the presiding Administrative Law Judge.

Filed with:

Rosemary Chiavetta, Secretary
PA Public Utility Commission
400 North St
Harrisburg, PA 17120

With a copy to:

Heidi Fiedler
432 E. Wesner Rd
Blandon, PA 19510

Dated: February 3, 2020


Heidi Fiedler

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEIDI FIEDLER

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V.

Docket No. C-2018-3003642

METROPOLITAN EDISON COMPANY :

THIRD AMENDED COMPLAINT

I. INTRODUCTION

Pursuant to Section 701 of the Public Utility Code, 66 Pa. C.S. § 701 and Sections 5.91, and 1.81 of the Commission's Regulations, 52 Pa. Code §§ 5.91 and 1.81, Complainant in the above-captioned matter respectfully submits this Third Amended Complaint. This submittal further amends the Formal Complaint filed with the Pennsylvania Public Utility Commission ("PUC" or "Commission") on or about July 23, 2018, the First Amended Complaint, filed with the Commission on or about November 5, 2018 and the Second Amended Complaint filed on or about February 28, 2019. Since the filing of the Second Amended Complaint, Complainant became aware of many environmental and safety violations of FirstEnergy Corporation and FirstEnergy's various affiliated companies. Further, Complainant's own research indicated that she had to address FirstEnergy's environmental and safety record in her Complaint in order to raise the issue at her PUC hearing. In support of her Third Amended Complaint, Complainant sets forth the following.

1. Complainant is:

Heidi Fiedler
432 E. Wesner Road
Blandon, PA 19510
(610) 944-9013

2. Respondent is Metropolitan Edison Company ("Company"), an Electric Distribution Company ("EDC") and a wholly owned subsidiary of

FirstEnergy Corporation (“FirstEnergy”), regulated by the Commission.

3. Complainant is an electric customer of the Company receiving residential service at the address above.

II. REASON FOR COMPLAINT

4. On or about July 13, 2018, Complainant received from Company a 10-day shut-off notice threatening to cut off service to Complainant's residence on July 23, 2018 due to Complainant's refusal to allow Company to install a smart meter at her residence.
5. Per Act 129, Section 2807 (f)(2)(i), Complainant does not agree to have a smart meter installed at her residence and does not agree to pay for a smart meter. It has also been reported that since 2010, customers have been charged for smart meters, whether they have a smart meter at their residence or not.
6. Complainant is extremely sensitive to Electro Magnetic Field (EMF) Radiation and Radio Frequency Radiation (RFR).
7. Hundreds of peer reviewed studies have determined that exposure to EMF radiation and RFR causes numerous medical conditions, including cancers and tumors.
8. Wireless smart meters are known to emit indeterminate amounts of EMF radiation. Furthermore, Respondent has not studied the cumulative health effect of hundreds of smart meters emitting RFR in populated areas.
9. Complainant requested that Company abstain from installing a smart meter at her residence because the smart meter would adversely affect her.
10. Since the smart meters function as a small cell wireless devices that transmit data and information through RFR, smart meters should comply with all existing federal, state and local regulations for small cell wireless communication facilities.

Maidencreek Township, where Complainant resides, recently adopted Zoning Ordinance No. 250 that mandates, among other requirements, that small cell wireless communication facilities require an easement agreement from the property owner. Complainant has not agreed to provide an easement agreement to Respondent.

SAFETY AND ENVIRONMENTAL ISSUES

11. On July 22, 2019 the PUC Bureau of Investigation and Enforcement (BIE) filed a Formal Complaint against Respondent, which asks for a \$4,533,000 penalty for the 2016 electrocution death of a customer, the failure to maintain its transmission facilities in conformance with both the National Electric Service Code (“NESC”), 66 PA CS 1501 and 52 PA CS 57.193 and the failure to furnish and maintain adequate efficient, safe and reasonable service and facilities. (Docket C2019-3011675)

Respondent, in its Answer, does not deny electrocuting the customer in his own backyard and setting his house on fire. A conductor fell from a substation and energized the ground for 45 minutes. Respondent's ground fault protection failed to stop the electrocution.

According to BIE, the Respondent installed the wrong clamps on the conductors, failed to properly train employees and contractors, failed to properly inspect its facilities and failed to properly maintain inspection records. Further, Respondent used FirstEnergy material specifications for installation and maintenance work.

BIE, in a subsequent filing in this case, requested that Respondent “be required to take numerous corrective measures to redress its misconduct and prevent any future harm to the public.” In addition, BIE stated that “Met-Ed acted in bad faith during I&E's informal investigation by providing answers that were either inaccurate or representing that responses were unattainable when they were not and by failing to update its responses to I&E's Data Requests.” Finally, BIE stated that “Based upon the serious and continuing nature of Respondent's violations, the maximum civil penalty is certainly warranted in this case.”

Another key point in this case is that the PUC relies upon the utilities to safely furnish electricity to customers. BIE states that “it simply cannot oversee and constantly monitor all of the operations, including inspections, of a regulated entity.”

Based on the above statements, it is clear that Respondent's customers rely upon Respondent to follow all applicable laws and regulations. Unfortunately, customers suffer the consequences when Respondent does not adhere to safety regulations.

12. In another electrocution of a customer in her own back yard, the PUC fined West Penn Power, another subsidiary of FirstEnergy, \$86,000 in 2013. FirstEnergy failed to follow proper conductor maintenance procedures on a 7200 volt power line. FirstEnergy reportedly paid \$109 million to the victim's family.

13. In its September 20, 2018 Order, the Commission concluded “That the Commission finds that the Long Term Infrastructure Improvement Plan of the Metropolitan Edison Company is not designed adequately to ensure and maintain safe, adequate and reliable service.” This Commission decision also found that all FirstEnergy companies in Pennsylvania had this same problem.

14. Previously, the PUC Management Efficiency Investigation found in May 2011 that Respondent had “three major deficiencies” not fixed in a timely manner and “eleven deficiencies” also not fixed. It is not clear what these deficiencies are and if there was a penalty for the failure of Respondent to remedy all of the deficiencies.

15. North American Electric Reliability Corporation (NERC) assessed a \$650,000 penalty in 2011 due to Respondent's failure to prevent outages due to vegetation located on transmission rights-of-way. A resident reported a fire “flash over” incident to emergency services involving Respondent's facilities. NERC determined that the violation severity level was “Severe.” NERC also found that “Inadequate vegetation management presents a serious risk of sustained transmission outages and could directly cause or contribute to Bulk-Power System instability, separation or a cascading sequence of failures.”

[NERC Violation RFC201000455]

16. In 2003, a computer problem in a FirstEnergy control room in Ohio caused a major blackout that affected 55 million people in the Northeastern United States and Ontario, Canada. Up to 100 power plants went offline.

17. In 2012, FirstEnergy paid a \$800,000 fine for pollution of ground and surface water. The pollution leached from the Little Blue Run Coal Ash Impoundment in Pennsylvania.

18. In 2018, OSHA fined FirstEnergy \$200,000 after two employees were killed during a gas leak at the Bruce Mansfield Power plant, a coal fired power plant in Pennsylvania.

19. A national policy resource center, Good Jobs First, located in Washington, DC, reported that since 2000, **FirstEnergy paid a total of \$1.2 Billion in fines**, including \$1.14 Billion in environmental fines, \$33.56 Million in nuclear safety fines and \$27. 97 Million in labor relations related fines.

20. Company allowed its electrical equipment on Complainant's property to severely deteriorate. The ridge pin at the top of a Company-owned pole was listing at a 45 degree angle and in danger of falling off and dropping electrical lines in to the pond and on the grounds. Despite Complainant's 2018 Formal Complaint and all of Respondent's representations, Complainant still has an UNSAFE 2/3 of a rotted leaning pole with (Verizon cables attached) on her property. These cables are in danger of falling into the pond and a high quality stream.

21. It is misleading to treat a smart meter as simply as another type of meter. Unlike analog meters, smart meters are small cell wireless communication devices, that emit RFR and can transmit data and information with other smart meters and other devices. The smart meters can be hacked and can be used to disrupt electrical service to any number of customers.

Smart meters have been subject to higher rates of failure and have a much shorter service life than the analog meters. Furthermore, power surges that can damage customers' appliances and numerous fires have been linked to smart meters.

Given the Company's poor safety and environmental record, Complainant is not convinced that Company has committed the proper financial and technical expertise to protect its customers from undue harm resulting from the deployment of smart meters.

CORPORATE AND FINANCIAL

22. In its 2018 Annual Report, FirstEnergy stated that “FirstEnergy and its subsidiaries consolidate all majority owned subsidiaries over which they exercise control.” In this report, FirstEnergy also states a \$1.724 billion loss in 2017 and a \$6.177 billion loss in 2016, while returning to profitability in 2018. FirstEnergy reported these net income numbers as “attributable to common shareholders, basic and diluted.”

FirstEnergy filed bankruptcy petitions for two subsidiaries: FirstEnergy Solutions and FirstEnergy Nuclear Operating Company.

It is interesting to note that FirstEnergy filed a Joint Petition for the Approval of Smart Meter Technology Procurement and Installation Plan.

It is Complainant's belief that FirstEnergy attempts to limit financial liability by creating subsidiaries while it uses its corporate structure to acquire economies of scale in other legal and financial endeavors, including PUC filings.

The Public Utility Code and the Commission's regulations require that regulated utilities such as the Company "furnish and maintain adequate, efficient, safe and reasonable service and facilities." 66 Pa .C.S. § 1501; 52 Pa. Code § 57.194.

23. The Public Utility Code and the Commission's regulations further require that Company make "all repairs, changes alterations, substitutions, extensions, and improvements in or to such service and facilities shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public." 66 Pa .C.S. § 1501; 52 Pa. Code § 57.194.

24. Company's installation of a smart meter at Complainant's home would constitute a violation of Section 1501 of the Public Utility Code and Section 57.194 of the Commission's regulations because it would create unsafe and unreasonable service for Complainant, a Company customer.

III. RELIEF SOUGHT

25. Complainant respectively incorporates all relief previously requested in the original and amended Formal Complaints. Complainant requests the Commission to compel Company to abide by the requirements of Section 1501 of the Public Utility Code and Section 57.194 of the Commission's regulations to provide safe and reasonable service to Complainant. As of this filing, Complainant still has a rotted, listing pole on her property with sagging cables attached. Complainant requests the Commission to order Respondent to immediately remove this pole.

26. Complainant requests the Commission to order Respondent to fully repair all property damage incurred during October 2018, when Company's contractors entered Complainant's property. Despite scheduling the repair

work with Company's landscape contractor several times in 2019, the landscape contractor canceled the work each time.

27. Complainant respectively requests the Commission compel Company to cease and desist from any attempts to install a wireless smart meter at Complainant's premises, as such an action is a violation of Section 1501 of the Public Utility Code and Section 57.194 of the Commission's regulations.

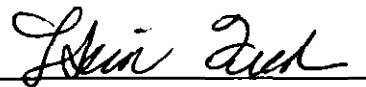
28. In the alternative, and pursuant to 52 Pa. Code § 1.91, Complainant respectfully requests the Commission to order the waiver of any rule, regulation or Commission Order that the Commission believes requires Company to deploy a wireless EMF-emitting meter at the Complainant's premises.

29. Complainant respectively requests the Commission to order a comprehensive independent investigation in to the cyber security of Company's entire infrastructure, including computer networks and system communication systems.

IV. CONCLUSION

Based on the foregoing, Complainant believes that Metropolitan Edison Company and FirstEnergy Corporation have demonstrated a very poor safety and environmental record. Furthermore, Complainant believes that FirstEnergy and Metropolitan Edison Company demonstrated a stunning lack of corporate management commitment and the proper financial resources to provide safe and reliable service. In addition, Complainant requests the Commission sustain her Formal Complaint, including all Amendments and issue an Order granting the relief requested, and any other remedy that the Commission deems just and appropriate.

Respectively submitted,



Heidi Fiedler
432 E. Wesner Rd
Blandon, PA 19510

Dated: February 3, 2020

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

432 E. Wesner Rd
Blandon, PA 19510
February 3, 2020

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

Heidi Fiedler v. Metropolitan Edison Company
Docket No. C-2018-3003642

Dear Ms. Chiavetta:

Please find enclosed Complainant's Third Amended Complaint.
I am also serving copies to the Honorable Tori Giesler of First Energy Services
Company and to the Honorable Francis Brady, Administrative Law Judge,
Pennsylvania Public Utilities Commission.

Thank you for your attention to this matter.

Very truly yours,



Heidi Fiedler

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Enclosures

cc: The Honorable Francis Brady, Pennsylvania Public Utility Commission
The Honorable Tori Giesler, First Energy Services Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEIDI FIEDLER

V.

METROPOLITAN EDISON COMPANY

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Docket No. C-2018-3003642

MOTION FOR DISCOVERY AND REVISED LITIGATION SCHEDULE

Complainant files this Motion for Discovery and Revised Litigation Schedule. Since the last amended Complaint that Complainant filed in February 28, 2019, additional serious information regarding Respondent's safety and environmental record was uncovered that supports her Complaint. Accordingly, Complainant filed her Third Amended Complaint. In support of her Motion, Complainant respectively submits the following:

1. Complainant's research indicated that she had to address FirstEnergy Corp.'s and Respondent's safety and environmental record in her Complaint in order to raise the issue at her PUC hearing. Reports indicate that FirstEnergy has paid \$1.2 billion in penalties since 2000. Complainant requests 90 days to complete her additional discovery for her Third Amended Complaint. As a pro se Complainant, additional time is necessary to properly prepare for the in person hearing.
2. After completion of discovery, filing of status reports and witness lists, Complainant requests the scheduling of an in-person hearing. Complainant respectively requests that both parties are consulted to schedule a mutually agreeable date for the in-person hearing.
3. Finally, no one is harmed by the revised litigation scheduling.

Complainant respectively requests that the Commission grant Complainant's request for Discovery and a Revised Litigation Schedule.

Respectively submitted,



Heidi Fiedler
432 E. Wesner Rd
Blandon, PA 19510

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dated: February 3, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEIDI FIEDLER

v.

METROPOLITAN EDISON COMPANY

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C-2018-3003642

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of Complainant's Third Amended Complaint upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by Hand delivery, to:

Tori Giesler, Esq

First Energy Services Company
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612

Service by email and First Class Mail, to:

Hon. Francis J. Brady

Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market St., Suite 4063
Philadelphia, PA 19107

Dated: February 3, 2020



Heidi Fiedler
432 E. Wesner Rd
Blandon, PA 19510

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

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Docket No. C-2018-3003642

Dear Ms. Chiavetta:

Please find enclosed Complainant's Motion for Discovery and Revised Litigation Schedule. I am also serving copies to the Honorable Tori Giesler of First Energy Services Company and to the Honorable Francis Brady, Administrative Law Judge, Pennsylvania Public Utilities Commission.

Thank you for your attention to this matter.

Very truly yours,



Heidi Fiedler

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Enclosures

cc: The Honorable Francis Brady, Pennsylvania Public Utility Commission
The Honorable Tori Giesler, First Energy Services Company

BEFORE THE
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**INTERIM ORDER
REJECTING COMPLAINANT'S THIRD AMENDED COMPLAINT
AND DISMISSING HER MOTION FOR
DISCOVERY AND REVISED LITIGATION SCHEDULE**

On July 23, 2018, Heidi Fiedler (Complainant) filed a Formal Complaint (Complaint or Original Complaint) with the Pennsylvania Public Utility Commission (Commission) against Metropolitan Edison Company (Respondent or Company or Met-Ed) alleging that the Respondent was threatening to shut off her electric service and objecting to the installation of a smart meter.

On August 13, 2018, the Respondent filed an Answer and New Matter to the Complaint. The Respondent admitted that it provides residential retail electric service to the Complainant and that she refused the installation of a smart meter at the service location. The Respondent denied the remaining material allegations set forth in the Complaint. The Respondent further averred it is required by Act 129 of 2008¹ (Act 129), to install a smart meter.

On February 28, 2019, the Complainant filed a "Second Amended Complaint," which was served on the Company on March 7, 2019.

By Hearing Notice dated December 5, 2019, an Initial In-Person Hearing was scheduled for Wednesday, February 5, 2020 in Philadelphia, PA.

¹ 66 Pa.C.S. Sections 2806.1, *et seq.*

On January 23, 2020, I received a Motion for Continuance and Change of Location filed by the Complainant. In the Motion, Ms. Fiedler alleged that during the May 2, 2019 hearing, both her and Met-Ed agreed that Harrisburg is the preferred location for the in-person hearing.

On January 27, 2020, I issued an Order granting the Complainant's request and changing the February 5, 2020 In-person Hearing to a Call-in Hearing for the purpose of scheduling a date and place certain for an in-person hearing in this matter.

On February 3, 2020, I received the Complainant's "Third Amended Complaint" and Motion for Discovery and Revised Litigation Schedule.

The Public Utility Code states that "no amendment to a pleading may be filed **within 5 days preceding the commencement of or during a hearing** unless directed or permitted by the Commission or the presiding officer after opportunity for all parties to be heard thereon." 52 Pa. Code § 5.91(c)(emphasis added).

A hearing in this case is scheduled for February 5, 2020. Thus, the Complainant had until January 31, 2020 to file any amended pleadings. Since the Complainant did not file her "Third Amended Complaint" until February 3, 2020, it must be rejected pursuant to 52 Pa. Code § 5.91(c).

Additionally, the Complainant's Motion for Discovery and Revised Litigation Schedule is now moot since it is completely predicated upon her "Third Amended Complaint," which is rejected.

THEREFORE,

IT IS ORDERED:

1. That the Complainant's "Third Amended Complaint" filed on February 3, 2020, in the matter of Heidi Fiedler v. Metropolitan Edison Company at Docket No. C-2018-3003642 is rejected pursuant to 52 Pa. Code § 5.91(c);
2. That the Complainant's Motion for Discovery and Revised Litigation Schedule filed on February 3, 2020 is dismissed as moot;
3. That the Call-In Hearing on February 5, 2020 at 10:00 a.m. will proceed as scheduled; and
4. **THE COMPLAINT WILL BE DISMISSED IF THE CUSTOMER FAILS TO CALL INTO THE FEBRUARY 5, 2020 HEARING.**

Date: February 3, 2020

/s/
F. Joseph Brady
Administrative Law Judge

C-2018-3003642 - HEIDI FIEDLER v. METROPOLITAN EDISON COMPANY

HEIDI FIEDLER
432 EAST WESNER ROAD
BLANDON PA 19510
610.944.9013

LAUREN MARISSA LEPKOSKI ESQUIRE
TORI L GIESLER ESQUIRE
FIRSTENERGY SERVICE COMPANY
2800 POTTSVILLE PIKE
PO BOX 16001
READING PA 19612
610.921.6203
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Accepts E-Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEIDI FIEDLER

v.

METROPOLITAN EDISON COMPANY

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C-2018-3003642

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of Complainant's Appeal of ALJ Brady's Interim Order Rejecting Complainant's Third Amended Complaint and Dismissing Her Motion for Discovery and Revised Litigation Schedule 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 to:

Tori Giesler, Esq

First Energy Services Company
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612

Hon. Francis J. Brady

Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market St., Suite 4063
Philadelphia, PA 19107

Hon. Joel Cheskis, Administrative Law Judge

Gladys Brown Dutricuille, PUC Chairman

David Sweet, PUC Vice Chairman

Ralph Yanora, PUC Commissioner

Andrew Place, PUC Commissioner

John Coleman, PUC Commissioner

400 North St.

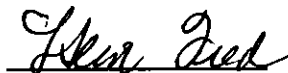
Harrisburg, PA 17120

Dated: February 13, 2020

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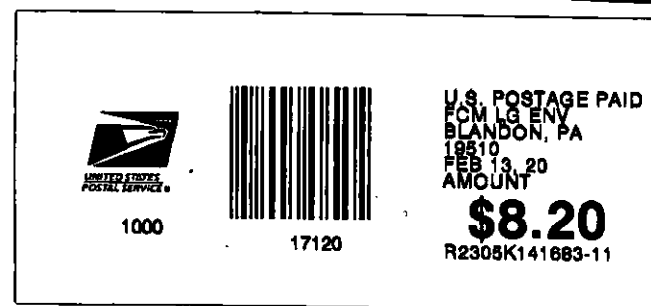
FEB 13 2020

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



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