

March 30, 2020

RE: Docket No. C-2019-3006923

- 1) Requesting Grievance Officer or ADA Coordinator Name and Contact Information**
- 2) Reasons for ALJ Reassignment**

Dear Chief Rainey,

I am in the process of completing my Grievances from Denial of Accommodations and I need to know who the Grievance Officer is and his/her contact information or who the ADA Coordinator serving the PUC is and instructions on how and where to file it with. I am also requesting information as to which branch of the Supreme Court covers Grievances from Denial of Accommodation by ALJs in PA PUC Formal Complaint Proceedings.

The information in this correspondence explains why I have concerns that are in addition to ALJ Watson's inexperience with ADA pro se people and why I'm requesting a different ALJ for my Formal Complaint process. They are as follows:

It is stated: *(3) Judges should uphold the dignity of judicial office at all times, avoiding both impropriety and the appearance of impropriety in their professional and personal lives. They should at all times conduct themselves in a manner that garners the highest level of public confidence in their independence, fairness, impartiality, integrity, and competence.*

Based on ALJ Watson's disregard and/or lack of understanding of ADA and the protections afforded by it, I have experienced a lack of fairness and a lack of competency from ALJ Watson that leaves me concerned and aware that ALJ Watson and the PUC is not protecting my rights under the ADA.

I have been following PA PUC Docket No. C-2016-2571726. There are clear prejudices against the pro se Complainants, Michele and Francis Hriadil. Here is a copied and pasted letter I sent, dated November 17, 2019, in quotation marks:

"November 17, 2019

*Charles E. Rainey Jr.,
Chief Administrative Law Judge
Office of Administrative Law Judge
Harrisburg Office - Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, L-M West
400 North Street
Harrisburg, PA 17120*

Re: Emergency intervention request for Michele and Francis Hriadil vs. Duquesne Light (PUC docket # C-2016-2571726) for their November 20 hearing

Dear Chief Judge Rainey,

I do not know if it is proper for me to address you with this matter, but I am very distressed by the present developments in the smart meter opposition case of Michele and Francis Hriadil (PUC docket # C-2016-2571726) which are unreasonably biased and prejudicial against the Hriadils. Mr. Hriadil's docket attests to his YEARS of preparing the "preponderance of evidence" requested by your court and now, at the last minute before his November 20-21 hearing, Judge Watson is ordering him to orally argue TWO significant motions in limine THE HOUR BEFORE HIS HEARING!

Please note that I am not a party to his proceedings but have been following his case. From Mr. Hriadil's docket postings, it is clear to me that Mr. Hriadil is a highly qualified professional, but suffers from chronic health conditions (no doubt being worsened by the extreme stress of the present situation), he is elderly and is not an attorney. He is a pro se Complainant. He is in no position to argue two extensive motions in limine in the hour prior to his long-awaited hearing. I cannot myself imagine entering the time of my hearing having had motions in limine judgments against me that undermine the entire hearing presentation I was about to present. There should be proper time to rule on the motions in limine and respond to that ruling well before his hearing date so that he knows what material remains that he can work with during his hearing. The present situation is ludicrous!

According to the docket record, it appears that Judge Watson is directly responsible for this outrageous situation for the Hriadils. He did not rule on motions in limine and Mr. Hriadil's responses filed months earlier and further failed to set appropriate deadlines for dispositive motions and motions in limine relative to the November 20-21 hearing dates. I feel that Judge Watson should recuse himself for he has completely botched this case and appears to be unable to serve in a fair and impartial manner.

I request that you to take whatever action is necessary to provide relief to Michele and Francis Hriadil, including asking Judge Watson to recuse himself and assigning a new judge who can better work with ADA-qualified complainants as Mr. Hriadil; a judge who can competently set appropriate deadlines for motions in limine that grant Mr. Hriadil reasonable time to respond as well as the due process his long-standing case and heroic efforts deserve.

Thank you for your time and attention to this matter.

Respectfully,

Noreen McCarthy"

Again, the above letter shows ALJ Watson's inability to serve in a fair and impartial manner. From what I learned following this case, ALJ Watson shows an unethical bias towards the utility company.

There have been cases where ALJ Watson has blocked the public's right to call in to listen to telephonic hearings. As a public hearing, there is a calendar posted on the PA PUC website with an 800 number and access pin posted so the public can participate by calling in and listening. Lately there have been many cases where certain ALJ's decide to block the public's ability to do so. This is possibly illegal, definitely unethical, and does not garner the highest level of public confidence in his independence, fairness, impartiality, integrity, and competence. Here are two recent examples of ALJ Watson blocking public access to the following public hearings:

Docket No. C-2017-2640338 where pro se Complainant Gene Bazan received a "2-Day Initial Call-In Telephone Hearing Notice" dated November 18, 2019 which included a toll-free Bridge Number and a PIN

Number for Judge Watson. This would allow members of the public to call in to the hearing. On December 6, 2019 the Complainant received a "Corrected Hearing Notice" dated December 6, 2019 stated that the "Presiding Officer will contact the parties". By not utilizing the toll-free bridge number or PIN number the public is blocked. On the day of Mr. Bazan's hearing there were so many people interested in listening in to the hearing that, ultimately ALJ Watson's office did use the 800 bridge number.

Pro se Complainant Conchita Braun, Docket No. C-2018-3003001 was not a public hearing in that the 800 bridge number wasn't published on the PUC web site. ALJ Watson did not post an 800 number, but called out on his own line, thereby blocking public participation.

I spoke to both Ms. Braun and Mr. Bazan to ask if they had confidentiality reasons as to why their hearing was to be a private hearing. Both Complainants said no, they did not and they did not request the public be blocked from calling in to their hearing. They were confused as to why the public wasn't allowed to call in as is normal and the public's right to do so. I was told that ALJ Watson offers the public to come to his office in Pittsburgh, but that is too far for most people to travel and ultimately is not a reasonable choice.

ALJ Watson denies people reasonable breaks during the many long hours of a hearing. Even with proposed reasonable schedules and medical requests for reasonable breaks as was the case with Grace Edwards- Docket No. C-2018-3002741 and Gene Bazan- Docket No. C-2017-2640338.

Judges should uphold the dignity of judicial office at all times, avoiding both impropriety and the appearance of impropriety in their professional and personal lives. They should at all times conduct themselves in a manner that garners the highest level of public confidence in their independence, fairness, impartiality, integrity, and competence. An example of impropriety shown by ALJ Watson in his personal life is reported by the publication, Observer-Reporter, dated June 17, 2013. The article shows how ALJ Watson's neglected property was causing a public safety issue and how Mayor Brenda Davis authorized an emergency demolition of the property, which is owned by Jeffrey Watson. Here is a small portion of that article:

"Washington firemen remove a wooden window frame that was ready to fall onto North Main Street Monday morning. Slate, shingles and other debris fell onto the sidewalk overnight from the top of the condemned building at 132-134 North Main St., in Washington. According to Chief Linn Brookman, firemen have been called to the site several times in the past. North Main Street was closed between Chestnut and Walnut for more than an hour while firemen removed loose debris.

Debris falling from a dilapidated building at 132-134 North Main St. in Washington Monday morning had firefighters climbing an aerial truck ladder in order to remove unstable portions of the building's facade.

Mayor Brenda Davis authorized an emergency demolition of the property, which is owned by Jeffrey Watson. Watson, an administrative law judge for the Pennsylvania Public Utility Commission in Pittsburgh, did not immediately return a telephone call seeking comment."

"I would think this would qualify for emergency demolition," said the city's code enforcement officer, Rob McIntyre. "We've been trying to get this down for years."

It was not the first time firefighters have had to address issues with the building, which has been vacant for seven or eight years.

...Joe Vucic, owner of Joe's Bakery across the street, noticed debris falling from the building and called 911.

"It's a mess," Councilman Kenneth Westcott said of the building.

Parking meters in front of the building have been bagged and yellow caution tape placed around the front of the building to keep people from walking near it should other material fall down."

There are more instances of ALJ Watson's inappropriate, uncivil, and abusive behavior, as told directly to me by pro se complainants. I asked permission to use their names and Docket No.'s but they have been "traumatized" by ALJ Watson's verbal abuse they asked to be anonymous. I was personally told by people who had been assigned to ALJ Watson where, during Pre Hearing Conferences and/or during telephone hearings he has done the following, as described to me, to the pro se Complainants: berated, yelled, chronically interrupted, used a snide tone, spoke abusively, screamed, used an inappropriately raised voice in unwarranted irritation, did not allow personal taping of the hearing to benefit the pro se complainant, when ALJ Watson was asked by a pro se complainant to offer the reasonable treatment and leeway that is to be given to a pro se complainant, to which ALJ Watson replied something to the effect, "I don't want to hear what other Judges did/said." This paraphrased response was said in a very uncivil tone of voice. Two people that I have spoken to admitted to breaking down crying during their hearing under the abrasive treatment of ALJ Watson. I quote one pro se Complainant, "I couldn't keep up with his...I guess I would call them mood swings...one moment he would speak so sweet as to bring on a diabetic coma, the very next second he screamed at me...I felt like I had verbal whip lash...I couldn't think straight!" I bring this up because if there are audio tapes of his proceedings, ESPECIALLY cases where the public was blocked, please review them to hear for yourself.

I have requested an ALJ who has experience with ADA pro se people such as me in my unique circumstances. To date I have not received any response from you or anyone from the PUC on my ADA circumstances and I do not yet know if my request for a new judge will be granted.

For all the above reasons I am requesting to be reassigned to an ALJ who will work with my ADA requests which is on file with the PUC.

Sincerely,

Noreen McCarthy

cc: ALJ Watson: efiled

Lauren M. Lepkoski: emailed

Tori L. Giesler: emailed

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NOREEN MCCARTHY :
 :
v. : Docket No. C-2019-3006923
 :
METROPOLITAN EDISON COMPANY :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of my correspondence upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54.

Service by email, as follows:

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llepkoski@firstenergycorp.com
tgiesler@firstenergycorp.com

Dated: March 30, 2020

Signature: Noreen McCarthy

Noreen McCarthy
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