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June 29, 2020

VIA ELECTRONIC FILING

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

Re: Noreen McCarthy v. Metropolitan Edison Company
Docket No. C-2019-3006923

Dear Secretary Chiavetta:

In accordance with the Interim Order issued on June 25, 2020 by Administrative Law Judge (“ALJ”) Conrad Johnson in the above-referenced matter, this letter serves as a response on behalf of Metropolitan Edison Company (“Company”) to Ms. McCarthy’s Motion. While we are sympathetic to Ms. McCarthy’s concerns and are willing to agree to Ms. McCarthy being given reasonable accommodation, the fact is that such accommodations should not be granted to the extent that it disrupts Met-Ed’s due process rights. As such, the Company does not oppose her proposal, with some minor modifications.¹ With respect to her request for written testimony, the Company has no objection. However, it cannot agree to there being absolutely no hearing held in this matter at this time. Ms. McCarthy has indicated an intent to present testimony by witnesses other than herself, and the Company does not know whether what she plans to submit will actually be admissible. For these reasons, the Company cannot decide: a) whether it is willing to waive cross examination; or b) whether it will need to object to offered testimony or exhibits. With those concerns in mind, the Company is agreeable to Ms. McCarthy’s request being granted on a reasonable schedule to the extent the following modifications are adopted:

If Ms. McCarthy were to indicate that she will be offering her own testimony or any others as factual witnesses, then the Company would be willing to:

- agree to waive cross examination such that a hearing would not be required;
- handle any objections to testimony or exhibits through written motions to strike, again, so that a hearing would not be required; and
- present only the testimony of one if its own witnesses, that of Mr. John Ahr.

¹ Notably, the Company’s proposed modifications to Ms. McCarthy’s proposed procedure exactly match the procedure that was adopted in both the *Chenosky v. Metropolitan Edison Company* and *Bolte v. Metropolitan Edison Company* matters at Docket Nos. C-2019-3007622 and C-2019-3011287, respectively, to ensure no such due process concerns are created by virtue of granting the accommodation request.

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Absent an arrangement under these terms, the Company is concerned that it will not be offered proper due process to address any cross examination of expert witnesses to the extent Ms. McCarthy is planning to present any. Therefore, if she intends to present expert witness testimony, the Company would request that written testimony be exchanged in accordance with Ms. McCarthy's request, to be followed by a hearing scheduled for the limited purpose of cross examination. While Ms. McCarthy seems to believe that written cross examination questions can achieve the same goal, that is unfortunately not the case. Not all follow up questions can be anticipated in advance so as to allow for that process. It is also worth noting that even the *Chenosky* and *Bolte* procedural schedules contemplate the holding of a hearing for such limited purposes as needed.

Copies of this response are being provided in accordance with the attached Certificate of Service. Should you have any questions regarding this response, please do not hesitate to contact me.

Very truly yours,



Tori L. Giesler

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NOREEN MCCARTHY

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2019-3006923

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 electronic mail only as follows:

Noreen McCarthy
contactnoreen1@gmail.com

Administrative Law Judge Conrad Johnson
Pennsylvania Public Utility Commission
cojohnson@pa.gov

Dated: June 29, 2020

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