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July 1, 2020

VIA ELECTRONIC MAIL

Administrative Law Judge Darlene D. Heep
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
801 Market Street, Suite 4063
Philadelphia, PA 19107

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

Dear Judge Heep:

Metropolitan Edison Company (“Met-Ed” or the “Company”) is in receipt of the following e-mail submissions made by Liza Mousios and Roy Cumming (“Complainants”): (1) Complainants’ Motion for Disqualification dated June 24, 2020¹; (2) Complainants’ Motion to Dismiss dated June 24, 2020²; and (3) Complainants’ Amended Motion to Dismiss and demand for judge's ruling on Motion to compel Answers to Interrogatories of March 25th, 2020 dated June 29, 2020.³ Pursuant to e-mail correspondence from Your Honor to the undersigned counsel dated June 30, 2020, Met-Ed hereby submits this letter responding to each of the Complainants’ Motions.

For the reasons explained herein, each of the aforementioned motions is procedurally improper, meritless and defamatory, and should be denied. In addition, as noted below, Met-Ed hereby provides the Complainants with notice that further procedurally improper, meritless and defamatory submissions will result in Met-Ed seeking appropriate sanctions against the Complainants, including, but not limited to, dismissal of the above-captioned Complaints with prejudice.

Response to Complainants’ Motion for Disqualification dated June 24, 2020

In the Complainants’ Motion for Disqualification dated June 24, 2020, the Complainants reiterate the same baseless and defamatory claims against Your Honor and Met-Ed that they advanced in their June 4, 2020 Motion to Recuse. These claims were previously rejected and the

¹ A true and correct copy of this submission is attached hereto as “Attachment A.”

² A true and correct copy of this submission is attached hereto as “Attachment B.”

³ A true and correct copy of this submission is attached hereto as “Attachment C.”

Complainants' prior Motion to Recuse was denied by Your Honor, and this repeated request should be rejected yet again.

The Complainants' assertion that "Judge Heep is incapable of impartiality" is baseless. *See* Attachment A ¶ 1. Your Honor has timely considered each motion and letter submission made by the Complainants, provided Met-Ed an opportunity to respond, and subsequently ruled. The Complainants have not established, nor does the record support a finding, that there is bias or unfairness or any other basis for disqualification of Your Honor from this matter.

Complainants further argue that Your Honor's ruling declining to extend the deadline for the submission of the testimony and exhibits of their "identified" expert witness, Mr. William Bathgate, "is denying [them] an expert witness." *See* Attachment A ¶ 2. The Complainants ignore the fact that this case has been ongoing since *February 19, 2019*. At any point between February 19, 2019, and approximately March of 2020 (*i.e.*, prior to the period when COVID-19 shutdown orders were placed in effect in Pennsylvania) the Complainants could have arranged for Mr. Bathgate to visit their residence and test the meter at issue. However, they failed to do so. The Complainants' failure to timely schedule and arrange for their expert witness to prepare to testify in this proceeding at any time in the past 16 months, is simply not evidence of bias or unfairness by Your Honor.

In addition, the Complainants (once again) claim Your Honor failed to rule on a Motion to Compel allegedly filed and served by the Complainants by certified mail on March 25, 2020. *See* Attachment A ¶ 3. As Met-Ed previously stated, no such Motion appears on either of the dockets in this proceeding. If the Complainants did file and serve this Motion and have a copy of it as well as certified mail receipts in their possession, as they claim, it begs the question why this Motion to Compel and the certified mail receipts were not attached to the instant Motion for Disqualification.

The Complainants next take issue with Your Honor's prior determination that they have been provided due process in this proceeding. *See* Attachment A ¶ 4. However, the Complainants have provided no basis in the record to demonstrate they have been denied notice and an opportunity to be heard. Rather, the record in this case reveals that — despite the Complainants' repeated inaccurate, misrepresentative, frivolous and defamatory filings — Your Honor has reviewed, considered, and ruled upon each of the Complainants' submissions. The Complainants have also been provided numerous extensions of deadlines and the evidentiary hearing has been rescheduled several times at their request. Therefore, the Complainants' assertions that they have been denied due process should be rejected.

Finally, the Complainants aver that they "are human collateral in a paradigm of unadulterated evil." *See* Attachment A ¶ 5. This statement is baseless and defamatory as against the Pennsylvania Public Utility Commission, Your Honor and Met-Ed.

Response to Complainants' Motion to Dismiss dated June 24, 2020

The Complainants state in their Motion to Dismiss that the “Rebuttal written testimony of the Respondents was due on June 18, 2020, with exhibits” and “move to dismiss Respondents’ case” due to Met-Ed allegedly failing to meet this deadline. *See* Attachment B. The Complainants’ Motion to Dismiss is incorrect and misrepresents the schedule in this proceeding.

Importantly, the Complainants were required to serve their “Direct written testimony...with Exhibits” on February 28, 2020, by Order dated January 31, 2020. The same Order dated January 31, 2020, required Met-Ed to serve its rebuttal written testimony and exhibits on or before March 20, 2020. On March 19, 2020, Met-Ed filed and served a letter indicating that it: (1) had not, as of that date, received the Complainants’ written direct testimony; (2) would not, at that time, serve advance rebuttal testimony; and (3) reserved its right to respond to any additional advanced testimony served and any testimony presented and permitted into the record at any evidentiary hearing held in this case.

Thereafter, on April 14, 2020, Your Honor issued an Order extending the deadlines and due dates for: (1) Met-Ed’s rebuttal testimony and exhibits; (2) the Complainants’ surrebuttal testimony and the testimony of their “identified” expert, Mr. William Bathgate; and (3) Met-Ed’s rebuttal testimony and evidence responding to the testimony and exhibits of Mr. Bathgate.

To date, the Complainants have served no written direct testimony, by Mr. Bathgate or otherwise. Consistent with its letter dated March 19, 2020, Met-Ed will not at this time serve written rebuttal testimony. Met-Ed continues to reserve its rights to respond to any additional advanced testimony served and any testimony presented and permitted into the record at any evidentiary hearing held in this case.⁴

Contrary to the Complainants’ statements in the Motion to Dismiss, the Complainants’ failure to serve advanced written direct testimony and exhibits is the sole and exclusive reason that Met-Ed has not served written rebuttal testimony. Simply stated, the Complainants have not timely moved forward with their case and have no submitted written direct testimony to which Met-Ed can respond, despite being given no less than three opportunities thus far to do so. Therefore, the Complainants’ Motion to Dismiss should be denied.

Response to Complainants’ Amended Motion to Dismiss and demand for judge's ruling on Motion to compel Answers to Interrogatories of March 25th, 2020, dated June 29, 2020

The Amended Motion to Dismiss submitted by the Complainants on June 29, 2020, should also be denied.

The Complainants argue that Met-Ed has not complied with the June 18, 2020 deadline set forth in the Order dated April 14, 2020 – this time alleging that “Judge Heep ordered Met Ed/Tori

⁴ This reservation should not be construed as Met-Ed’s agreement that any other testimony should be permitted into the record given the procedural history.

Giesler/Respondents to file their brief by June 18, 2020.” See Attachment C ¶ 1. The statement is inaccurate and misrepresentative; the June 18, 2020 deadline established in the April 14, 2020 Order was clearly for Met-Ed to serve its written rebuttal testimony and exhibits. Moreover, evidentiary hearings have not yet occurred, and no briefing order has been issued in this proceeding.

In addition, the Complainants repeat their claim that they “have in their possession proof of a copy of their Motion to Compel Answers to Interrogatories filed March 25, 2020[,] and a certified mail receipt from PUC,” but now claim they cannot scan these documents. See Attachment C ¶ 2. Met-Ed makes reference to its prior response to these claims. Despite their claims of proof, the fact remains that the Complainants have made no effort to present it to either Your Honor or Met-Ed for appropriate consideration and response.

The Complainants further make additional baseless and defamatory attacks upon the Commission, Your Honor and Met-Ed. Attachment C ¶ 2 (stating: (a) the rulings in this proceeding are “in keeping with the moral depravity and turpitude of the evil paradigm that comprises that sordid, incestuous relationship between the PUC and electric companies”; and (b) the Commission and Met-Ed/other electric utilities “are the same quasi-humans who would inveigh against Assad’s chemical gassing of his own people, but are resolute in desecrating Complainants’ liberties, constitutional rights and health.”). These statements are unsupported by any aspect of the record in this proceeding, and serve no purpose other than to harass and defame the Commission, Your Honor and Met-Ed.

Notice of Intent to Seek Sanctions and/or Move to Dismiss the Complaints

The Commission has previously found that a pattern of submissions designed to forestall a public utility’s lawful exercise of its rights may constitute abuse of the Commission’s administrative or regulatory process. See *Argento’s Pizza v. Philadelphia Gas Works*, Docket Nos. C-2009-2138055 and C-2010-2167822, 2010 Pa. PUC LEXIS 2252, at *10-12 (Initial Decision dated Aug. 2, 2010) (Van Nguyen, J.), *becoming final without further action*, Docket Nos. C-2009-2138055 and C-2010-2167822 (Order entered Oct. 1, 2010); see also *Application of Modern Motor Coaches, Inc. d/b/a Modern Piano Moving, for the right to transport, by motor vehicle, household goods in use, limited to pianos and organs, between points in Pennsylvania*, 2011 Pa. PUC LEXIS 1736, at *9 (Initial Decision dated May 19, 2011) (Colwell, J.) (warning that the filing of pleadings that attempt to “slow down” a motor carrier’s application process constitute an abuse of process).

The three above-described motions are the latest in a series of efforts by the Complainants to abuse the administrative process and delay the prompt administration of this proceeding, and are nothing more than attempts to harass and defame the Commission, Your Honor and Met-Ed. Met-Ed has expended valuable time and resources responding to the Complainants’ frivolous and defamatory submissions. In addition, the Complainants have repeatedly disobeyed or failed to comply with Orders regarding discovery and establishing procedural deadlines. This pattern of behavior clearly demonstrates the Complainants’ refusal to comply with the Commission’s

Administrative Law Judge Darlene Heep

July 1, 2020

Page 5

regulations and Your Honor's Orders, and refusal to cooperate with Met-Ed regarding discovery and scheduling.

As such, Met-Ed hereby provides notice to the Complainants that any further procedurally improper, frivolous, or defamatory submissions to the Commission will result in Met-Ed seeking appropriate sanctions against the Complainants, including, but not limited to, dismissal of the above-captioned Complaints with prejudice.

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: Secretary Rosemary Chiavetta, Pennsylvania Public Utility Commission (via e-filing only)
Certificate of Service

From: Roy Cumming <cumming@epix.net>
Sent: Wednesday, June 24, 2020 4:59 PM
To: Giesler, Tori <tgiesler@firstenergycorp.com>
Subject: [EXTERNAL] Fwd: disqualification of corrupt judge

Motion for Disqualification

Begin forwarded message:

From: Roy Cumming <cumming@epix.net>
Subject: **disqualification of corrupt judge**
Date: June 24, 2020 at 4:55:30 PM EDT
To: cpell@pa.gov

Roy CummingC- 20193007989
Liza MousiosC 2019 3007995

Amended motion to disqualify Judge Heep

1 Judge Heep is incapable of impartiality. her briefs are replete with unilateral to the respondents such as "Respondent opposes this Motion". However, anything Complainants oppose is extirpated and denied.

2 Judge Heep writes "THE COMPLAINANTS HAVE BEEN PROVIDED MORE THAN AMPLE TIME TO DETERMINE WITNESSES AND PREPARE TESTIMONY". Complainants did not create the Covid 19 virus. Mr. Bathgate, their inimitably scholarly expert witness has been self-quarantining in Michigan, where the virus has been particularly virulent. He is unable to come and test the toxic adjacent meter which caused Ms. Mousios' homelessness, killed and sickened her dogs and sickened Mr. Cumming. Judge Heep's inane and insipid comment states "The Complainants have had ample time to determine witnesses and prepare testimony". Complainants do not have to DETERMINE WITNESSES'. Complainants have chosen Mr. Bathgate but he will not travel to Pennsylvania until August. Therefore, Heep is denying us an expert witness. Mr. Bathgate is back up as a result of the virus which Complainants did not create.

3 Judge Heep mendaciously states that there is no docket number for Complainants' Motion to Compel Respondents Mendacious, Non-Dissembling Answers to Interrogatories Propounded By Complainants". Unfortunately, for the PUC, Complainants have certified mail receipts for March 25, 2020 for both The Puc/Judge Heep and Tori Giesler/ First Energy. Complainants also have in their possession a copy of said Motion to Compel Respondents. This is abject venal corruption as there is no way neither Tori Giesler nor the PUC have their Motion and Complainants have proof.

4 Heep's mendacious averment that complainants have been provided due process and the ability to be heard is vacuous and venal. Heep is effectively denying our expert witness, wafylZaid by the virus. This is an appealable and actionable charge as are the others. We finally contacted the Judicial Disciplinary Board!

5 We realize we are human collateral in a paradigm of unadulterated evil.

Roy Cumming June 24, 2020
Liza Mousios

From: Roy Cumming <cumming@epix.net>
Sent: Wednesday, June 24, 2020 5:23 PM
To: Giesler, Tori <tgiesler@firstenergycorp.com>
Subject: [EXTERNAL] Fwd: Motion to Dismiss

Begin forwarded message:

From: Roy Cumming <cumming@epix.net>
Subject: Motion to Dismiss
Date: June 24, 2020 at 5:21:31 PM EDT
To: "Heep, Darlene" <dheep@pa.gov>

Roy Cumming C 2019- 3007989
Liza Mousios C2019-3007995

Motion to Dismiss Respondents' case as respondents have missed deadline despite their fervor to abrogate Complainants' constitutional rights.

Judge Heep ruled that Rebuttal written testimony of the Respondents was due June 18,2020, with exhibits. This order was issued April 14,2020. Respondents have missed said deadline by six(6) days and counting. Therefore, their case demanding Complainants be unconstitutionally subjected to radiation and conducted emissions on Complainants' own sacrosanct property and against Commonwealth and federal law must be dismissed and Complainants move to dismiss Respondents' case.

Roy Cumming
Liza Mousios

From: Roy Cumming <cumming@epix.net>
Sent: Monday, June 29, 2020 12:00 PM
To: Giesler, Tori <tgiesler@firstenergycorp.com>
Subject: [EXTERNAL] Fwd: Amended Motion to Dismiss and demand for judge's ruling on Motion to compel Answers to Interrogatories of March 25th, 2020.

Motions

Begin forwarded message:

From: Roy Cumming <cumming@epix.net>
Subject: **Amended Motion to Dismiss and demand for judge's ruling on Motion to compel Answers to Interrogatories of March 25th,2020.**
Date: June 29, 2020 at 11:58:28 AM EDT
To: cpell@pa.gov

Roy Cumming and Liza Mousios
C-2019 3007995 and C-2019 3007989

Amended Motion to Dismiss and demand for Judge's Ruling on Complainants' Motion to Compel Answers to Interrogatories filed on March 25, 2020 with proof of certified mail receipt by PUC.

1 Judge Heep ordered Met Ed / Tori Giesler/ Respondents to file their brief by June 18, 2020. Now ELEVEN {11} DAYS LATER on June 29, 2020, no brief has been forthcoming to Complainants. Complainants would NEVER BE ALLOWED to propound such contumacy; in fact Heep will not even allow Complainants their expert witness Bill Bathgate, who due to delays and complications from the Corona Virus, cannot analyze the toxicity emanating from the adjacent smart meter until August. This is despite the fact that Complainants are not responsible for the miasma of problems incurred from the Corona virus. Complainants move to dismiss Respondents' case against Complainants in its entirety.

2 Complainants have in their possession proof of a copy of their Motion to Compel Answers to Interrogatories filed March 25, 2020 and a certified mail receipt from PUC, which Judge Heep venally claims has no docket number. {Complainants cannot scan these documents}. Judge Heep ruled previously that Complainants were required to answer Interrogatories which they had already answered. However, in keeping with the moral depravity and turpitude of the evil paradigm that comprises that sordid, incestuous relationship between the PUC and electric companies, not only has non one prevailed in PUC court despite incontrovertible scientific and medical evidence, judges are reduced to claiming their is no docket number when Complainants have proof of receipt of their Motion to Compel Met-Ed to answer Interrogatories. It should be noted that these are the same quasi-humans who would inveigh against Assad's chemical gassing of his own people, but are resolute in desecrating Complainants' liberties, constitutional rights and health. Therefore, Complaints move to exhort Judge Heep to rule on Complainants' Motion to Compel in the same way she ruled on Respondents' Motion to Compel.

Roy Cumming and Liza Mousios- homeless by state decree. June 29, 2020

**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 electronic mail only as follows:

Liza Mousios
Roy Cumming
cumming@epix.net

Dated: July 1, 2020



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