



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

July 2, 2020

VIA ELECTRONIC FILING

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

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
Metropolitan Edison Company
Docket No. C-2019-3011675
I&E Status Report

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Bureau of Investigation and Enforcement's ("I&E") **Status Report** in the above-referenced matter.

Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Kourtney L. Myers
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 316494
komyers@pa.gov

KLM/ac
Enclosures

cc: Honorable Mary D. Long
Kayla L. Rost, Prosecutor, I&E
As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-3011675
	:	
Metropolitan Edison Company,	:	
Respondent	:	

**STATUS REPORT
OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

TO ADMINISTRATIVE LAW JUDGE MARY D. LONG:

Pursuant to Ordering Paragraph No. 2 of the June 10, 2020 Interim Order in the above-docketed proceeding, the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) respectfully submits the following Status Report regarding the progress of its settlement discussions with Metropolitan Edison Company (“Respondent” or “Met-Ed”) and the proposed schedule for the completion of discovery and service of written, direct and rebuttal testimony.

I. PROCEDURAL HISTORY

On July 22, 2019, I&E filed a Formal Complaint against Met-Ed at Docket No. C-2019-3011675 (“Complaint”), alleging that Respondent violated the National Electric Safety Code (the “NESC”), Pennsylvania Code, and Public Utility Code in connection

with three, BH4 6 SOL-400 STR.CU bronze hot line clamps (“Clamps A, B, and C”) that I&E alleges Met-Ed improperly installed on aluminum conductors steel-reinforced (“Phases A, B, and C”) in Easton, Pennsylvania. I&E seeks appropriate relief, including that the Commission: (1) find Respondent to be in violation of the NESC, Pennsylvania Code, and Public Utility Code for each of the counts set forth in I&E’s Complaint; (2) impose a cumulative civil penalty upon Respondent in the amount of Four Million Five Hundred Thirty-Three Thousand Dollars (\$4,533,000.00); (3) direct Respondent to perform each of the corrective actions detailed in I&E’s Complaint; and (4) order such other remedies as the Commission may deem appropriate.

On October 31, 2019, Respondent, through counsel, filed an Answer with New Matter and Preliminary Objections to I&E’s Complaint at the above docket.¹ In its Answer, Met-Ed admits that Phases A, B, and C were aluminum conductors steel-reinforced and that individually attached to each Phase A, B, and C were bronze, hot line clamps marked “BH4 6 SOL-400 STR.CU” (Clamps A, B, and C). Met-Ed also admits that it has no installation records related to Clamps A, B, and C or installation procedures for BH4 6 SOL-400 STR.CU clamps. Met-Ed also raised in its Answer the locations of other BH4 6 SOL-400 STR.CU clamps on its facilities, which is information that Met-Ed failed to furnish to I&E during the course of I&E’s informal investigation. In its Preliminary Objections, Respondent asserts that some of the averments of I&E’s Complaint are barred by the statute of limitations at 66 Pa. C.S. § 3314. Respondent

¹ By Secretarial Letter dated August 16, 2019, Respondent was granted an extension of time until October 31, 2019 to respond to I&E’s Complaint.

disagrees with the civil penalty that I&E seeks to impose. On November 20, 2019, I&E replied to Met-Ed's Preliminary Objections asserting that the relief sought in I&E's Complaint is not barred by the statute of limitations and replied to Met-Ed's New Matter denying the material averments made therein.²

By notice dated January 9, 2020, this matter was scheduled for a Prehearing Conference on March 3, 2020 before Administrative Law Judge ("ALJ") Mary D. Long. By Interim Order dated January 16, 2020, Met-Ed's Preliminary Objections were dismissed. A Prehearing Conference Order dated January 16, 2020 was also issued.

By letter dated February 26, 2020, Met-Ed requested a 60-day continuance of the March 3, 2020 Prehearing Conference. By Interim Order dated February 27, 2020, Met-Ed's request for a continuance of the Prehearing Conference was granted and the Prehearing Conference was rescheduled for May 4, 2020.

On April 27, 2020, via electronic mail, Met-Ed and I&E requested that the Prehearing Conference be rescheduled for the week of June 8, 2020. By notice dated April 27, 2020, the Prehearing Conference was rescheduled for June 10, 2020.

A Prehearing Conference was held in this matter on June 10, 2020. At the conference, I&E reported that it had not received Met-Ed's settlement proposal as anticipated. The Parties stated that they were not able to agree to a litigation schedule. At the conclusion of the conference, ALJ Long directed Met-Ed to provide I&E with its

² By Secretarial Letter dated November 12, 2019, I&E was granted an extension of time until November 20, 2019 to file an Answer to Met-Ed's Preliminary Objections and New Matter.

settlement proposal by June 16, 2020 and set the hearing dates in this matter for December 15-17, 2020.

The ALJ issued an Interim Order on June 10, 2020 ordering that the hearings in this matter be scheduled for December 15-17, 2020 and instructing the Parties to submit a Status Report regarding the progress of their settlement discussions and a proposed schedule for the completion of discovery and service of written, direct and rebuttal testimony.

On June 17, 2020, Met-Ed provided its settlement proposal to I&E for review. On June 29, 2020, the Parties conducted a telephonic settlement conference. On June 30, 2020, I&E served Met-Ed with Interrogatories and Requests for Production of Documents-Set I.

II. STATUS REPORT REGARDING SETTLEMENT DISCUSSIONS

As noted above, the Parties participated in a telephonic settlement conference on June 29, 2020. At this time, I&E is further reviewing Met-Ed's settlement proposal and intends to work with Met-Ed to reach a possible resolution of this matter. Because the Parties are currently engaged in active settlement discussions, I&E proposes that the ALJ authorize the continuation of those settlement discussions and direct the Parties to provide a further status update to Your Honor on or before August 3, 2020.

III. LITIGATION SCHEDULE

The Parties have agreed to conclude discovery in this matter by December 15, 2020 and to the following litigation schedule:

Direct Testimony	October 9, 2020
Rebuttal Testimony	November 13, 2020
Surrebuttal Testimony	December 9, 2020
Discovery (concluded by)	December 15, 2020
Evidentiary Hearings	December 15-17, 2020

Additionally, the Parties have agreed to discuss and propose dates for Main and Reply Briefs at the conclusion of the hearings in this matter.

Respectfully submitted,



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

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Date: July 2, 2020

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2019-3011675
	:	
Metropolitan Edison Company,	:	
Respondent	:	

CERTIFICATE OF SERVICE

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

Notification by Electronic Mail:

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