

Michael Zimmerman
3812 Howley Street
Pittsburgh, PA 15201

November 2, 2020

Via Electronic Filing

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

Re: **Michael Zimmerman v. Discount Power, Inc.**
Docket No. C-2020-3021020

Dear Secretary Chiavetta,

Enclosed for filing, please find Complainant's Reply to the New Matter of Discount Power, Inc. filed October 13, 2020, in the above-captioned proceeding. Copies have been served on the parties as indicated on the enclosed Certificate of Service. Please feel free to contact me with any questions, comments, or concerns.

Best Regards,

A handwritten signature in blue ink that reads "Michael Zimmerman". The signature is written in a cursive style.

Michael Zimmerman

Enclosures

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Zimmerman	:	
	Complainant,	:
	:	
v.	:	Docket No. C-2020-3021020
	:	
Discount Power, Inc.	:	
	:	
	Respondent.	:

**COMPLAINANT’S REPLY
TO NEW MATTER
OF DISCOUNT POWER, INC.**

Pursuant to 52 Pa. Code § 5.101, Michael Zimmerman (“Complainant”) submits this Reply to the New Matter of Respondent Discount Power, Inc. (“Discount Power”), filed with the Pennsylvania Public Utility Commission (“Commission”) on October 13, 2020. In support hereof, Complainant states as follows:

REPLY TO NEW MATTER¹

108. Admitted.

109. Denied. Complainant is without sufficient information or knowledge to form a belief regarding the calculation of any alleged subsequent payment by Discount Power, or

¹ Paragraph numbers in this Reply to New Matter reflect the corresponding numbered paragraphs in Discount Power’s Answer and New Matter.

the characterization of such payment as a “refund” or a “courtesy;” therefore, those averments are denied.

110. As Paragraph 110 contains only a statement of law, no response is required. By way of further response, *see* Complainant’s Answer to Discount Power’s Preliminary Objections, filed October 23, 2020 at this docket (“Answer to Preliminary Objections”), ¶¶13-14.

111. As Paragraph 111 contains only statements of law, no response is required. By way of further response, Complainant denies Discount Power’s characterization of the Commission’s authority to suspend or revoke Discount Power’s licenses.

112. As Paragraph 112 contains only statements of law, no response is required. By way of further response, Complainant denies Discount Power’s characterization of the Commission’s authority to order refunds.

113. As Paragraph 113 contains only statements of law, no response is required. By way of further response, Complainant denies Discount Power’s characterization of the Complaint as a “class action lawsuit.” *See also* Answer to Preliminary Objections ¶¶16-19.

114. As Paragraph 114 contains only statements of law, no response is required. To the extent a response is warranted, Complainant denies that the Commission lacks the authority to investigate Discount Power and impose remedies.

115. Paragraph 115 primarily comprises statements of law to which no response is required. Any factual allegations in Paragraph 115 are denied. Complainant expressly denies the allegation in Paragraph 115 that “[i]n seeking to have a \$386,000 civil penalty imposed against Discount Power, the Complainant did not consider any of the factors

identified by the Commission to determine appropriate civil penalties for the nature of the alleged violations.” To the contrary; Complainant considered the relevant factors in determining the recommended civil penalty.

WHEREFORE, Complainant hereby respectfully requests that the Commission deny the New Matter and schedule this Complaint for evidentiary hearing.

Respectfully,



Michael Zimmerman

Dated: November 2, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Zimmerman	:	
	Complainant,	:
	:	
v.	:	Docket No. C-2020-3021020
	:	
Discount Power, Inc.	:	
	:	
	Respondent.	:

VERIFICATION

I, Michael Zimmerman, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief, and I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).



Michael Zimmerman
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Pittsburgh, PA 15201

Dated: November 2, 2020

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Zimmerman	:	
	Complainant,	:
	:	
v.	:	Docket No. C-2020-3021020
	:	
Discount Power, Inc.	:	
	:	
	Respondent.	:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

ELECTRONIC MAIL

Karen O. Moury
Sarah C. Stoner
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kmoury@eckertseamans.com
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On behalf of Discount Power, Inc.



Michael Zimmerman
3812 Howley Street
Pittsburgh, PA 15201

Dated: November 2, 2020