

December 4, 2020

VIA ELECTRONIC FILING

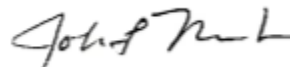
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**Re: Reply to Exceptions;
Michelle Stailey v. Pennsylvania Electric Company;
Complaint Docket Nos. C-2019-3008867 and C-2019-3008847**

Dear Secretary Chiavetta:

Enclosed is the **Reply to Exceptions** of Pennsylvania Electric Company to the Exceptions of Complainant filed at the above-captioned dockets. A certificate of service is attached, showing service of the Reply to Exceptions upon the Complainant. This Reply to Exceptions is filed electronically and is deemed filed today.

Very truly yours,



John L. Munsch
Attorney

JLM:dml

Enclosures

cc: Certificate of Service
Office of Special Assistants: ra-OSA@pa.gov

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHELLE STAILEY	:	
Complainant	:	
	:	
v.	:	Complaint Docket No. C-2019-3008867
	:	
PENNSYLVANIA ELECTRIC COMPANY	:	Complaint Docket No. C-2019-3008847
Respondent	:	

PENNSYLVANIA ELECTRIC COMPANY REPLY TO EXCEPTIONS

Pennsylvania Electric Company (hereinafter “Penelec” or “Company”) provides a Reply to the Exceptions filed by Complainant, Michelle Stailey (“Complainant”), to the Initial Decision of Administrative Law Judge Dennis J. Buckley. Penelec’s Reply to Exceptions is submitted pursuant to Section 5.535 of the Commission’s regulations, 52 Pa. Code §5.535, relating to Replies to Exceptions.

1. Background

On March 25, 2019, the Complainant filed a Complaint with the Pennsylvania Public Utility Commission (“Commission”) against Penelec alleging that Penelec had defrauded her of payment for electric service and that she has no responsibility for payment of electric service provided to her by Penelec. Penelec filed an Answer on April 17, 2019 denying the factual allegations of the Complaint and requesting that the Complaint be denied.

A telephonic hearing was held on July 24, 2019, before the Administrative Law Judge. The Complainant appeared and testified pro se. Penelec presented the testimony of one witness, Doris M. Cook, a customer service compliance specialist with the Company.

On November 20, 2019, an Order was issued by the Commission consolidating the Complaint against Penelec at Docket No. C-2019-3008867, with a nearly identical Complaint filed by the Complainant against UGI Utilities, Inc. (Gas Division) at Docket No. C-2029-3008847.

By a 19-page Initial Decision dated December 17, 2019, the Administrative Law Judge dismissed the Complaints. The Complainant filed Exceptions to the Decision on January 14, 2020. The Complainant did not serve the Exceptions upon Penelec, and the Commission provided service to the Company.

2. Reply to Exceptions

In reply to the Exceptions, Penelec states that the Complainant raises no valid issues concerning the Initial Decision. The Initial Decision is supported by substantial evidence and presents a cogent basis in law for dismissing the Complaint. The Complainant's arguments in her Exceptions are highly subjective assertions based on her personal beliefs and observations. The Complainant's arguments concerning the validity of United States currency were exhaustively addressed by the Administrative Law Judge.

The recurring theme of the Complainant's argument is that the Commission or courts should "recognize electricity as a basic need/necessity and make laws that all people receive free electricity without a posed tariff/debt to pay for it." Exceptions, Paragraph No. 9.

The Administrative Law Judge fully addresses the Complainant's argument, writing:

It is well established that a utility may charge its customers in accord with lawful tariffed rates. 66 Pa. C. S. §1302. A utility tariff has the force and effect of law in Pennsylvania, and is legally binding upon the utility, its customers and the public. 66 Pa. C.S. §1303; *DiSanto v. Consolidated Water Supply Company*, 436 A. 2d 197 (Pa. Super 1981); *Brockway Glass Co. v. Pa. Pub.Util. Comm'n.*, 437 A. 2d 1067 (Pa. Cmwlth. 1981). Regulated utilities are entitled to receive a reasonable opportunity to recover their prudently incurred costs. ... In

short, a utility is to be paid for the service it renders. Payment for utility service cannot be made by reference to an obligation of the federal government when that obligation does not exist in law or fact. Responsibility for the payment of her utility bills rests with the Complainant.

Initial Decision, p. 14.

In regard to the Complainant's obligation to pay for electric service as rendered by Penelec, the Company notes that the Administrative Law Judge found as fact, accurately, that as of the hearing date of July 25, 2019, the Complainant had accrued an arrearage with Penelec at her service address in the amount of \$8,718.19. Initial Decision, finding of fact no. 23.

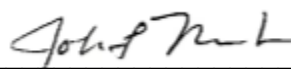
The Exceptions of the Complainant are not meritorious and should be denied. Penelec respectfully submits that the Initial Decision fully, fairly and adequately explained why the Complainant is not entitled to an exception from payment of electric service.

WHEREFORE, Pennsylvania Electric Company requests that the Pennsylvania Public Utility Commission adopt the Initial Decision of Administrative Law Judge Dennis J. Buckley, deny the Exceptions filed by the Complainant, dismiss Complaint, and mark the cases closed.

Respectfully submitted,

Date: December 4, 2020

By:



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Pa. I.D. No. 31489

Attorney for
PENNSYLVANIA ELECTRIC COMPANY


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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHELLE STAILEY	:	
Complainant	:	
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v.	:	Complaint Docket No. C-2019-3008867
	:	
PENNSYLVANIA ELECTRIC COMPANY	:	Complaint Docket No. C-2019-3008847
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing *Reply to Exceptions* upon Complainant via email to the email address listed on the Complaint, dougshell86@gmail.com.

Date: December 4, 2020



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