

May 24, 2021

Via Electronic Filing

Rosemary Chiavetta, Esquire
Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Docket No. C-2021-3024417
Florence R. Parker Chailla v. Met-Ed and Choice Energy LLC
Answer of Met-Ed to Motion for Summary Judgement**

Dear Secretary Chiavetta:

Attached for filing is the Answer of Metropolitan Edison Company (Respondent) to the Motion of Florence R. Parker Chailla (Complainant) for Summary Judgement in the above-referenced proceeding.

A copy of the enclosed Answer to Motion for Summary Judgement has been forwarded to the named parties in the manner indicated on the attached Certificate of Service.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP

Margaret A. Morris

MAM/co
Enclosures

cc: The Hon. John Coogan, PA Public Utility Commission [w/encl.]
Tori Giesler, Esquire, FirstEnergy Service Company [w/encl.]
Brian C. Deeney, Esquire, Lewis BrisBois Bisgaard & Smith LLP [w/encl.]
John Coyle, Esquire, Coyle Law Group [w/encl.]
Florence R. Parker Chailla [w/encl.]

**Re: Docket No. C-2021-3024417
Florence R. Parker Chailla v. Met-Ed and Choice Energy LLC
Answer of Met-Ed to Motion for Summary Judgement**

CERTIFICATE OF SERVICE

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

Via Electronic Mail

Florence R. Parker Chailla
thebusiness2@yahoo.com

Brian C. Deeney, Esquire
brian.deeney@lewisbrisbois.com

John Coyle, Esquire
jcoyle@coylelawgroup.com

Dated: May 24, 2021


Margaret A. Morris, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FLORENCE R. PARKER CHAILLA	:	
	:	
v.	:	Docket No. C-2021-3024417
	:	
METROPOLITAN EDISON COMPANY	:	
and	:	
CHOICE ENERGY LLC	:	
d/b/a 4 CHOICE ENERGY	:	

**ANSWER OF METROPOLITAN EDISON COMPANY TO
MOTION FOR SUMMARY JUDGMENT
OF FLORENCE R. PARKER CHAILLA**

Metropolitan Edison Company (Met-Ed), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code § 5.102, hereby submits its Answer to the pleadings filed by Florence R. Parker Chaila (Complainant) captioned as “*Motion for Summary Judgment (Motion) or in the Alternative for Unlawful Deceptive Billing Practices Between Metropolitan Edison Company and Choice Energy, LLC D/B/A 4 Choice Energy*” (Deceptive Billing Claim). The Motion is procedurally defective as well as substantively deficient. There are disputed genuine issues of material fact and a hearing is required. The Deceptive Billing Claim is raised for the first time. The Complainant erroneously states that this new claim is also undisputed.

In response thereto, Met-Ed avers and represents as follows:

I. Procedural Background

1. On March 4, 2021, the Commission served Met-Ed with the Formal Complaint in which she alleged a dispute with the enrollment with Choice Energy, LLC D/B/A 4 Choice Energy (EGS) as the electric generation supplier (EGS).

2. Met-Ed provides electric service to 25 Garden Street, Stroudsburg, Pennsylvania (Service Location) under Account No. 100111671580 (Account). A copy of the Formal Complaint is provided as Attachment 1.

3. On March 23, 2021, Met-Ed efiled its Answer and New Matter which denied the material allegations. Specifically, Met-Ed disputed that it had issued a termination notice or that there were incorrect charges on the Account.

4. On March 23, 2021, the EGS filed its Answer disputing the allegations and specifically stating that it had issued a check in the amount of the cancellation fee that was billed.

5. On May 1, 2021, the Complainant served Met-Ed with its Motion alleging there were no genuine material dispute and alleged for the first time that Met-Ed's electronic bill violated 52 Pa. § 56.11. In the alternative, a Deceptive Billing Claim was also asserted alleging that Met-Ed violated federal law, specifically "the U.S. Federal Trade Commission and its Act under Section 5." Motion at 5.

II. Motion for Summary Judgement

6. A motion for summary judgment will be granted if the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law. 52 Pa. Code § 5.102.¹

7. Specifically Section 5.102 states:

(a) *Generally.* **After the pleadings are closed**, but within a time so that the hearing is not delayed, a party may move for judgment on the pleadings or summary judgment. A **motion must contain a notice** which states that an answer or other responsive pleading shall be filed within 20 days of service of the motion. (Emphasis added).

(b) *Answers.* An answer to a motion for judgment on the pleadings or summary judgment, including an opposing affidavit or verification to a motion for summary judgment, may be filed within 20 days of the date of service of the motion. The answer to a motion for summary judgment may be supplemented by depositions, answers to interrogatories or further affidavits and admissions.

¹ The Complainant incorrectly alleged that "Rule 56 Summary Judgment" was controlling.

(c) *Motion for summary judgment.* A motion for summary judgment must be based on the pleadings and depositions, answers to interrogatories, admissions and supporting affidavits. Documents not already filed with the Commission shall be filed with the motion.

(d) *Decisions on motions.*

(1) *Standard for grant or denial on all counts.* The presiding officer will grant or deny a motion for judgment on the pleadings or a motion for summary judgment, as appropriate. The judgment sought will be rendered if the applicable pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving party is entitled to a judgment as a matter of law.

52 Pa. Code § 5.102.

Procedural Issues

7. The pleadings are not closed as required by Section 5.102(a). There is a pending Motion for Protective Order in which the Complainant seeks a stay of her responsive pleading to Met-Ed's New Matter until she has completed discovery.

8. The Motion did not contain the Notice mandated by Section 5.102(a).

9. The allegation that Met-Ed's electronic bills violated Commission regulations at 52 Pa. Code Section 56.11 was not raised in the Formal Complaint. The Complainant improperly amends her Formal Complaint in the Motion and asserts that this issue is undisputed. Due process dictates that Met-Ed be given the right to file an answer to any amended complaint.

10. The allegation that Met-Ed's electronic bills violated Commission regulations at 52. Pa. Code Section 56.11 has not been presented to the Company. Met-Ed's business records do not reflect any contact from the Complainant on this issue. Consistent with the Code, the Commission can only accept complaints when the person complaining has affirmed that the utility has been contacted for purpose of resolving the allegation of incorrect charges. 66 Pa.C.S. § 1410. This issue should be dismissed; the Complainant must first contact Met-Ed to discuss the issue.

11. The Motion is clearly procedurally defective and should be summarily dismissed.

Substantive Issues

12. The standard for granting a motion for summary judgment requires that there be no genuine issues of material fact and that the moving party is entitled to judgment as a matter of law. *First Mortgage Co. of Pennsylvania v. McCall*, 313 Pa. Superior Ct. 54, 56, 459 A.2d 406, 408 (1983). When disposing of a motion for summary judgment, the record must be examined in the light most favorable to the non-moving party – i.e. Met-Ed – giving the non-moving party the benefit of all reasonable inferences. *Thomson Coal Co. v. Pike Coal Co.*, 412 A.2d 466 (Pa. 1979).

13. The non-moving party in a motion for summary judgment must allege facts showing that an issue for trial exists. *First Mortgage Co. of Pennsylvania, supra. Commonwealth v. Diamond Shamrock Chemical Co.*, 391 A.2d 1333 (Pa. Cmwlth. 1978); *Stover v. The United Telephone Co. of Pennsylvania*, Docket No. C-00923833 (Order entered July 21, 1992). In civil practice, a non-moving party may not rely solely upon denials in its pleadings, but must submit some materials to establish that a genuine issue of material fact exists. *Nicastro v. Cuyler*, 467 A.2d 1218 (Pa. Cmwlth. 1983); *Pennsylvania Gas & Water Co. v. Nenna & Frain, Inc.*, 467 A.2d 330 (Pa. Super. 1983); *Geriot v. Council of Borough of Darby*, 457 A.2d 202 (Pa. Cmwlth. 1983).

14. The Commission has discretion to dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary to the public interest. 66 Pa. C.S. § 703(b); 52 Pa. Code § 5.21(d). A hearing is necessary only to resolve the disputed questions of fact, and when the question presented is one of law, policy or discretion, the Commission need not hold a hearing. *Lehigh Valley Power Comm. v. Pa. Pub. Util. Comm'n.*, 563 A.2d 548 (Pa. Cmwlth. 1989); *Edan Transportation Corp. v. Pa. Pub. Util. Comm'n.*, 623 A.2d 6 (Pa. Cmwlth. 1993); *Dee-Dee Cab, Inc. v. PA. Pub. Util. Comm'n.*, 817 A.2d 593 (Pa.Cmwlth. 2003), petition for allowance of appeal denied, 836 A.2d 123 (Pa. 2003).

15. In its efiled Answer and New Matter, Met-Ed denied that it has threatened to terminate service or that there are incorrect charges on the Account and specifically averred the following:

- Met-Ed bills the Customer for its services as well as generation services charged by the EGS.
- Met-Ed's billing format and content inclusion conform to Commission requirements set for in 52 Pa. Code § 54.4(b).

- Met-Ed does not know the rate or termination/cancellation fee charged by the EGS.
- Met-Ed is not privy to the contract between the Complainant and the EGS. Any finding of a refund due and owing directly relates to the EGS.

16. As supported by the attached Affidavit of Laurie Parker, there are clearly genuine issues of material fact that warrant a hearing. The Complainant is not entitled to judgment as a matter of law.

III. Alternative Claim for Unlawful Deceptive Billing Practices Between Met-Ed and Choice Energy

Procedural Issues

17. The allegation of unlawful deceptive billing practices between Met-Ed and the EGS in violation of federal law was not raised in the Formal Complaint. The Complainant improperly amends her Formal Complaint and assert that this issue is undisputed. Due process dictates that Met-Ed be given the right to file an answer to any amended complaint.

18. The alleged Deceptive Billing Claim is clearly procedurally defective and should be summarily dismissed.

Substantive Issues

19. It is well settled that the Commission has only the powers, and can only consider such matters, as are expressly, or by necessary implication given to it by the legislature. *Behrend v. Bell Telephone Co.*, 363 A.2d 1152 (Pa, Super 1976); *Brockway Glass Company, Inc. v. West Penn Power Co.*, 54 Pa P.U.C. 509 (1980); *Bones v. Bates Taxi, Inc.*, 51 Pa, P.U.C. 346 (1977). The Code gives the Commission supervisory and regulatory power over the rates, service and facilities of public utilities. *Brockway Glass* at 514.

20. The Code does not authorize the Commission to adjudicate alleged violations of federal law.

21. The alleged Deceptive Billing Claim in violation of federal should be summarily dismissed for lack of subject matter jurisdiction.

IV. Conclusion

The Complainant strenuously argues that “these matters are undisputed genuine material facts” and “there is no need to expend precious judicial or ALJ time to decide.” Motion at 4. A plain reading of the respective efiled answer of Met-Ed, as well as the attached Affidavit, clearly reflects that there are disputed material facts and that a hearing is required. The Complainant is not entitled to judgment as a matter of law; summary judgment is not appropriate.

WHEREFORE, Respondent, Metropolitan Edison Company, requests that the Motion for Summary Judgment and the Alternative Motion for Unlawful Deceptive Billing Practices Between Met-Ed and Choice Energy filed by Florence R. Parker Chaila be denied in its entirety.

Respectfully submitted,



Margaret A. Morris, Esq.
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2929 Arch Street
Philadelphia, PA 19104
(215) 495-6524
(215) 495-6600
mmorris@regerlaw.com

Dated: May 24, 2021

Counsel for Metropolitan Edison Company

Docket No. C-2021-3024417
Florence R. Parker Chaila v. Met-Ed and Choice Energy LLC

Attachment 1

Formal Complaint

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

*Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.*

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name **Florence R. Parker Chaila**

Street/P.O. Box **25 Garden St., P. O.B 1111** Apt # _____

City **Stroudsburg** State **PA** Zip **18360**

County **Monroe**

Telephone Number(s) Where We Can Contact You During the Day (required):

(**570**) **534-7082** (home) (_____) _____ (mobile)

E-mail Address (required): **thebusiness2@yahoo.com**

Utility Account Number (from your bill) **100111671580**

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name **Met-Ed and 4 Choice Energy**

Street/P.O. Box **2800 Pottsville, Pike, POB 16001**

City **Reading** State **PA** Zip **19612-6001**

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

4 Choice Energy

3. **Type of Utility Service**

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- | | |
|--|---|
| <input checked="" type="checkbox"/> ELECTRIC | <input type="checkbox"/> WASTEWATER/SEWER |
| <input checked="" type="checkbox"/> GAS | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> WATER | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |
| <input type="checkbox"/> STEAM HEAT | |

4. **Reason for Complaint**

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. **Your complaint may be dismissed without a hearing if you do not provide specific information.**

- The utility is threatening to shut off my service or has already shut off my service.

Yes they have.

- I would like a payment agreement.

- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

The 4 Choice Energy bill is incorrect and fraudulent.

We did not agree or was provided time to decide to make a choice

- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

- Other (explain).

Please see the attached 12-pages

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. **Requested Relief**

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

The elimination of the 4 Choice Energy bill is necessary and proper. That organization did not provide the 10-day time to consider and make a clear headed decision before it began billing in complete disregard of my consumer rights had under the Pennsylvania Unfair Trade Practices Act.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)

Has a court granted a “Protection From Abuse” order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a “Protection From Abuse” order for your personal safety or welfare?

YES

NO

If your answer to the above question is “yes,” attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC’s Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Yes on numerous attempts, by both phone, letter and email.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. **Legal Representation**

If you are filing a Formal Complaint as an individual on your own behalf, you are **not required to have a lawyer**. You may represent yourself at the hearing.

If you are already represented by a lawyer **in this matter**, provide your lawyer's name, address, telephone number, and e-mail address, (all required contact information). Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are **required** to have a lawyer represent them at a hearing **and** to file any motions, answers, briefs or other legal pleadings.

9. **Verification and Signature**

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. **If you do not sign the Formal Complaint, the PUC will not accept it.**

Verification:

I Florence R. Parker Chailla, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that 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).

Florence R. Parker Chailla

March 4, 2021

(Signature of Complainant)

(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification must be signed by an authorized officer or authorized employee. If the Formal Complaint is not signed by one of these individuals, the PUC will not accept it.

10. **Two Ways to File Your Formal Complaint**

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, priority mail, or overnight delivery to this address and retain tracking information as proof of submission:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

Note: Formal Complaints sent by fax or e-mail will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

FLORENCE R. PARKER CHAILLA

March 4, 2021

Pennsylvania Public Utility Commission
400 North Street
Keystone Bldg.
Harrisburg, PA 17120

Re: Met-Ed and 4 Choice Energy billed twice for the same period and 4 Choice Energy time to review terms and conditions were reduced to trickery leaving one day between mailing.

Dear Public Utilities Commission

Discussions had with 4 Choice Energy specifically stated that we would have 7 to 10-days to make a decision regarding the potential change in generation; their letter shown in Exhibit A is dated January 14, 2021; it stated clearly 'if we do not hear from you on January 15, 2021, . . .'; clearly one day from its mailing date of January 14, 2021 till January 15, 2021 is not 7 to 10-days. The point when its letter was received was on February 1, 2021, that was when it was learned it had changed terms and conditions unilaterally to accept that service - or to trick consumer in being forced to accept its service - so it thought. Its' failure to give us time to make a clear headed decision was absolutely no time at all. By the date of their 1/14/21, letter on the 21st it started billing us according to the March 16, 2021, bill. It had already began acting as a generator for services simultaneously with Med-Ed. To make matters worse, for the first time in five years of billings from Met-Ed, on the March 16, 2021, bill's coercive statement made that:

Please remember that residential and small commercial customers who fail to pay for generation service provided by an electricity generation supplier and billed by Met-Ed may have their service terminated. See Exhibit E - DG Administrator letter.

Is this nuts? Be it nuts or not, it is clearly a Pennsylvania Unfair Trade Practices Act; further it is violation of our rights to review and to decline timely changed energy services. Through the nonexistent time given to think clear headed about making a change that was alleged would reduce our bills; instead for the first time in our five year long period of doing business with Met-Ed; we get a bill for \$265.68 and is threatened to pay or face 'service termination' is unacceptable. More 4 Choice Energy was sold as a cost saver. It definitely is not. On average, our monthly bills range between \$27-\$35.00 monthly for the past five years. Analysis of the KWH rates with 4 Choice Energy at .0095 or 10 cents per watt, clearly it is not a savings. See Exhibit I - March 16, 2021, Bill Analysis. Evidence of our additional attempt is shown on Exhibit J.

We are unequivocally clear, we want absolutely nothing to do with "**Interconnect Generation to the Distribution System**"; we want nothing to do with "**4 Choice Energy**" and we want it, them and their poor treatment of customers to be completely and irretrievably removed from our account with Met-Ed as the sole and only provider of energy for our residence. Both Met-Ed and 4 Choice Energy can go play games and delaying tactics somewhere else, not here and not with us. How poor is that; more how many other people in Pennsylvania have they done the same thing to? It is further requested that any and all energy related calls, communications and offers to change be removed from our account, from our records and instructed not to contact us ever again in the future.

Regards,

Florence R. Parker Chailla

Florence R. Parker Chailla
Enc. Exhibits A through I attached.

EXHIBIT A - JANUARY 15, 2021, MET-ED LETTER



Met-Ed
PO Box 18001
Reading, PA 19812-8001
1-888-478-2300 (Toll Free)
www.firstenergycorp.com

000001 01 000 0 0000
OPTATUS N CHAILLA
25 GARDEN ST
STROUDSBURG PA 18360-1936

Date: 1/15/21
Customer Number: 0
Load Profile: RSNH
Rate: Standard Residential - 1

Service Address:

25 GARDEN ST
STROUDSBURG PA 18360

Dear, OPTATUS N CHAILLA,

We have been notified that you have selected the following company as your electric generation supplier.

4 CHOICE ENERGY
1031 OFFICE PARK RD., #9
WEST DES MOINES IA 50265
(888)565-4490

Our records indicate that you have chosen to receive one bill from Met-Ed that will reflect Met-Ed and your new electric generation supplier. If this information is incorrect, please call Choice Center at 1-888-478-2300.

If we do not hear from you, your new electric generation supplier will begin providing your service on January 15, 2021. Depending on your supplier agreement, you may drop your service. Regardless of whether or not you choose a supplier, Met-Ed will continue to provide safe, reliable service and respond to outages.

Please remember that residential and small commercial customers who fail to pay for gas provided by an electric generation supplier and billed by Met-Ed may have their service terminated.

If you have any questions, call our Retail Choice Center at 1-888-478-2300, Monday through Friday, 9 a.m. to 5 p.m.

Sincerely,

Met-Ed



Letter mailed 1/14/21; with deadline to respond as to terms and conditions agreed upon due by 1/15/21. Letter was not received next day, in fact, it was not received until 2/1/21, nearly two weeks later. Upon receipt, terms and conditions were not as agreed. Further, there was no time to make a decision before it expired the next day.

EXHIBIT B - NO AGREEMENT TO ACCEPT A **RECOVERY CHARGE of \$235.68** BY 4
CHOICE ENERGY CAUSED BY ITS' BILLING FRAUD



Met-Ed Statement 03/16/2021
Yahoo/ Inbox

- **electriconline@firstenergycorp.com**
To: thebusiness2@yahoo.com

Tue, Feb 23 at 2:03 PM

***** PLEASE DO NOT REPLY TO THIS AUTOMATED MESSAGE *****

- Your electric statement from Met-Ed is available for review. To access your account securely online, visit https://www.firstenergycorp.com/log_in.
- Account Number: 10 01 11 6715 8 0
Due Date: 03/16/2021
Amount Due: \$265.68
Service Address: OPTATUS N CHAILLA
25 GARDEN ST
STROUDSBURG PA 18360

To view your monthly bill inserts, which include state-mandated messages, newsletters and other important information, please visit <https://www.firstenergycorp.com/billinserts>.

If you would like to receive text or email payment and outage alerts, go to <https://www.firstenergycorp.com/connect>.

For questions or concerns, please email us at <https://www.firstenergycorp.com/contactus>, or call 1-800-545-7741.

Special Notice:

We are warning customers about a scam involving a telephone caller posing as an electric company employee threatening to shut off power unless an immediate payment is made using a pre-paid debit card such as a Green Dot card. Although we may phone customers to remind them that a payment is past due, we would explain how a payment can be made using one of our many payment options. If you receive a call demanding immediate payment using a specific option, please contact us at 1-800-545-7741. For more information, visit <https://www.firstenergycorp.com/paymentoptions>.

The information contained in this message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately, and delete the original message.

EXHIBIT C - 2/4/21 CONFIRMED CANCELLED
4 CHOICE ENERGY GENERATION



FirstEnergy

firstenergycorp.com/fehome.html

[Visit site](#)

RE: FW: [EXTERNAL] Generation Interconnection: Resulting Retail Met-Ed Billing
<<#753055-4712964-4965492#>>

Yahoo/ Inbox

- **fecustomerservice@firstenergycorp.com**
To: dr.chailla@yahoo.com

Thu, Feb 4 at 4:04 PM

Optatus and Florence Chailla:

Thank you for your inquiry. Our records show that 4 Choice Energy was removed from your account effective 02/03/2021.

Have a great day!

If you are not satisfied with this response or have additional comments or questions, please reply to this email within five business days or call us at 1-800-545-7741, Monday through Friday, between 8 a.m. and 6 p.m. If we do not hear from you within five business days, we will consider this course of action acceptable.

- For information regarding our customer communication tools including interactive text messaging and alerts or mobile site, visit <http://www.firstenergycorp.com/connect>. To enroll in eBill (Electronic Billing) to view your bill statements online, go to www.firstenergycorp.com/ebill.

Sincerely,

Christina

Customer Service

Please refer to request number 4712964 in any future correspondence.

EXHIBIT E - DG-ADMINISTRATOR EMAIL OF 2/2/21

-
-
-
- **From:** Dr. Optatus Chailla <dr.chailla@yahoo.com>
- **Sent:** Tuesday, February 2, 2021 5:49 PM
- **To:** Met-Ed Meter Services Calendar <MetEd_MeterServices@firstenergycorp.com>
- **Cc:** Colszewski@firsterengycorp.com
- **Subject:** [EXTERNAL] Generation Interconnection: Resulting Retail Met-Ed Billing

Met-Ed
Attn: DG Administrator
2800 Pottsville Pike
P. O. Box 16001
Reading, PA 19612-6001

Dear Administrator:

It should not be necessary for a residential consumer to contact you regarding matters of customer billing connected to the "Interconnect Generation to the Distribution System" program if the people who you employ as customer service associates know and do their job properly. I am contacting you because, absent the requisite complete contact information for the First Energy Officials, I am compelled to contact the Reading Office since the attached bill came from Reading. Why would Crystie Olszewski, employed as ***Customer Service Associate***, refer us to "***Customer Service***" for further assistance (*see pasted email from her below*) instead of doing what we requested? The most recent bill from Met-Ed, Reading states,

Please remember that residential and small commercial customers who fail to pay for generation service provided by an electricity generation supplier and billed by Met-Ed may have their service terminated.

In effect, the bill is being split. Not only was this never explained to us before we opted for 4 CHOICE ENERGY of West Des Moines, Iowa, but quite frankly we are satisfied with the arrangement we have had for the last five years plus. Consequently, ***we do not want to have anything to do*** with the Des Moines company. Again, it is unfortunate that I have to email you, I am confident you will pass on this directive to those concerned and, I hope I will not be compelled to contact State agencies to resolve this simple matter. ***Last but not least, we do not appreciate energy companies' marketing/promotion visits to our place or calls purportedly sent by Met-Ed.*** Please, Met-Ed should not distribute around our energy account information. Thank you in advance.

Regards,

The Chaillas

Florence Parker <thebusiness2@yahoo.com>

To: Dr. Optatus

• **Tue, Feb 2 at 4:05 PM**

----- Forwarded Message -----

EXHIBIT F - OLSZEWSKI REQUESTED COURTESY FORWARDING

From: Florence Parker <thebusiness2@yahoo.com>
To: FE Agency Help <feagencyhelp@firstenergycorp.com>
Sent: Tuesday, February 2, 2021, 04:02:39 PM EST
Subject: Re: [EXTERNAL] Re: bills july2019 - dec 2019

CRYSTIE OLSZEWSKI:

As a courtesy could you forward our issue to your Customer Service group on our behalf.
Other than your email there was no other that was available to communicate this issue.

Thanking you in advance.

Regards

The Chaillas

•
•
• **EXHIBIT G - DELAYS AND GAME PLAYING**

On Monday, February 1, 2021, 05:16:37 PM EST, FE Agency Help
<feagencyhelp@firstenergycorp.com> wrote:

Hello,

I am replying back to your email due to the fact that what you have requested is not something that is done in our group. Please reach out to customer service **for further assistance with your request.**

• Have a wonderful day,

- **The information contained in this message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately, and delete the original message.**

----- Please do not remove your unique tracking number! -----

• <<#753055-4712964-4965492#>>

The information contained in this message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately, and delete the original message.

-
- **Crystle Olszewski**
- Customer Service Associate, CBO Med Cert Team
Colszewski@firstenergycorp.com
341 White Pond Drive, Akron, OH 44320 | mailstop: A-WAC-B2 / AK-Fairlawn

EXHIBIT H - FEB 1, 2021 REQUEST TO CANCEL

- **From:** Florence Parker <thebusiness2@yahoo.com>
Sent: Monday, February 1, 2021 5:03 PM
To: FE Agency Help <feagencyhelp@firstenergycorp.com>
Subject: [EXTERNAL] Re: bills july2019 - dec 2019

Dear Met-Ed:

January 14, 2021 a letter with customer Number: 080636029400002104205; Load Profile: RSNH was received. Therein statements were made that were not discussed. Therefore, it is requested that the 4 Choice Energy at 1031 Office Park Rd., #9 West Des Moines, IA 50265 be cancelled.

Regards

Optatus and Florence Chailla

On Wednesday, August 5, 2020, 03:19:19 PM EDT, FE Agency Help <feagencyhelp@firstenergycorp.com> wrote:

The information contained in this message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately, and delete the original message.

EXHIBIT I - MARCH 16, 2021 BILL ANALYSIS

The clarity of the bill leaves a lot to be desired; therefore, we have analyzed the bill to ensure what we see is what the Pennsylvania Public Utility sees as well

Page 1 of 7 and Page 2 of 7

Met-Ed alleged a consumption of	\$ 27.60
4 Choice Energy alleged a consumption of	<u>\$240.70</u>
Total current charges.	\$265.30
Less credit overpaid.	<u>(\$ 2.62)</u>
Bal. Allegedly due should be	\$262.68

Page 3 of 7

Usage information for meter number 5002073940

February 18, 2021 KWH actual reading was	5,604
January 21, 2021, KWH actual reading was	- <u>5,380</u>
Leaves usage of	224

It is inferred that between Met-Ed and 4 Choice Energy, they decided unilaterally to split the billing and allowing each 112 KWH to charge the March 16, 2021 bill for the same periods between:

January 21 to Feb 3, 2021 and
Feb 4, 2020 to Feb 18, 2021

NOTICE

- 1 January 14, 2021, 4 Choice Energy mailed their letter.**
- 2 January 15, 2021, it sought our decision to accept their energy generation in less than one day**
- 3 Its letter was not received until February 1, 2021.**
- 4 The 10-days to make a decision would have expired 10-days from the 1/14/21 date on 1/24 - 25/21 date. The point, if they intended to be fair and objective about what was discussed, then how could 4 Choice Energy charge 112 KWH beginning on 1/21/21, which is four to five days before our decision to accept or reject their service?**

Met-Ed's billed **\$27.68**

112 KWH at (1) **Distribution charge 0.053482,**
(2) Solar Requirements Charge at 0.000300 and
(3) Default Service Support Charge at 0.002440

112 KWH at (1) Distribution charge 0.053485
(2) Solar Requirements Charge 0.0000300
(3) Default service support charge 0.002440

WHEREAS

4 Choice Energy charged \$240.70

112 KWH at 0.095537
For the same period from January 21, 2021, to Feb 03, 2021.

EXHIBIT J - additional attempt to cancel



Metropolitan Edison Company
2800 Pottsville Pike
PO Box 16001
Reading, PA 19612-8001
1-800-545-7741

February 25, 2021



0002183 01 MB 6.447
OPTATUS N CHAILLA
25 GARDEN ST
STROUDSBURG PA 18360-1338

Dear Optatus N Chaila:

Recently you called Met-Ed, unfortunately, that call was disconnected.

If you need further assistance, please contact us at 1-800-545-7741 at your earliest convenience.

If you are not satisfied, you have the right to file an informal complaint with the Pennsylvania Public Utility Commission. You can file an informal complaint by calling or writing:

Pennsylvania Public Utility Commission
Bureau of Consumer Services
Harrisburg, PA 17105-3255
1-800-692-7380

Your complaint should include the following information:

1. The name and address for the customer and, if different, the address at which service provided.
2. The telephone number of the customer.
3. The account number of the customer, if applicable.
4. The name of the utility.
5. A brief statement of the dispute.
6. Whether the dispute formerly has been the subject of a utility company investigation and report.
7. Whether the dispute formerly has been the subject of a Commission informal or formal complaint.
8. The relief sought.

Thank you for the opportunity to serve you.

Sincerely,

Metropolitan Edison Company
A FirstEnergy Company



Account Number: 100111671580

Docket No. C-2021-3024417
Florence R. Parker Chaila v. Met-Ed and Choice Energy LLC

Attachment 2

Affidavit of Laurie Parker



Chaila v. ME - Parker Affidavit 5-24-21.docx

DocVerify ID: FBE89708-9C48-47D5-A7D4-22BCF4F7676C
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E-Signature Summary

E-Signature 1: Laurie Parker (LP)

May 24, 2021 14:55:05 -5:00 [ADA1F800ECFD] [174.60.19.3]
lparker@firstenergycorp.com (Principal) (Personally Known)

E-Signature Notary: Kori R Auman-Krebs (KRK)

May 24, 2021 14:55:05 -5:00 [E6C50D2627BA] [98.237.82.177]
kauman@firstenergycorp.com
I, Kori R Auman-Krebs, did witness the participants named above electronically sign this document.



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FLORENCE R. PARKER CHAILLA :
 :
 v. : Docket No. C-2021-3024417
 :
 METROPOLITAN EDISON COMPANY :
 and :
 CHOICE ENERGY LLC :
 d/b/a 4 CHOICE ENERGY :

**AFFIDAVIT OF LAURIE PARKER
IN SUPPORT OF
METROPOLITAN EDISON COMPANY’S ANSWER TO
THE MOTION FOR SUMMARY JUDGMENT**

I, Laurie Parker, being duly sworn according to law, deposes and says the following:

1. My name is Laurie Parker and my business address is 2800 Pottsville Pike Reading, PA 19612.
2. I am employed by Metropolitan Edison Company (Met-Ed) as an Advanced Customer Services Compliance Specialist in Met-Ed’s Pennsylvania Compliance Department.
3. As an Advanced Customer Services Compliance Specialist, I am responsible for addressing and responding to formal complaints.
4. As part of my job responsibilities, I am familiar with Met-Ed’s business records relating to enrollment and de-enrollment of an account with an Electric Generation Supplier (EGS) as well as the issued monthly bills and termination notices.
5. The customer of record in Met-Ed’s business records for Account No. 100111671580 (Account) is Optatus N. Chaila (Customer) for service to 25 Garden Street, Stroudsburg, Pennsylvania.
6. Met-Ed issued a letter, dated January 14, 2021, acknowledging the Customer’s enrollment request that Choice Energy LLC, d/b/a/ 4 Choice Energy (4 Choice) would be his EGS and advising that the enrollment would be effective January 15, 2021 (Acknowledgement Letter).
7. The Acknowledgment Letter sent by Met-Ed does not constitute a termination notice; there is no pending termination notice.



8. Met-Ed issued a letter, dated February 3, 2021, acknowledging that as requested, 4 Choice Energy would no longer be his EGS, effective February 4, 2021.

9. Met-Ed timely and properly enrolled and de-enrolled the Account with 4 Choice.

10. Met-Ed billed the Customer for its services as well as generation services charged by 4 Choice Energy, his EGS, while enrolled.

11. Met-Ed does not act in any capacity as the agent for 4 Choice.

12. As the responsible billing entity, Met-Ed provides the Customer with Bill Ready consolidated billing (Bill Ready).

13. Pursuant to the guidelines set forth in Met-Ed's Commission-approved Electric Generation Supplier Coordination Tariff relating to Bill Ready,¹ Met-Ed provides 4 Choice Energy with all metering data necessary for 4 Choice Energy to calculate the Customer's monthly billings. Once calculated, 4 Choice Energy simply provides its monthly charge for generation services to Met-Ed for inclusion of same on the Customer's monthly billing statements.

14. Met-Ed's billing format and content inclusion conform to the requirements with Commission's regulations at 52 Pa. Code § 54.4(b).

15. Met-Ed's billing format complies with Commission regulations at 52 Pa. Code § 56.11.

16. The issued electronic bill is identical to the paper bill and is attached to the email sent to the Customer.

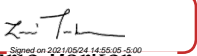
17. The Account was properly billed and all bills are correct as rendered.

I am authorized to submit this affidavit for and on behalf of Met-Ed and represent that the facts set forth herein are true and correct to the best of my knowledge, information and belief. I

¹ See Rule 12.1, Met-Ed Tariff, Electric Pa. PUC No. S-1, Original Page 33; issued December 30, 2010; effective January 15, 2011.




understand that false statements therein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.


Signed on 2021/05/24 14:55:05 -5:00
Laurie Parker

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF BERKS :

Sworn and subscribed before me this 24th
day of May, 2021.

N 
Signed on 2021/05/24 14:55:05 -5:00

My commission expires on:

Commonwealth of Pennsylvania - Notary Seal
Kori Rebecca Auman-Krebs, Notary Public
Berks County
My Commission Expires Feb 14, 2023
Commission Number 1345524
Notary Stamp 2021/05/24 11:55:05 PST E6C90D2627BA

