

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

**FLORENCE R. PARKER CHAILLA,**

**CLAIMANT,**

**V.**

**Docket No. C-2021-3024417**

**METROPOLITAN EDISON COMPANY AND  
CHOICE ENERGY, LLC d/b/a 4 CHOICE ENERGY**

**RESPONDENTS.**

## **Motion to Strike Met-Ed's Motion as Moot**

Federal Rule of Civil Procedure 12(f) - Motion to Strike provides:

The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act:

- (1) on its own; or
- (2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading.

Met-Ed's filing on May 24, 2021, is immaterial and has been mooted as a matter of both time and action on the behalf of Choice Energy d/b/a since on May 20, 2021, it provided the voice recording requested in the Subpoena and the reason for the Stay is now withdrawn.

Mootness arises when there is no longer an actual controversy between the parties to a court case for a given issue and any ruling by the court would have no actual, practical impact. Production of the recording was requested and provided which satisfies the underlying reason for the subpoena. The Protective Order and subpoena has no further impact consistent with the Rules since the reasons for its filing have been provided.

In addition, Parker Chailla, on May 20, 2021, filed a rebuttal to 4 Choice Energy's motion; she pointed out that:

- (a) In the voice recording, it mentioned a Confirmation number. Prior to receipt of the recording on May 20, 2021, that number was unknown.
- (b) 4 Choice Energy's papers was accompanied by a document dated January 6, 2021, called a contract in 4 Choice Energy's papers. That 'contract' did not have a place to sign to acknowledge or agree with the terms and conditions of utility generation service and nowhere on the 'contract' it did not disclose the Confirmation Number, and
- (c) it was not until receipt of the voice recording did it become apparent that the Confirmation number was not known before January 15, 2021, the date; to cancel utility service. Therefore, logically there was no means available before the alleged due date to cancel service timely by January 15, 2021, because information needed was not provided; as a result, timely cancellation was impossible.

Since 4 Choice Energy has already provided the voice recording requested voluntarily, without ALJ intervention, the Protective Order is now redundant. As a result due to time and action of 4 Choice Energy, the Protective Order is withdrawn. Therefore, Met-Ed's motion is mooted due to time and action of 4 Choice Energy.

The Protective Motion, Stay or subpoena request albeit procedurally flawed, at this time, the reasons for all have been dealt with and are no longer issues to be resolved.

What remains issues to be resolved is an ongoing incorrect or deceptive billing problem. Since March 22, 2021, 4 Choice Energy has documented that it has cancelled the account, waived the cancellation fee and seeks to conclude this matter; however, Met Ed bills sent to the Chaila's continues to assess the cancellation fee in bills for April, May and now June 2021 [See Exhibit A- June 15, 2021 Met-Ed bill], all three bills continues to charge for cancellation fees.

Efforts to fully identify if it is still 4 Choice Energy has not been resolved. An emailed request for the June 2021, bill was made. Exhibit B - email request 6/2021 bill. Initially, a telephone request was made to identify who is still billing for the cancellation fees; the telephone call was followed up with an email. With both request made for a paper copy of the June 2021, bill, it was not provided.

## **IN SUMMARY**

Claimant requests withdrawal of the Protective Order, subpoena and that Met-Ed's motion be struck as moot.

## **IN CONCLUSION**

Claimant seeks to settle this matter by removing the cancellation fees from the Met-Ed bill. Claimant requested a revised May 17, 2021, bill from Met-Ed; it was not provided. 4 Choice Energy, has agreed to close the account and to waive the cancellation fee. The ALJ has also suggested that this matter be settled. Without the June 2021, bill,

it is uncertain why or who is still billing the Chaila's for the cancellation fee; however, it remains an issue to be resolved.

Respectfully submitted

Dated: June 1, 2021

*Florence R. Parker Chaila*

Florence R. Parker Chaila, JD  
P. O. Box 1111  
Stroudsburg, PA 18360  
(E) thebusiness2@yahoo.com

### **CERTIFICATION**

I affirm that the foregoing statements made herein are true to the best of my knowledge and belief. I am aware that if any of the foregoing statements made herein are willfully false, I may be subject to punishment.

Dated: June 1, 2021

Respectfully submitted

*Florence R. Parker Chaila*

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P. O. Box 1111  
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**CERTIFICATE OF SERVICE I**, Florence R. Parker Chaila, JD hereby certify that on May 19, 2021, have served copies of the enclosed Opposition to Respondent's 4 Choice Energy's motion for summary judgment via email to:

The Honorable John M. Coogan  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120  
[jcoogan@pa.gov](mailto:jcoogan@pa.gov)

Margaret A. Morris, Esq.  
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2929 Arch Street  
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I affirm that the foregoing statements made herein are true to the best of my knowledge and belief. I am aware that if any of the foregoing statements made herein are willfully false, I may be subject to punishment.

Respectfully submitted,

Dated: June 1, 2021

*Florence R. Parker Chaila*

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P. O. Box 1111  
Stroudsburg, PA 18360  
(c) 570 534-7082  
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# EXHIBIT A - JUNE 2021 BILL - ELECTRONIC VERSION

Yahoo Mail - Met-Ed Statement 06/15/2021

5/25/21, 2:42 PM

## Met-Ed Statement 06/15/2021

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From: electriconline@firstenergycorp.com

To: thebusiness2@yahoo.com

Date: Tuesday, May 25, 2021, 02:03 PM EDT

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\*\*\* 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](https://www.firstenergycorp.com/log_in).

Account Number: 10 01 11 6715 8 0  
Due Date: 06/15/2021  
Amount Due: \$298.32  
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.

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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>.

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EXHIBIT B - EMAIL REQUEST FOR 6/2021 BILL



**Florence Parker** <thebusiness2@yahoo.com>

To:

FE Agency Help

Wed, May 26 at 1:33 PM

Please provide a paper copy of the electronic bill you sent on May 25, 2021 with a due date of 06/15/2021 for account number 100111671580 for Optatus N. Chaila.

Any questions please contact me via this email address.

Regards,

Florence R. Parker Chaila

Hide original message