

March 15, 2022

Via Electronic Filing

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

**Re: Docket No. C-2021-3028211
Michael and Margaret Marino v. Mid-Atlantic Interstate Transmission, LLC, et al.
Preliminary Objections of MAIT to Amended Complaint**

Dear Secretary Chiavetta:

Attached for filing is the Preliminary Objections of Mid-Atlantic Interstate Transmission, LLC to the Amended Complaint filed by Michael and Margaret Marino in the above captioned proceeding.

A copy of the Preliminary Objections has been provided to the Complainants 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,

Réger Rizzo & Darnall LLP



Margaret A. Morris

MAM/co
Enclosures

cc: The Hon. Mark A. Hoyer, PA Public Utility Commission [w/encls.]
The Hon. John Coogan, PA Public Utility Commission [w/encls.]
Tori Giesler, Esquire, FirstEnergy Service Company [w/encls.]
Michael and Margaret Marino [w/encls.]

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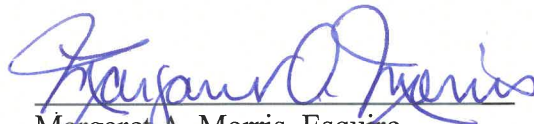
CERTIFICATE OF SERVICE

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

Michael and Margaret Marino
46 Hawthorne Drive
Hershey, PA 17033
Mikelmarino923@gmail.com

Dated: March 15, 2022


Margaret A. Morris, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL AND MARGARET MARINO :
 :
 v. : Docket No. C-2021-3028211
 :
 METROPOLITAN EDISON COMPANY & :
 MID-ATLANTIC INTERSTATE :
 TRANSMISSION, LLC :

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.63, you are hereby notified that if you do not file a written response answering the enclosed Preliminary Objections of Mid-Atlantic Interstate Transmission, LLC within ten (10) days from service of this notice, the facts set forth by Mid-Atlantic Interstate Transmission, LLC in the Preliminary Objections may be deemed to be true, whereby requiring no other proof. All pleadings, such as a Reply to Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for Mid-Atlantic Interstate Transmission, LLC, Margaret A. Morris, Esq., and to the Honorable Mark A. Hoyer and the Honorable John Coogan, the Presiding Officers in the above-captioned proceeding.

File by Mail or e-filing with:

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

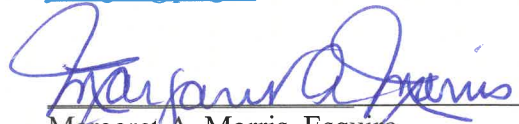
With a copy to:

Margaret A. Morris, Esquire
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

Date: March 15, 2022

The Hon. Mark A. Hoyer
mhoyer@pa.gov

The Hon. John Coogan
jcoogan@pa.gov



Margaret A. Morris, Esquire
Attorney ID No. 75048
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
(215) 495-6524 (tel.)
mmorris@regerlaw.com

Counsel for Mid-Atlantic Interstate Transmission, LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL AND MARGARET MARINO	:	
	:	
v.	:	Docket No. C-2021-3028211
	:	
METROPOLITAN EDISON COMPANY &	:	
MID-ATLANTIC INTERSTATE	:	
TRANSMISSION, LLC	:	

**PRELIMINARY OBJECTIONS OF
MID-ATLANTIC INTERSTATE TRANSMISSION, LLC
TO THE AMENDED COMPLAINT OF MICHAEL AND MARGARET MARINO**

Mid-Atlantic Interstate Transmission, LLC (Respondent or MAIT), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code § 5.101, hereby submits its Preliminary Objections to the Amended Complaint filed by Michael and Margaret Marino (Complainants).

MAIT avers the Complainants lack standing to bring this legal proceeding in either their individual or representative capacity. The Amended Complaint is therefore barred pursuant to 52 Pa. Code § 5.101(a)(7). MAIT requests that the Commission grant its Preliminary Objections and dismiss the Amended Complaint without a hearing.

In support of its preliminary objections, MAIT states as follows:

I. Procedural Background

1. The Complainants filed an Amended Complaint objecting to MAIT’s decision to rebuild the 72 (Campbelltown-Middletown-North Hershey) 69 kV Transmission Line

(Transmission Line) in “like” facilities (i.e. overhead with wooden poles). A copy of the Amended Complaint is provided as Attachment 1.

2. The rebuilt Transmission Line does not cross the Complainants’ property and they are not directly impacted by the Transmission Line.

3. Pursuant to 52. Pa. Code § 5.101, MAIT objects to the Amended Complaint on the grounds that the Complainants lack standing to file or to prosecute a complaint.

II. Argument

4. The Commission’s Rules of Practice and Procedure permit parties to file preliminary objections. The grounds for preliminary objections are limited to those set forth in 52 Pa. Code § 5.101(a) as follows:

- (1) Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
- (2) Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
- (3) Insufficient specificity of a pleading.
- (4) Legal insufficiency of a pleading.
- (5) Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
- (6) Pendency of a prior proceeding or agreement for alternative dispute resolution.
- (7) Standing of a party to participate in the proceeding.

5. Commission’s procedure regarding the disposition of preliminary objections is similar to that utilized in Pennsylvania civil practice. *Equitable Small Transportation Intervenors v. Equitable Gas Company*, Docket No. C-00935435 (Opinion and Order entered July 18, 1994).

6. The Commission has held that a person or entity has standing when the person or entity has a direct, immediate and substantial interest in the subject matter of a proceeding. *Joint Application of Pennsylvania-American Water Co. and Evansburg Water Co. for Approval of the transfer, by sale, of the water works property and rights of Evansburg Water Co. to Pennsylvania-American Water Co.*, A-212285F0046/47 and A-210870F01 (Ordered entered July 9, 1998); *William Penn Parking Garage, Inc. v. City of Pittsburgh*, 464 Pa. 168, 346 A.2d 269 (1975); *Landlord Service Bureau, Inc. v. Equitable Gas Co.*, 79 Pa. P.U.C. 342 (1993); *Re Equitable Gas Co.*, 76 Pa. P.U.C. 23 (1992); *Manufacturers' Association of Erie v. City of Erie - Bureau of Water*, 50 Pa. P.U.C. 43 (1976); *Waddington v. Pennsylvania Public Utility Commission*, 670 A.2d 199 (Pa. Cmwlth. 1995), alloc. denied, 678 A.2d 368 (Pa. 1996).

7. Requiring a person or entity to have a direct, immediate, and substantial interest in the subject matter of a proceeding helps avoid frivolous, harassing lawsuits whose costs are ultimately borne, at least in part, by utility ratepayers. *Pennsylvania Public Utility Commission v. National Fuel Gas Distribution Corp.*, 73 Pa. P.U.C. 552 (1990).

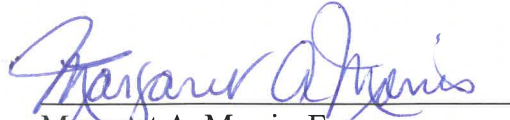
8. Mere conjecture about possible future harm does not confer a direct interest in the subject matter of a proceeding. *Official Court Reporters of the Court of Common Pleas of Philadelphia County v. Pennsylvania Labor Relations Board*, 467 A.2d 311 (Pa. 1983).

9. The Transmission Line does not cross the Complainants' property. They have no direct, immediate or substantive interest in the Project.

WHEREFORE, Respondent, Mid-Atlantic Interstate Transmission, LLC, requests that the Amended Complaint filed by Michael and Margaret Marino be dismissed with prejudice or denied in its entirety for lack of standing to file or to prosecute the Amended Complaint.

Respectfully submitted,

Date: March 15, 2022



Margaret A. Morris, Esq.

Attorney ID No. 75048

Reger Rizzo & Darnall LLP

Cira Centre, 13th Floor

2929 Arch Street

Philadelphia, PA 19104

(215) 495-6524 tel.

mmorris@regerlaw.com

Counsel for Mid-Atlantic Interstate Transmission, LLC

Docket No. C-2021-3028211
Michael and Margaret Marino v. Mid-Atlantic Interstate Transmission, LLC, et al.

Attachment 1

Amended Complaint

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Amendment to Formal Complaint

This form is to be used ONLY for complainants who have an existing formal complaint pending before the Pennsylvania Public Utility Commission.

An "Amendment" is an opportunity to include facts you want to add to your pending formal complaint. Do not include facts and statements you already provided in your formal complaint.

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

1. 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.

All of the following information is required.

Name Michael and Margaret Marino _____

Street/P.O. Box 46 Hawthorne Drive _____ Apt # _____

City Hershey _____ State PA _____ Zip 17033 _____

County _Dauphin_____

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

(____) ____ NA _____ (home) (717) 829-3831 _____ (mobile)

E-mail Address:

_mikeLmarino923@gmail.com _____

Utility Account Number (from your bill) ____ NA _____

2. Docket Number of Your Pending Formal Complaint.

Failure to provide the docket number of your pending complaint will result in rejection of this form. Your pending complaint begins with a C or F prefix, followed by the year you filed your original complaint and a seven-digit number. (Exp. C-2022-1234567)

C-2021-3028211

3. Explain the Amendment to Your Existing Complaint

What part(s) of your original formal complaint would you like to change or add additional information? Please include the paragraph number from the original formal complaint form which you want to amend. Add new details that were not included in your original formal complaint such as, dates, times and places, and any other information. Tell us why you want the PUC to consider this new information? Use additional paper if you need more space.

Additions to previously filed formal complaint, submitted August 24, 2021:

Question 2: Name of Utility or Company (Respondent)

We are amending the formal complaint against FirstEnergy/Met-Ed to include the following companies:

FirstEnergy Transmission, LLC

Mid-Atlantic Interstate Transmission, LLC, a subsidiary of First Energy Transmission, LLC

Metropolitan Edison Company, a Pennsylvania electric utility operating subsidiary

Question 4: Reason for Complaint

In addition to the information on the prior formal complaint, we are refuting the following:

On January 7, 2022 we were notified by Margaret A. Morris, Esquire from Reger Rizzo & Darnell LLP, arguing that the Transmission Line is owned exclusively by Mid-Atlantic Interstate Transmission, LLC (MAIT) and that our complaint is filed against the wrong party. However, on September 1, 2021, we received a letter from FirstEnergy's Regional External Affairs Consultant (FirstEnergy Service Company on behalf of Metropolitan Edison Company) stating that "FirstEnergy is rebuilding an existing 69-kilovolt transmission line to strengthen the electric system in Derry Township and surrounding areas". Additionally, Met-Ed, a FirstEnergy subsidiary, is performing work on the transmission facilities on the open properties adjacent to the Meadows neighborhood.

We respectfully disagree. We believe FirstEnergy/Med-ED and MAIT are all involved and share responsibility for the rebuilding of the 69-kilovolt transmission line project between Sand Hill and Nye Roads.

Question 7b: Prior Utility Contact

In addition to the information filed in our prior formal complaint, please include the following:

Our communication regarding this complaint has been through Margaret A. Morris, Esquire from Reger Rizzo & Darnell.

On January 7, 2022 a correspondence, from Margaret A. Morris, stated the Transmission Line is owned exclusively by MAIT. However, the FirstEnergy Annual Report 2021 Form 10-K (NYSE: FE) published on February 18, 2021, identifies MAIT and Met-Ed as subsidiaries of FirstEnergy. Therefore, we are amending our complaint to include MAIT as well as FirstEnergy/Met-Ed.

On January 20, 2022, we had a call-in Initial Prehearing Conference with The Honorable Mark A. Hoyer, The Honorable John Coogan and Margret A. Morris, Esquire. Following the meeting we filed an amended complaint and our response to the Motion of Metropolitan Edison Company for Judgement on the Pleadings received from Margaret A. Morris, Esq. on January 07, 2022.

4. Verification and Signature of Amendment

You must sign the amendment to your complaint. You **must** print or type your 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 Amendment, the PUC **will not accept it**.

Verification:

I Michael L. and Margaret G. Marino, 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).

I also affirm that I have served a copy of this amendment on all other parties.

Michael L. Marino Margaret G. Marino _____ *02-17-2022*
(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 Amendment is not signed by one of these individuals, the PUC will not accept it.

5. How to File Your Amendment

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>.

If eFiling – select from the Qualified Documents list under Existing Cases.

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

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

Remember to email a copy of your filing on all other parties.

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 Amendment for your records.