

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Optatus and Florence Chailla

Appellants,

Vs.

Pennsylvania Public Utilities Commission,

Appellees.

NOTICE OF APPEAL DENIAL OF PETITION FOR EMERGENT RELIEF

October 19, 2022, Appellants filed Petition for Emergent Relief from a Metropolitan Edison Shutoff Notice received October 18, 2022. Exhibit Z This matter arose out of a formal decision made by the Pennsylvania Public Utility Commissions entered September 15, 2022, having Docket No. C-2021-3024417.

Ongoing dispute was filed as a complaints with the *Consumer Financial Protection Bureau* and the *United States Federal Trade Commission* September 25, 2022, based on consumer protection fair debt collection practices acts that deal with consumer fraud and scams surrounding the unfair debt collection practices such as payment demanded for an ‘early termination fee’ for services that were cancelled between 4 Choice Energy and Appellants. However, Metropolitan Edison demanded payment of the ‘early termination fee’ due from 4 Choice Energy and billed Appellants despite both - 4 Choice Energy and Appellants - agreed to cancel the underlying agreement together with the fee it charged. In the pending federal review and decision, this Notice of Appeal is filed to stay Metropolitan Edison’s actions. Failure to stay its actions will cause irreparable harm.

PAPUC alleged the filed Petition for Emergent Relief was untimely. Exhibit 2. This instant appeal is based on denial of the Petition of Emergent Relief.

Consistent with § 3.1. Definitions.

Emergency—A situation which presents a clear and present danger to life or property or which is uncontested and requires action prior to the next scheduled public meeting. A danger exists to life of Appellants and of Optatus Chailla who has cardiac medical conditions such that should their residential home’s utilities be shutoff on October 26, 2022, he will suffer adverse health effects during the pendency of the federal government’s decision.

Further, the basis for the Met-Ed 10-day shutoff Notice are contrary to Pennsylvania law 52 Chapter 56, 52 Pa Code §56.141. The scheduled termination as a matter of law should be stayed. Consistent with the section (2) the undisputed portion of the bill has been paid. The disputed portion of the bill has not been paid pending the decision of the Federal Trade Commission.

Additionally, the Practice and Procedure of Petition for Emergent Relief holds:

Since the rules and regulations governing practice and procedure before the PUC do not contain provisions regarding the timeliness of filings and the date of issuance of orders for agency purposes, sections 31.11 and 31.13 of the General Rules of Administrative Practice and Procedure, 1 Pa. Code § § 31.11, 31.13, are controlling for these purposes. *Carol Lines, Inc. v. Pennsylvania Public Utility Commission*, 481 A.2d 990 (Pa. Cmwlt. 1984).

Unlike the decision by the author of the email and efile@pa.gov of today, the statute does not have a timeliness of filing requirement by law. Further 1 Pa Code §§ 31,11 and 31.13 are irrelevant. Relief sought was to stay actions of Met-Ed on October 26, 2022, pending a federal decision.

EX PARTE EMERGENCY ORDERS

§ 3.2. Petitions for issuance of emergency orders.

(a) To the extent practicable, a petition for emergency order must be in the form of a petition as set forth in § 5.41 (relating to petitions generally) and shall be served on the persons directly affected by the application.

(b) A petition for emergency order must be supported by a verified statement of facts which establishes the existence of an emergency, including facts to support the following:

(1) The petitioner's right to relief is clear. The relief sought was a stay of the Metropolitan Edison 10-day shutoff Notice scheduled for October 26, 2022; since the requisite payment of the undisputed portion of the bill has been paid.

(2) The need for relief is immediate. Health, safety and property issues will arise should the shutoff take place on October 26, 2022.

(3) The injury would be irreparable if relief is not granted. Irreparable harm to the health of Optatus Chailla who has cardiac conditions will be directly harmed and irreparable.

(4) The relief requested is not injurious to the public interest. Nothing associated with this request is injurious to the public's interest.

Dated: October 20, 2022

Respectfully submitted,

Optatus N. Chailla

Optatus N. Chailla

Florence R. Parker Chailla

Florence R. Parker Chailla

25 Garden Street - P. O Box 1111
Stroudsburg, PA 18360

CERTIFICATION

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

Dated: October 20, 2022

Respectfully submitted,

Optatus N. Chailla

Optatus N. Chailla

Florence R. Parker Chailla

Florence R. Parker Chailla

25 Garden Street - P. O Box 1111
Stroudsburg, PA 18360

PROOF OF SERVICE

We affirm that this Notice of Appeal was served electronically upon
R-A-PCAppeals@pa.gov and Met-Edison fecustomerservice@firstenergycorp.com
and support@firstenergy.firstenergycorp.com

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

Metropolitan Edison
501 Parkway Blvd
York, PA 17404

Additionally, to ensure service was effective, the same Notice of Appeal was
eFiled through the Pennsylvania Public Utility System.

Dated: October 20, 2022

Respectfully submitted,

Optatus N. Chailla

Optatus N. Chailla

Florence R. Parker Chailla

Florence R. Parker Chailla

25 Garden Street - P. O Box 1111
Stroudsburg, PA 18360

EXHIBIT 1 - EMERGENT PETITION FILED WITH PAPCU



Florence Parker <thebusiness2@yahoo.com>
To: Met-Ed Meter Services Calendar

Wed, Oct 19 at 12:16 PM

New Filing

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

[Print for your records](#)

Optatus N. Chaila and Florence PARKER CHAILLA

C2021-3024417

10/19/2022, 12:13:59 PM

10/19/2022, 12:13:59 PM

2439902

Representing

Case Description

Transmission Date

Filed On

eFiling Confirmation Number

Uploaded File List

File Name

Document Type

Upload Date

[PETITION FOR EMERGENCY ORDER 10192022.pdf](#)

Petition for Emergency Order

10/19/2022, 12:13:43 PM

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to

Secretary

Pennsylvania Public Utility Commission

400 North Street

Harrisburg PA 17120

a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

No paper submission is necessary for filings under 250 pages.

You can view a record of this filing and previous filings you have submitted to the PUC by using the links in the Filings menu at the top of the page. Filings that have been submitted within the last 30 days can be viewed by using the Recent Filings link. Older filings can be viewed by using the search options available in the Filing History link.

File Name	Document Type	Upload Date
PETITION FOR EMERGENCY ORDER 10192022.pdf	Petition for Emergency Order	10/19/2022, 12:13:43 PM

FLORENCE R. PARKER CHAILLA

October 19, 2022

**PETITION FOR EMERGENCY ORDER
10-DAY SHUTOFF SCHEDULED
FOR 10/25/2022 NOTICE RECEIVED YESTERDAY**

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

Re: Case Docket # C2021-3024417 case was filed with Consumer Financial Protection Bureau and with the U. S. Federal Trade Commission.

Dear PAPUC:

The referenced Docket was decided September 15, 2022. Thereafter on September 25, 2022, it was filed with the Consumer Financial Protection Bureau and with the U. S. Federal Trade Commission as shown below:



Your complaints

COMP LAIN T ID	PRIMA RY CONSU MER	PRODUCT AND ISSUE	CONSUMER- IDENTIFIED COMPANY	SUBM ITTED	STATUS
22092 5-945 6619	Florence R Parker Chailla	Other debt Took or threatened to take negative or legal action	Metropolitan Edison Company and Choice Energy	09/25/ 2022	Closed Sent to Regulator FTC

Metropolitan Edison your 10-day shutoff notice - Exhibit Z shown below was received yesterday. Above is evidence that complaints were filed with the Consumer Financial Protection Bureau; it has forwarded our complaint to the U. S. Federal Trade Commission. Monday, October 17, 2022, we also mailed a complete complaint and additional information to it which was received on that date.

We have also contacted the Pennsylvania Attorney General's Office and alerted them of the pendency of the U. S. Federal Trade Commissions decision on the payment of the, 'early termination fee' you demand which we disagree with since the transaction between your principal 4 Choice Energy and you is none of our business and has nothing to do with money you claim is owed to you.

PAPUC Commission made a decision on September 15, 2022 in Docket # C2021-3024417. That decision was not fair or objective; therefore, since our consumer rights were not considered, our complaints were filed with the Consumer Financial Protection Board and the U. S. Federal Trade Commission as shown above and via Certified mail sent to the U.S. Federal Trade Commission having Receipt Number shown in Exhibit 1.

It is requested that the shutoff of utilities be stayed pending the FTC's decision.

Regards,

Florence R. Parker Chaila

Florence R. Parker Chaila, JD

Enclosures: CFPB and FTC filed 9/25/2022 and 10/17/2022.

EXHIBIT 1 - USPS TRACK AND CONFIRM RECEIPT

USPS Tracking®

[Tracking FAQs](#)

[Track Packages](#)

[Anytime, Anywhere](#) Get the free Informed Delivery® feature to receive automated notifications on your packages [Learn More](#)

Remove

Tracking Number:

9510812717062286525780

[Copy](#) [Add to Informed Delivery](#)

[Latest Update](#)

Your item was picked up at a postal facility at 8:39 am on October 17, 2022 in WASHINGTON, DC 20580 by FTC 20580 R5. The item was signed for by S WILLIAMS.

[Delivered](#)

Delivered, Individual Picked Up at Postal Facility

WASHINGTON, DC 20580

October 17, 2022, 8:39 am

[See All Tracking History](#)

[Text & Email Updates](#)

Proof of Delivery

USPS Tracking Plus®

Product Information

- Postal Product:
Priority Mail®
- Features:
Insured
- Signature Confirmation™
-

Signed for By: S WILLIAMS // WASHINGTON, DC 20580 // 8:39 am

[See Less](#)

[Track Another Package](#)

EXHIBIT - Z SHUTOFF NOTICE

OPTATUS N CHAILLA
10/12/2022
Met-Ed
PO Box 16001
Reading, PA 19612-6001
1-800-962-4848

100 111 671 580

10 DAY SHUT-OFF NOTICE
AVISO DE SUSPENSION DE SERVICIO

Your Electric Service May Be Shut Off !
Because your bill is past-due, we will shut off the service to:
25 GARDEN ST STROUDSBURG PA 18360
on or after 8 a.m. on 10/26/2022. We may act on this notice for up to 60 days.

We will NOT Shut off your electric service if you do ONE of the following:

- Call us at 1-800-962-4848 to arrange to pay your past-due bill of \$374.01.
- Pay the amount you owe on your payment arrangement. Call us at 1-800-962-4848 for this amount.
- Show us a paid receipt for the past-due amount.
- Call 1-800-962-4848 right away if you dispute this bill or to provide us with household income and occupant information. You may be eligible for a payment arrangement or special assistance programs.

If we shut off your electric service, you may have to pay all of the following before we can turn your service on:

Past-Due Bill	\$374.01
Turn-on Charge	\$36.00
Security Deposit	\$74.00
Total	<u>\$484.01</u>

To talk about your bill, please call our office at 1-800-962-4848.

MEDICAL EMERGENCY NOTICE
Let us know if someone living in your home is seriously ill or has a medical condition. **WE WILL NOT SHUT OFF YOUR SERVICE provided you:**

1. Have your licensed physician, nurse practitioner or physician assistant certify in writing that you or a member of your household is seriously ill or have been diagnosed with a medical condition which requires the continuation of service to treat the medical condition.
AND
2. Make some equitable arrangements to pay the company your current bills for service.

IMPORTANT TO KNOW: Before we shut off your utility service please read the back of this notice. You may be eligible for certain protections from shut-off.

Atencion ! Este es en mensaje muy importante. Si usted no lo entiende, favor de llama a 1-800-962-4848

TERM10

EXHIBIT 2 - REJECTED EMERGENT PETITION



Leonard, Allyson <alleonard@pa.gov>
To: 'thebusiness2@yahoo.com'

Thu, Oct 20 at 8:14 AM
Good Morning,

I'm just contacting you to let you know that your Petition for Emergency Order has been rejected because it has been determined as untimely. Please don't refile.

Thanks,

Allyson
Allyson E. Leonard
Legal Assistant 2
PUC Secretary's Bureau-C&A



eFile@pa.gov <efile@pa.gov>
To: thebusiness2@yahoo.com

Thu, Oct 20 at 9:21 AM

Dear Florence Parker Chailla,

Your eFiling that was filed on Wed Oct 19 12:13:59 EDT 2022 has been rejected due to the following reason.

Other - See Comments : This Petition for Emergency Order has been determined as untimely. Please don't refile.

Following documents were rejected as a part of Filing
Petition-Petition for Emergency Order.pdf

Thank You,

Public Utility Commission
Commonwealth of Pennsylvania

** Please do not respond to this automatically generated email.*