



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

IN REPLY PLEASE
REFER TO OUR FILE
C-2021-3024417

October 31, 2022

Florence R. Parker Chailla
25 Garden Street, P.O. Box 1111
Stroudsburg, PA 18360

Re: *Florence R. Parker Chailla v. Metropolitan Edison Company and
Choice Energy LLC d/b/a/ 4 Choice Energy LLC*
Docket No. C-2021-3024417

Dear Ms. Chailla:

On October 19, 2022, you filed a Petition for Emergency Relief (Petition) requesting that the Commission issue an emergency order to stay a termination notice you received from Metropolitan Edison Company (Met-Ed) arising from the Commission's Opinion and Order entered September 15, 2022 (*September 15, 2022 Order*) at the above-captioned docket. Upon review of your Petition and for the reasons stated in this Secretarial Letter, your request for emergency relief pursuant to 52 Pa. Code §§ 3.1 – 3.4 is denied.

As set forth in the Commission's regulations at 52 Pa. Code §§ 3.1 – 3.4, emergency relief is granted in situations that present a clear and present danger to life or property or which is uncontested and requires action prior to the next scheduled meeting.¹ A petition for emergency order must be supported by a verified statement of facts that establish the existence of an emergency and the following:

- (1) The petitioner's right to relief is clear.
- (2) The need for relief is immediate.
- (3) The injury would be irreparable if relief is not granted.
- (4) The relief requested is not injurious to the public interest.²

Initially, the Commission finds that you failed to present facts demonstrating that your right to relief in the form of an emergency order directing MetEd to stay its termination notice is clear.

¹ See definition for *Emergency* at 52 Pa. Code § 3.1.

² 52 Pa. Code § 3.2(b).

Section 56.181 of the Commission's regulations establish a disputing party's responsibility to render payment for utility bills pending resolution of disputes or complaints before the Commission. 52 Pa. Code § 56.181. Once the Commission has rendered a decision, a customer is responsible for paying their bills in accordance with the Commission's order. In our *September 15, 2022 Order*, we found that neither MetEd nor Choice Energy LLC d/b/a/ 4 Choice Energy LLC (Choice Energy) committed any violations of the Public Utility Code, Commission regulations, or orders. As such, there are no billed amounts remaining in dispute. Therefore, MetEd is entitled to receive payment for all amounts billed to your account and may terminate service if you fail to render said payment. 52 Pa. Code § 56.81(1).

As to your complaints filed with the Consumer Financial Protection Bureau (CFPB) and the United States Federal Trade Commission (FTC) on September 25, 2022 and October 19, 2022, respectively, these proceedings have no impact on the Commission's *September 15, 2022 Order*. The correct avenue to challenge a final Commission Order is by filing a Petition for Review with the Commonwealth Court. *See* 210 Pa. Code §§ 1501-1561. Absent an adverse determination by an appellate court, any Commission order remains binding on all parties thereby affected. 66 Pa.C.S. § 316.³

Further, you failed to present facts demonstrating that your need for relief is immediate, or that injury would be irreparable if your request for a stay of MetEd's termination notice is not granted. The Commission previously noted that Choice Energy offered to retroactively waive its early cancellation fee. *September 14, 2022 Order* at 27, 29, 42, and 43. Accordingly, Choice Energy mailed you a check in the amount of \$230 to cover its early cancellation fee that was billed to your MetEd account, but that you have declined to deposit this check.⁴ *Id.* As such, it would appear that you have the means to submit payment to MetEd to cover Choice Energy's early cancellation fee to prevent termination of your electric service at any time you wish to cash the check provided to you by Choice Energy.

Insofar as your allegation that Optatus Chaila has a medical condition and will be harmed should MetEd terminate service to your service address, the Commission notes that MetEd's termination notice includes instructions on providing the company with documentation of a medical condition to prevent termination.

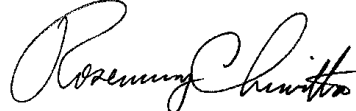
³ While the Commission's regulations do not specifically establish a timeframe during which an ex parte petition for emergency relief must be filed, we note that the Pennsylvania Rules of Appellate Procedure require that any petition for review appealing a governmental agency's order must be filed with the Commonwealth Court within 30 days after entry of the contested order. 210 Pa. Code § 1512(a)(1).

⁴ The record in the proceeding establishes that after Choice Energy was dropped as your electric generation supplier, it no longer had access to your account to either bill charges or to refund/credit charges. *September 14, 2022 Order* at 44-45.

Finally, the Commission finds that you failed to present facts demonstrating that granting your request would not be injurious in the public interest. Given that you did not appeal the *September 14, 2022 Order* and that Choice Energy provided you with funds to pay the early cancellation fee on your MetEd bill, granting your request for a stay of MetEd's termination notice would contravene the Pennsylvania Rules of Appellate Procedure and compromise the due process rights of both MetEd and Choice Energy.

Accordingly, for the reasons stated above, your request for emergency relief pursuant to 52 Pa. Code §§ 3.1 – 3.4 is denied. Please direct any questions to Tiffany L. Tran, Assistant Counsel, Law Bureau, at (717) 787-5000.

Sincerely,



Rosemary Chiavetta
Secretary

cc: Gladys Brown Dutrieuille, Chairman
Stephen M. DeFrank, Vice Chairman
Ralph V. Yanora, Commissioner
Kathryn L. Zerfuss, Commissioner
John F. Coleman, Jr., Commissioner
Robert Gramola, Acting Executive Director
Renardo Hicks, Chief Counsel
Margaret Morris, Esq., Counsel for Metropolitan Edison Company
Brian C. Deeney, Esq., Counsel for Choice Energy LLC d/b/a/ 4 Choice Energy LLC
John D. Coyle, Esq., Counsel for Choice Energy LLC d/b/a/ 4 Choice Energy LLC