

CAPTION SHEET

SE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: ALJ
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: C-00967757
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 02/29/96
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: METROPOLITAN EDISON CO - COMP APPEL

RESPONDENT/APPLICANT: SANTOS, ELIZABETH - RESPONDENT

COMP/APP COUNTY: UTILITY CODE: 110300

ALLEGATION OR SUBJECT

METROPOLITAN EDISON COMPANY REQUESTS REVERSAL OF DECISION.

DOCUMENT  
FOLDER

SEARCHED  
SERIALIZED  
INDEXED  
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ILS

0046775 17

LAW OFFICES  
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1100 BERKSHIRE BOULEVARD

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610-372-4761  
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HAROLD J. RYAN (1972)  
JOHN S. MCCONAGHY (1981)

February 28, 1996

VIA UPS OVERNIGHT SERVICE

Mr. John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
North Office Building, Room B-20  
Commonwealth Avenue & North Street  
Harrisburg, Pennsylvania 17120

RECEIVED  
FEB 29 1996

SECRETARY'S OFFICE  
Public Utility Commission

Re: Elizabeth Santos v.  
Metropolitan Edison Company, Appellant

Dear Secretary Alford:

Enclosed for filing are an original and three copies of the following documents in the above-captioned action:

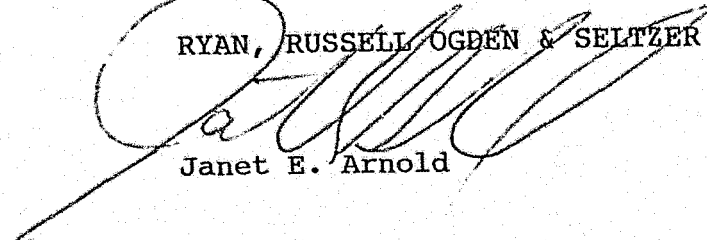
- 1) Complaint of Metropolitan Edison Company, and
- 2) Motion of Metropolitan Edison Company To Join Indispensible Parties.

Please contact me with any questions.

Very truly yours,

RYAN, RUSSELL OGDEN & SELTZER

Janet E. Arnold



JEA/jlc

Enclosures  
cc: As per Certificate of Service

DOCUMENT  
FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: COMPLAINT OF  
ELIZABETH SANTOS

v.

METROPOLITAN EDISON COMPANY,  
APPELLANT

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: Complaint Docket  
: No.  
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CERTIFICATE OF SERVICE

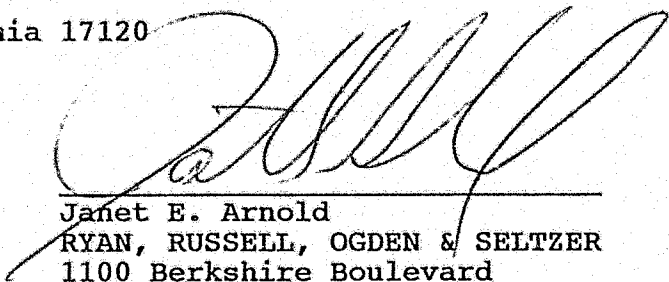
I hereby certify that I have this day served a true copy of the following documents upon the party listed below, in accordance with the requirements of 52 Pa. Code § 1.37:

- 1) Complaint of Metropolitan Edison Company, and
- 2) Motion of Metropolitan Edison Company To Join Indispensible Parties.

Via UPS Overnight Service, addressed as follows:

Mr. John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
North Office Building  
Harrisburg, Pennsylvania 17120

Dated: February 28, 1996

  
\_\_\_\_\_  
Janet E. Arnold  
RYAN, RUSSELL, OGDEN & SELTZER  
1100 Berkshire Boulevard  
P.O. Box 6219  
Reading, Pennsylvania 19610-0219  
(610) 372-4761

Attorneys for  
Metropolitan Edison Company

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: COMPLAINT OF  
ELIZABETH SANTOS

v.

METROPOLITAN EDISON COMPANY,  
APPELLANT

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: Complaint Docket  
: No. C-00967757  
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COMPLAINT

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, Metropolitan Edison Company ("Met-Ed" or the "Company"), by and through its attorneys, Janet E. Arnold and Ryan, Russell, Ogden & Seltzer, pursuant to the provisions of 52 Pa. Code §§ 5.21, 5.22 and 56.174, and Section 701 of the Pennsylvania Public Utility Code ("Code"), 66 Pa. C.S. §701, hereby appeals the mediation decision of the Bureau of Consumer Services in the above-captioned case, BCS No. 0274904, dated December 22, 1995 ("Mediation Decision"), and in support of said appeal, represents as follows:

1. The Appellant/Complainant is Metropolitan Edison Company, with its principal place of business at 2800 Pottsville Pike, P.O. Box 16001, Reading, Pennsylvania 19640.
2. Met-Ed is a Pennsylvania public utility corporation, subject to the jurisdiction of the Pennsylvania Public Utility Commission (the "Commission").
3. Met-Ed furnishes retail electric service to, inter alia, portions of Reading, Berks County, Pennsylvania.

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FEB 29 1996

SECRETARY'S OFFICE  
Public Utility Commission

4. Met-Ed's attorneys are Janet E. Arnold and Ryan, Russell, Ogden & Seltzer, 1100 Berkshire Boulevard, P.O. Box 6219, Reading, Pennsylvania 19610.

5. This Complaint seeks immediate relief from the unlawful Mediation Decision of the Bureau of Consumer Services ("BCS") which imposed upon Met-Ed the responsibility for collecting amounts for previously rendered retail electric service from an individual having no business or customer relationship with the Company. The Mediation Decision failed to understand and apply the relevant law, resulting in the imposition of a payment obligation upon the landlord of a tenant-occupied building without prior notice or opportunity to be heard.

6. That portion of the Mediation Decision giving rise to this Complaint is as follows:

"2. That the Company must transfer the entire balance that accumulated from the time that Ms. Santos became the customer of record to the time the foreign load was detected to the Landlord's account."

(Mediation Decision at 3, attached hereto as "Exhibit A").

7. Elizabeth Santos, Complainant before the BCS, is an adult individual who, at all times material hereto, was a tenant in the second floor apartment of a tenant-occupied building located at 212 South 9th Street, Reading, Pennsylvania 19602 (the "Building") that was receiving retail electric service from Met-Ed under Account No. 731141430058 ("Account").

8. On or about May 11, 1995, Elizabeth Santos filed an Informal Complaint with the BCS, Docket No. 0274904, alleging that

she was paying for electric service to a barber shop and a church, in addition to the service for her second floor apartment in the Building.

9. On or about May 10, 1995, Met-Ed investigated Elizabeth Santos' Informal Complaint and determined that a single meter located at or near her residence serviced not only her second floor apartment, but a barber shop and a church as well.

10. On or about May 11, 1995, Met-Ed placed the Account, formerly in the name of Elizabeth Santos, in the name of the owner of the Building, Loan Phan.

11. As of May 11, 1995, Elizabeth Santos had an outstanding balance on the Account of \$348.55.

12. In her Informal Complaint, Ms. Santos challenged the Company's determination that she was responsible for the Account's outstanding balance of \$348.55.

13. The BCS ordered Met-Ed to "transfer the entire balance that accumulated from the time that Ms. Santos became the customer of record to the time of the foreign load was detected to the Landlord's account". (Mediation Decision at 3).

14. The Landlord of the Building during Elizabeth Santos' tenancy was Loan Phan, 801 Hamilton Street, No. 1, Allentown, Pennsylvania, 18103.

15. Elizabeth Santos was the Met-Ed customer of record for residential electric service to 212 South 9th Street, Second Floor, Reading, Pennsylvania 19602 from January 10, 1995 to May 11, 1995.

16. Elizabeth Santos' Account was opened on January 10, 1995, and closed on May 11, 1995.

17. The Account was changed pursuant to, and in accordance with, Met-Ed Rate RS - Residential Service, as specified in Met-Ed's Tariff Electric No. 47, which has been duly filed with and approved by the Commission.

18. From January 10, 1995 to May 11, 1995, Elizabeth Santos made only one payment to Met-Ed on the Account in the amount of thirty-two dollars and sixty cents (\$32.60), which was on February 15, 1995.

19. In the Informal Complaint, Elizabeth Santos did not dispute the fact that she had received service from Met-Ed and utilized electricity at all times relevant to this proceeding, including the period January 10, 1995 to May 11, 1995.

COUNT 1

20. Met-Ed incorporates by reference paragraphs 1-19 as though fully set forth at length herein.

21. Section 1529.1 of the Public Utility Code, 66 Pa. C.S. § 1529.1, provides that

"upon receipt of the notice provided in this section, if the mobile home park or residential building contains one or more dwelling units not individually metered, an affected public utility shall forthwith list the account for the premises in question in the name of the owner, and the owner shall

thereafter be responsible for the payment for the utility services rendered thereunder."

22. The language of Code Section 1529.1 mandates that a utility, upon receiving notice that a residence is not individually metered, must place the account in the name of the Landlord. The Landlord is responsible for charges for utility service thereafter. Met-Ed fully complied with the provisions of Code Section 1529.1 in its handling of the Account

23. However, the Mediation Decision, by requiring Met-Ed to transfer the entire balance accumulated by Elizabeth Santos from the time she became the customer of record (i.e., January 10, 1995) to the time the foreign load was detected into the name of the Landlord, (i.e., May 10, 1995), violates Code Section 1529.1.

24. As a direct and proximate result of the unlawful Mediation Decision, Met-Ed has been required to seek payment for electric service provided previously in accordance with its lawful obligations from the Landlord of the Building, a party with whom Met-Ed has no direct business, customer or any other relationship which could support such payment obligation.

WHEREFORE, Met-Ed requests that the Mediation Decision of the BCS in the Informal Complaint of Elizabeth Santos dated December 22, 1995 be reversed, and that the Commission grant such other relief as it deems just and proper.

COUNT 2

25. Met-Ed incorporates by reference paragraphs 1-24 as though fully set forth at length herein.

26. Loan Phan, the Landlord for the Building, was not a party to the Informal Complaint of Elizabeth Santos, and was not provided notice thereof or an opportunity to participate therein.

27. Loan Phan is an adult individual who, at all times material hereto, has resided at 801 Hamilton Street, #1, Allentown, Pennsylvania 18103.

28. During the time Elizabeth Santos was a tenant in the Building, Loan Phan was the owner thereof.

29. Loan Phan is not a Met-Ed customer.

30. In ordering Met-Ed to transfer the outstanding balance of the Account, into the name of the Landlord of the Building, the BCS has affected the rights of Loan Phan without providing notice and/or an opportunity for hearing.

31. The Mediation Decision is unlawful in part because violates the due process rights of the Landlord, Loan Phan.

WHEREFORE, Met-Ed requests that the Mediation Decision of the BCS in the Informal Complaint of Elizabeth Santos dated December 22, 1995 be reversed, and that the Commission grant such other relief as it deems just and proper.

Count 3

32. Met-Ed incorporates by reference paragraphs 1-31 as though fully set forth at length herein.

33. On or about May 23, 1995, the Building was purchased by Cesar S. Pomales.

34. Cesar S. Pomales is an adult individual who currently resides at 212 South 9th Street, Reading, Pennsylvania 19602.

35. When the Mediation Decision was issued on December 22, 1995, Cesar Pomales was the owner of the Building.

36. In ordering Met-Ed to transfer the outstanding balance for the Account into the name of the Landlord of the Building, the BCS may have affected the rights of Cesar Pomales without providing notice and/or an opportunity for hearing.

37. The Mediation Decision is unlawful in part because it violates the due process rights of the current owner of the building, Cesar Pomales.

WHEREFORE, Metropolitan Edison Company requests that the Mediation Decision of the BCS and the Informal Complaint of Elizabeth Santos dated December 22, 1995 be reversed, and that the Commission grant such other relief as it deems just and proper.

Count 4

38. Met-Ed incorporates by reference paragraphs 1-37 as though fully set forth at length herein.

39. The Mediation Decision requires Met-Ed to transfer to the landlord of the Building the entire balance in the Account that accumulated from the time Elizabeth Santos became the customer of record to the time the foreign load was detected.

40. Loan Phan was the owner of the building on May 11, 1995, when Elizabeth Santos filed her Informal Complaint with the BCS.

41. The Mediation Decision of the BCS was issued December 22, 1995.

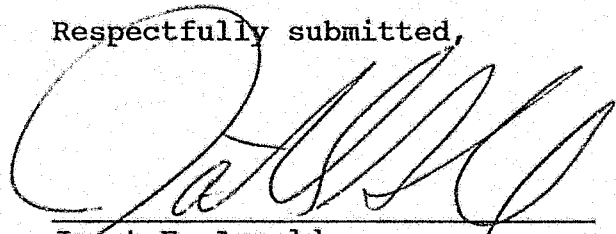
42. On December 22, 1995, the owner of the Building was Cesar Pomales.

43. The Mediation Decision does not specify which building owner is responsible for the outstanding balance on the Account.

44. Consequently, the Mediation Decision is arbitrary, capricious and unduly vague.

WHEREFORE, Metropolitan Edison Company requests that the Mediation Decision of the BCS and the Informal Complaint of Elizabeth Santos dated December 22, 1995 be reversed, and that the Commission grant such other relief as it deems just and proper.

Respectfully submitted,



Dated: February 28, 1996

Janet E. Arnold  
RYAN, RUSSELL, OGDEN & SELTZER  
1100 Berkshire Boulevard  
P.O. Box 6219  
Reading, Pennsylvania 19610-0219

Attorneys for  
Metropolitan Edison Company



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ALAN MICHAEL SELTZER  
JEFFREY A. FRANKLIN  
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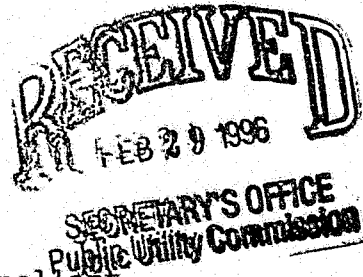
HAROLD J. RYAN (1972)  
JOHN S. MCCONAGHY (1981)

February 28, 1996

VIA UPS OVERNIGHT SERVICE

Mr. John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
North Office Building, Room B-20  
Commonwealth Avenue & North Street  
Harrisburg, Pennsylvania 17120

Re: Elizabeth Santos v.  
Metropolitan Edison Company, Appellant



Dear Secretary Alford:

Enclosed for filing are an original and three copies of the following documents in the above-captioned action:

- 1) Complaint of Metropolitan Edison Company, and
- 2) Motion of Metropolitan Edison Company To Join Indispensible Parties.

Please contact me with any questions.

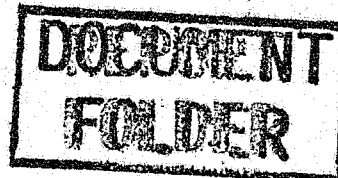
Very truly yours,

RYAN, RUSSELL OGDEN & SELTZER

Janet E. Arnold

JEA/jlc

Enclosures  
cc: As per Certificate of Service



BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: COMPLAINT OF  
ELIZABETH SANTOS

v.

METROPOLITAN EDISON COMPANY,  
APPELLANT

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Complaint Docket

No. *005767757*

CERTIFICATE OF SERVICE

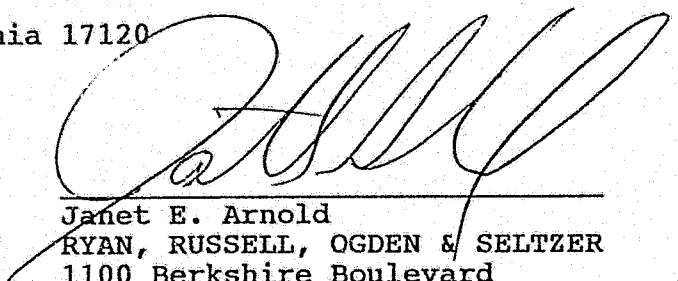
I hereby certify that I have this day served a true copy of the following documents upon the party listed below, in accordance with the requirements of 52 Pa. Code § 1.37:

- 1) Complaint of Metropolitan Edison Company, and
- 2) Motion of Metropolitan Edison Company To Join Indispensible Parties.

Via UPS Overnight Service, addressed as follows:

Mr. John G. Alford, Secretary  
Pennsylvania Public Utility Commission  
North Office Building  
Harrisburg, Pennsylvania 17120

Dated: February 28, 1996

  
\_\_\_\_\_  
Janet E. Arnold  
RYAN, RUSSELL, OGDEN & SELTZER  
1100 Berkshire Boulevard  
P.O. Box 6219  
Reading, Pennsylvania 19610-0219  
(610) 372-4761

Attorneys for  
Metropolitan Edison Company

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: COMPLAINT OF  
ELIZABETH SANTOS

v.

METROPOLITAN EDISON COMPANY,  
APPELLANT

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: Complaint Docket  
: No. C. 00967757  
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MOTION TO JOIN INDISPENSABLE PARTIES

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, Metropolitan Edison Company ("Met-Ed") by and through its counsel, Janet E. Arnold and Ryan, Russell, Ogden & Seltzer, hereby moves for the joinder of Loan Phan and Cesar S. Pomaes as an indispensable parties to this proceeding and in support of its Motion, states as follows:

1. Met-Ed is a Pennsylvania Public Utility Corporation, subject to the jurisdiction of the Pennsylvania Public Utility Commission (the "Commission").

2. Met-Ed furnishes retail electric service to, inter alia, portions of Reading, Berks County, Pennsylvania, pursuant to its certificate of public convenience and the terms of its Commission-approved tariff.

3. Elizabeth Santos ("Santos") is an adult individual who, at all times material hereto, was a tenant in the second floor apartment of a building located at 212 South 9th Street, Reading, Pennsylvania 19602 ("the Building").

4. Santos was the Met-Ed customer of record for residential electric service to 212 South 9th Street, Second Floor, Reading, Pennsylvania 19602.

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SECRETARY'S OFFICE  
Public Utility Commission

5. The electric service account for the Santos apartment, number 731141430058, was opened on January 10, 1995.

6. Santos was charged for electric service to the apartment under, and in accordance with, Met-Ed Rate RS-Residential Service, as specified in the Met-Ed tariff, which has been duly filed with and approved by the Commission.

7. On or about May 11, 1995, Santos filed an Informal Complaint with the Bureau of Consumer Services ("BCS"), BCS Docket No. 0274904, alleging she was paying for the provision of electric service to her apartment, a barber shop and a church.

8. On May 10, 1995, Met-Ed personnel visited the Building and confirmed that a meter for the Santos apartment was also serving a church and a barber shop.

9. On May 11, 1995, Met-Ed removed Santos' name from the bill and placed the bill in the name of the building owner, Loan Phan, consistent with the requirements of Section 1529.1 of the Public Utility Code, 66 Pa. C.S. § 1529.1.

10. Loan Phan is an adult individual who, at all times material hereto, has resided at 801 Hamilton Street, No. 1, Allentown, Pennsylvania, 18103.

11. Loan Phan was the owner of the Building during the time Ms. Santos was a tenant in that building.

12. Loan Phan was not a party to the Informal Complaint.

13. On or about May 23, 1995, the building was sold by Loan Phan to Cesar S. Pomales.

14. Cesar S. Pomales is an adult individual currently residing at 212 South 9th Street, Reading, Pennsylvania 19602.

15. Cesar S. Pomales was the owner of the building on December 22, 1995, the date the BCS Decision was issued.

16. Cesar S. Pomales was not a party to the Informal Complaint.

17. On December 22, 1995, the BCS issued its Decision in the Informal Complaint of Elizabeth Santos, BCS No. 0274904, ordering Met-Ed to place Santos' outstanding balance of \$348.55 in "the landlord's account". BCS Decision at 3.

18. At the time the Informal Complaint was filed, Loan Phan was the Landlord. At the time the BCS issued its Decision, Cesar S. Pomales was the landlord.

19. It is fundamental in Pennsylvania that a Court cannot grant relief without the joinder of all indispensable parties. Reifsnyder v. Pittsburgh Outdoor Advertising Co., 396 Pa. 320, 152 A.2d 894 (1959); Powell v. Shepard, 381 Pa. 405, 113 A.2d 261 (1955). It has also been held that "the absence of indispensable parties goes absolutely to the jurisdiction, and without their presence the Court can grant no relief. Posel v. Redevelopment Authority, 73 Pa. Commw. 115, 456 A.2d 243 (1983); Renner v. Metropolitan Edison Co., (Docket No. F-00246922, Order dated December 22, 1994).

20. A party is deemed indispensable when his rights are "so connected with the claims of the litigants that no degree can be fashioned between them without impairing those rights". Reifsnyder v. Pittsburgh Outdoor Advertising Co., 396 Pa. 320, 152 A.2d 894 (1959); Posel v. Redevelopment Authority, supra, at 246.

21. The BCS decision in this matter required Met-Ed to transfer the outstanding balance to "the landlord's account". The landlord at the time Santos filed her informal Complaint was Loan Phan. When the BCS decision was issued, the landlord was Cesar S. Pomales. Implementation of the BCS decision therefore would potentially involve both Loan Phan and Cesar S. Pomales.

22. Similarly, the rights of both Loan Phan and Cesar S. Pomales may be affected as a result of Met-Ed's appeal of the BCS decision. Both individuals have owned the Building at times relevant to this proceeding. The Commission may decide that either Loan Phan or Cesar S. Pomales is responsible for payment to Met-Ed of the outstanding balance of Santos' electric account.

23. Consequently, it cannot be disputed that the rights of Loan Phan and Cesar S. Pomales are so directly connected to the claims of the litigants that no order can be fashioned between Met-Ed and Santos without impairing those rights.

24. Loan Phan and Cesar S. Pomales must therefore be joined as indispensable parties to this proceeding, and afforded an opportunity to be heard.

WHEREFORE, Metropolitan Edison Company respectfully requests that this Commission issue an Order:

1. Joining Loan Phan, 801 Hamilton Street, No. 1, Allentown, 18103 as an indispensable party to this proceeding,
2. Requiring that the Pennsylvania Public Utility Commission's Secretary's Bureau serve a copy of the Complaint filed by Metropolitan Edison Company upon Loan Phan, 801 Hamilton Street,

No. 1, Allentown, Pennsylvania 18103 with instructions as to filing a response, and

3. Adding Loan Phan, 801 Hamilton Street, No. 1, Allentown, Pennsylvania 18103 to the service list in the above-captioned matter.

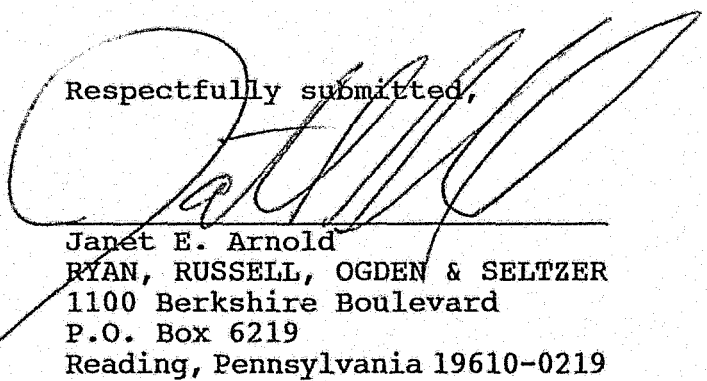
4. Joining Cesar S. Pomales, 212 South 9th Street, Reading, Pennsylvania 19602 as an indispensable party to this proceeding.

5. Requiring that the Pennsylvania Public Utility Commission's Secretary's Bureau serve a copy of the Complaint filed by Metropolitan Edison Company upon Cesar S. Pomales, 212 South 9th Street, Reading, Pennsylvania 19602 with instructions as to filing a response, and

6. Adding Cesar S. Pomales, 212 South 9th Street, Reading, Pennsylvania 19602 to the service list in the above-captioned matter.

Respectfully submitted,

Dated: February 28, 1996

  
Janet E. Arnold  
RYAN, RUSSELL, OGDEN & SELTZER  
1100 Berkshire Boulevard  
P.O. Box 6219  
Reading, Pennsylvania 19610-0219

Attorneys for  
Metropolitan Edison Company



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
PO BOX 3265, HARRISBURG, PA 17105-3265

March 5, 1996

IN REPLY PLEASE  
REFER TO OUR FILE

ELIZABETH SANTOS  
212 SOUTH 9TH STREET  
SECOND FLOOR  
READING PA 19602

Re: Elizabeth Santos v. Metropolitan Edison Company  
Docket No. C-00967757

Dear Ms. Santos:

Please note that a Motion to Dismiss has been filed by counsel for Metropolitan Edison Company in the above-docketed complaint proceeding. As the complainant(s) in this matter, we are advising you that this preliminary motion has been assigned to Administrative Law Judge (ALJ) Allison K. Turner for ruling. The Commission rule of practice at 52 Pa. Code §5.101 specifies ten (10) days for an answer. If you file any pleading(s) or document(s) relating to this motion with the Secretary of the Commission, please provide a copy to Judge Turner as well.

If you have any questions or comments, please contact ALJ Turner at (717) 787-8813.

Very truly yours,

Robert A. Christianson  
Acting Chief Administrative Law Judge

RAC:gp

pc: Janet E. Arnold, Esquire  
ALJ Allison K. Turner  
~~Joyce McGrady~~  
Janice Zurat  
Gloria Pressley

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MAR 11 1996

**DOCUMENT  
FOLDER**

REC'D CONTROL DIV  
MAR 7 11:03

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P O BOX 3265, HARRISBURG PA 17105-3265

DATE SERVED: March 5, 1996

C-00967757

ELIZABETH SANTOS  
212 SOUTH 9TH STREET, SECOND FLOOR  
READING PA 19602

Dear Ms. Santos:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Metropolitan Edison Company. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you, or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

CUSTOMER OF A UTILITY

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

COMPANY/UTILITY

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

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C-00967757

Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

for John G. Alford  
Secretary

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: March 5, 1996

Metropolitan Edison Company  
Complainant

VS.

Complaint Docket  
No: C-00967757

Elizabeth Santos  
Respondent

---

FORMAL COMPLAINT  
NOTICE TO RESPONDENT  
TO ANSWER OR SATISFY

---

TO: Elizabeth Santos

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17120, an answer (original and two copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

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MAR 05 1996

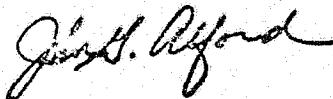
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which

prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



John G. Alford  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested

LAW OFFICES  
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1100 BERKSHIRE BOULEVARD

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P.O. BOX 6219  
READING, PA. 19610-0219

610-372-4761  
FAX 610-372-4177

HAROLD J. RYAN (1972)  
JOHN S. McCONAGHY (1981)

March 12, 1996

Administrative Law Judge Allison K. Turner  
Pennsylvania Public Utility Commission  
North Office Building  
P.O. Box 3265  
Harrisburg, Pennsylvania 17120-3265

Re: Elizabeth Santos v.  
Metropolitan Edison Company  
Docket No. C-00967757

Dear Judge Turner:

I am in receipt of a notice from the Commission notifying Elizabeth Santos that a Motion to Dismiss has been filed by Metropolitan Edison Company in the above-captioned proceeding. This notice is an error. Metropolitan Edison Company has filed a Complaint, appealing the decision of the Commission's Bureau of Consumer Services, BCS No. 0274904. In addition, Met-Ed has filed a Motion to Join Indispensable Parties. No Motion to Dismiss has been filed.

If you have any questions or require anything further, please contact me.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER

  
Janet E. Arnold

**DOCKETED**  
MAR 18 1996

JEA/jlc

cc: Elizabeth Santos

**DOCUMENT  
FOLDER**

**RECEIVED**  
96 MAR 14 AM 10:04  
P.A.P.U.C.  
INFO. CONTROL DIV.



COMMONWEALTH OF PENNSYLVANIA  
Pennsylvania Public Utility Commission  
PO Box 3265, Harrisburg, PA 17105-3265

March 15, 1996

JANET E. ARNOLD ESQUIRE  
RYAN RUSSELL OGDEN & SELTZER  
1100 BERKSHIRE BOULEVARD  
PO BOX 6219  
READING PA 19610-4761

IN REPLY PLEASE  
REFER TO OUR FILE

DOCKETED

MAR 19 1996

Re: Elizabeth Santos v. Metropolitan Edison Company  
Docket No. C-00967757

Dear Ms. Arnold:

This letter responds to your letter of March 12, 1996 to Administrative Law Judge Allison K. Turner, concerning this proceeding. It also serves to clarify my letter of March 5, 1996.

The motion you filed was a motion to join indispensable parties and did not explicitly seek to have the complaint dismissed. However, the Commission's rules of practice, as well as the civil practice rules, provide for dismissal for failure to join indispensable (or necessary) parties. 52 Pa. Code §5.101(a)(3); Rule 1028(a)(5). I view this motion as essentially a motion to dismiss. However, the motion has been assigned to Judge Turner who may take appropriate action.

Very truly yours,

*Robert A. Christianson*  
Robert A. Christianson  
Acting Chief Administrative Law Judge

RAC:gdp

pc: Elizabeth Santos  
ALJ Allison K. Turner  
Eric Rohrbaugh  
Joyce McGrady  
Janice Zurat  
Gloria Pressley

DOCUMENT  
FOLDER

RECEIVED  
96 MAR 18 AM 11:17  
PA. P. U. C.  
INFO. CONTROL DIV.