

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
400 North Street
Harrisburg, PA 17120**

November 14, 2023

Diane Sabatine	:	
	:	
v.	:	C-2018-3002804
	:	
West Penn Power Company	:	

NOTICE

On November 4, 2020, the Pennsylvania Public Utility Commission (Commission) issued an Order at Docket No. M-2009-2092655 (*November 4, 2020 Order*) imposing a stay of certain formal complaint proceedings then-pending before the Commission involving challenges to electric distribution company (EDC) deployment of smart meter technology as being in violation of Section 1501 of the Public Utility Code (Code), 66 Pa. C.S. § 1501. The *November 4, 2020 Order* also directed that the stay would apply to any new formal complaints filed with the Commission claiming that EDC deployment of smart meter technology was a violation of Section 1501, and that the stay would remain in place until it was lifted by further Commission action.

On August 16, 2022, the Supreme Court of Pennsylvania (Supreme Court) issued a consolidated opinion in *Povacz, et al. v. Pa. Public Utility Commission*, 280 A.3d 975 (Pa. 2022) (*Povacz II*) concluding that Act 129, codified at 66 Pa. C.S. § 2807(f), mandates smart meter deployment and requires the system-wide installation of smart meter technology by EDCs. Accordingly, the Supreme Court thereby affirmed the Commission’s March 28, 2019 and May 9, 2019 Orders in *Maria Povacz v. PECO*

Energy Company, C-2015-2475023 (Maria Povacz); Laura Sunstein Murphy v. PECO Energy Company, C-2015-2475726 (Laura Sunstein Murphy); and Cynthia Randall and Paul Albrecht v. PECO Energy Company, C-2016-2537666 (Cynthia Randall).

On November 9, 2023, the Commission entered an order at Docket No. M-2009-209265 (November 9, 2023 Order) lifting the stay implemented by the November 4, 2020 Order. The above-captioned formal complaint proceeding was previously stayed by the November 4, 2020 Order. With this Notice, the Commission advises all parties to the above-captioned proceeding that the stay on this matter has been lifted, pursuant to the November 9, 2023 Order.

As the record indicates that the presiding Administrative Law Judge has issued an Initial Decision in this matter, and one or more parties have filed exceptions and reply exceptions pursuant to 52 Pa. Code §§ 5.533 and 5.535, the Commission will proceed with disposition of this matter without the filing of further pleadings. To the extent that other relief is sought, the parties are referred to the Commission's regulations at Title 52 of the Pennsylvania Code.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary