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January 16, 2024

VIA FIRST CLASS MAIL

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

**Re: Liza Mousios and Roy Cumming v. Metropolitan Edison Company
Docket No. C-2019-3007989 and C-2019-3007995**

Dear Secretary Chiavetta:

In accordance with the Briefing Order issued by Administrative Law Judge (“ALJ”) Darlene Heep on December 13, 2023 in the above-referenced matter, this letter serves as notification on behalf of Metropolitan Edison Company (“Met-Ed” or the “Company”) that no testimony has been served in this proceeding and as such, the Company is unable to provide previously exchanged testimony. However, in the event that the Complainants do submit direct testimony in this matter on or before January 16, 2024, the Company reserves its right to prepare and submit rebuttal testimony in response.

By way of background, on May 22, 2019, an Interim Order was issued setting forth a litigation schedule, *inter alia*, instructing the parties to exchange witness information on or before July 5, 2019.

On July 24, 2019, an Interim Order was issued extending the deadlines for the Complainants to submit witness information. No such information was provided by the Complainants.

On January 9, 2020, an Order was issued setting forth, *inter alia*, a procedural schedule for submission of Complainants’ written direct testimony, Met-Ed’s rebuttal testimony, and Complainant’s surrebuttal testimony.

On January 31, 2020, ALJ Heep issued an Order which, *inter alia*, denied the Complainants’ motion to disqualify a presiding officer and granted the Complainants’ motion for additional time to submit testimony and exhibits of their expert witness, William Bathgate.

On March 19, 2020, Met-Ed filed a letter indicating that, because the Complainants had not yet served direct testimony in accordance with the litigation schedule prescribed in this proceeding, it would not be serving rebuttal testimony at that time.

On April 14, 2020, ALJ Heep issued an Order, which modified the discovery and testimony deadlines in this proceeding in light of the various stay-at-home orders related to COVID-19. Importantly, the Complainants were provided until July 9, 2020 to submit written testimony and exhibits on behalf of their identified expert witness, Mr. Bathgate. The Complainants did not provide written testimony as ordered.

On July 22, 2020, Met-Ed filed a letter indicating it was not serving rebuttal testimony because the Complainants failed to present direct testimony in accordance with the litigation schedule established in this proceeding.

Because no testimony has ever been received by Met-Ed from the Complainants, Met-Ed will not be submitting rebuttal testimony for the reasons set forth above. Met-Ed continues to reserve its rights to address any testimony subsequently served.

Copies of this letter are being provided in accordance with the attached Certificate of Service. Should you have any questions regarding this report, please do not hesitate to contact me.

Very truly yours,



Tori L. Giesler

mlr

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

LIZA MOUSIOS AND ROY CUMMING	:	
	:	
v.	:	Docket No. C-2019-3007989
	:	C-2019-3007995
METROPOLITAN EDISON COMPANY	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).


Service by electronic and First-Class Mail, postage prepaid, as follows:

Liza Mousios
P.O. Box 116
Revere, PA 18953

Administrative Law Judge Darlene Heep
dheep@pa.gov

Roy Cumming
P.O. Box 396
Revere, PA 18953

Dated: January 16, 2024



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