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February 8, 2024

VIA ELECTRONIC FILING

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

Re: Barbara A. Dickey v. Pennsylvania Electric Company
Docket No. C-2021-3028761

Dear Secretary Chiavetta:

Enclosed please find the Motion for Continuance of FirstEnergy Pennsylvania Electric Company on behalf of its Penelec Rate District with regard to the above-captioned matter. This document has been served on the Complainant as shown in the Certificate of Service.

Please contact me if you have any questions regarding this matter.

Very truly yours,



Tori L. Giesler

TLG/vlr

Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BARBARA A. DICKEY :
v. :
 : **Docket No. C-2021-3028761**
PENNSYLVANIA ELECTRIC COMPANY :
 :

**MOTION OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY
ON BEHALF OF ITS PENELEC RATE DISTRICT
FOR CONTINUANCE OF HEARING**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

FirstEnergy Pennsylvania Electric Company, on behalf of its Penelec Rate District¹ (the “Company”), by and through its attorney, Tori L. Giesler, and pursuant to 52 Pa. Code § 1.15(b), hereby files this Motion for Continuance of the hearing currently scheduled for February 20, 2024.

In support thereof, the Company avers as follows:

I. BACKGROUND

1. On or about September 13, 2021, Barbara A. Dickey (“Complainant”) filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) seeking to maintain her use of the analog meter currently installed at her property located at 32 Lantern Lane, Shippensburg, Pennsylvania 17527 (“Service Location”).²

2. On August 16, 2022, the Pennsylvania Supreme Court issued its Opinion affirming in part and reversing in part the Commonwealth Court’s decision.³

¹ On January 1, 2024, FirstEnergy Corp.’s Pennsylvania operating companies (i.e., Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company) merged into FirstEnergy Pennsylvania Electric Company. Due to the merger transaction, the affected operating companies’ tariffs were consolidated into a single tariff, with each former operating company’s rates becoming its own rate district. As such, the customers of the former Pennsylvania Electric Company have their own separate and distinct rate district under FirstEnergy Pennsylvania Electric Company’s tariff.

² On November 4, 2020, smart meter proceedings were stayed pursuant to the Commission’s Order. *See Smart Meter Procurement and Installation*, No. M-2009-2092655 (Order entered 11/4/2020) (“*Stay Order*”).

³ *See Povacz v. Pa. PUC*, 280 A.3d 975 (Pa. 2022) (“*Povacz II*”).

3. On November 9, 2023, the Commission issued an Order at Docket No. M-2009-3092655, lifting the stay in certain smart meter related Formal Complaint proceedings.

4. On December 4, 2023, Penelec filed an Answer and New Matter in which it denied the material allegations of the Complaint and requested the Complaint to be dismissed.

5. On January 25, 2024, Administrative Law Judge Haas (“ALJ Haas”) issued a Telephonic Prehearing Conference Notice for the conference to be held on February 21, 2024.

6. On February 5, 2024, ALJ Haas issued a Prehearing Conference Order.

7. Counsel for the Company is unavailable during the scheduled prehearing date and time due to jury duty obligations.

8. On February 8, 2024, the Company contacted the Complainant via telephone to discuss the continuance request. The Complainant was agreeable to a continuance of the prehearing in this matter.

9. As such, the Company respectfully requests that the prehearing conference scheduled for February 21, 2024, in this matter be rescheduled to a later date in March when both parties are available to participate.

10. The Company and the Complainant are collectively available for a hearing in the morning on the following dates:

March 4, 8, 11, 18 or 22

11. The Complainant indicated a preference for a hearing to be held on March 8 or 22.

12. To the extent the proposed dates are not available, counsel for the Company is happy to work with the presiding officer’s scheduling staff and the Complainant to find an acceptable date.

II. MOTION FOR CONTINUANCE

12. The Commission's regulations permit a request for continuance of a hearing upon good cause shown. 52 Pa. Code § 1.15(b).

13. In this case, the Company is unable to attend the hearing at the scheduled date and time due to a due to jury duty obligations.

WHEREFORE, FirstEnergy Pennsylvania Electric Company respectfully requests that the Commission issue an Order granting the Motion for Continuance.

Respectfully submitted,

Dated: February 8, 2024



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Company (Penelec Rate District)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BARBARA A. DICKEY	:	
	:	
v.	:	Docket No. C-2021-3028761
	:	
PENNSYLVANIA ELECTRIC COMPANY	:	

CERTIFICATE OF SERVICE


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

Service by First Class and electronic mail as follows:

Barbara A. Dickey
32 Lantern Lane
Shippensburg, PA 17527
barbaraadickey@yahoo.com

Deputy Chief Administrative Law Judge
Steven K. Haas
sthaas@pa.gov

Dated: February 8, 2024



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