

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Barbara Dickey	:	
	:	
v.	:	C-2021-3028761
	:	
Pennsylvania Electric Company	:	

**RULE TO SHOW CAUSE  
WHY THE FORMAL COMPLAINT SHOULD NOT BE DISMISSED**

This Order is issued pursuant to the authority granted to presiding officers at 52 Pa. Code § 5.483 (relating to authority of presiding officers to regulate the course of the proceeding), and directs that the Complainant, Barbara Dickey, show cause why her Formal Complaint should not be dismissed.

On September 13, 2021, Barbara A. Dickey, filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against Pennsylvania Electric Company (Penelec). In her Complaint, Ms. Dickey requested that the smart meter at her residence be removed. She averred that the smart meter caused a ringing in her ears and made her constantly sick.

By Order entered November 4, 2020, the Commission directed that any Formal Complaint filed with the Commission on or after November 4, 2020, challenging an electric distribution company’s deployment of smart meter technology is to be stayed until the Commission takes further action to lift the stay. See, *Smart Meter Procurement and Installation*, Docket No. M-2029-2092655 (Order entered November 4, 2020). Subsequently, by Order entered November 9, 2023, the Commission lifted its November 4, 2020, Stay Order and directed, among other things, that smart meter Formal Complaints pending before the Commission proceed accordingly as directed by the presiding Administrative Law Judge.

On December 4, 2023, Penelec filed an Answer with New Matter in response to Ms. Dickey's September 13, 2021, Complaint. In its Answer and New Matter, Penelec denied the material allegations in the Complaint and averred, among other things, that Penelec was required to install a smart meter at Ms. Dickey's residence, and that customers are not permitted to opt-out of smart meter installation. Penelec requested, by way of relief, that Ms. Dickey's Complaint be dismissed with prejudice. Ms. Dickey did not file a response to Penelec's New Matter.

By Telephonic Prehearing Conference Notice dated January 25, 2024, a Prehearing Conference was scheduled for February 21, 2024. Subsequently, at the request of Penelec, the February 21, 2024, Prehearing Conference was canceled and, by mutual agreement of the parties, rescheduled for March 18, 2024.<sup>1</sup> Accordingly, on February 12, 2024, a Cancelled/Rescheduled Telephonic Prehearing Conference Notice was served on the parties informing them of the rescheduled Prehearing Conference date and time and providing the call-in telephone number and PIN for use to connect to the conference. This Notice was served on Ms. Dickey electronically to the e-mail address provided by her on her Complaint form. The Commission received no indication that the Notice was not successfully delivered to her e-mail address.

The Telephonic Prehearing Conference was convened as scheduled on March 18, 2024, at 10:00 a.m. Ms. Dickey had not connected to the conference by 10:00 a.m., so I waited until approximately 10:10 a.m. in case she was running late. Ms. Dickey never connected to the conference.

In light of Ms. Dickey's failure to appear at the March 18, 2024, Prehearing Conference, despite having agreed that the date was suitable to her, and for the purpose of giving her an opportunity to indicate to the Commission whether or not she intends to proceed with the litigation of her Formal Complaint, I am ordering Ms. Dickey to **SHOW CAUSE** why the Complaint in the above-captioned matter should not be **DISMISSED**, as prescribed below.

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<sup>1</sup> Counsel for Penelec represented that she discussed possible reschedule dates with Ms. Dickey and that the parties agreed that March 14, 2024, was a suitable date.

Further, failure to timely respond to this Rule to Show Cause will result in dismissal of the Complaint.

THEREFORE,

IT IS ORDERED:

1. That the Complainant, Barbar Dickey, shall file with the Secretary's Bureau, by 4:00 p.m., on April 19, 2024, a response to this Rule to Show Cause Why the Formal Complaint Should Not Be Dismissed.

2. That the Complainant, Barbara Dickey, shall email to the undersigned at [sthaas@pa.gov](mailto:sthaas@pa.gov) a copy of her response to this Rule to Show Cause Why the Formal Complainant Should Not Be Dismissed, by 4:00 p.m., on April 19, 2024.

3. That the failure of the Complainant, Barbara Dickey, to timely respond to this Rule to Show Cause Why the Formal Complaint Should Not Be Dismissed will result in dismissal of the Formal Complaint without a hearing.

Date: March 28, 2024

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/s/  
Steven K. Haas  
Administrative Law Judge

**C-2021-3028761 - BARBARA A DICKEY v. PENNSYLVANIA ELECTRIC COMPANY**

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