

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deborah Engisch-Platt and Kim Platt	:	
	:	
v.	:	C-2019-3013745
	:	
Metropolitan Edison Company	:	

**PREHEARING ORDER**

On October 17, 2019, Deborah Engisch-Platt and Kim Platt filed a formal complaint with the Pennsylvania Public Utility Commission against Metropolitan Edison Company (Met-Ed. In their complaint, the Platts averred that they are having a reliability, safety or quality problem with their utility service because they do not want a smart meter installed at their home due to various adverse health effects. The Platts averred that Mr. Platt is 63 years old and has an irregular heart rate that is compounded by electromagnetic sensitivity and their daughter also has a sensory disorder affected by high pitched electrical humming sounds and pulsations. The Platts requested that the analog meter remain on their home.

On November 12, 2019, Met-Ed filed an answer and new matter in response to the Platt's complaint. In the answer, Met-Ed denied that the Platts are having a reliability, safety or quality problem with their utility service. In its new matter, which was accompanied by a notice to plead, Met-Ed averred that the complaint is legally insufficient because the company has not violated the Public Utility Code or the orders or regulations of the Commission since the company is required to install smart meters. Met-Ed requested that the complaint be dismissed.

The complaint was assigned to Deputy Chief Administrative Law Judge Joel Cheskis. On August 18, 2020, Judge Cheskis issued an order which, among other things, set a procedural schedule for the exchange of written testimony. The Parties agreed that following the submission of written testimony, a brief hearing be held for the submission of all written

testimony and cross examination to the extent that the Platts intend to submit testimony from any expert witness.

Shortly thereafter, the Commission issued a general stay of smart meter proceedings on November 4, 2020, in view of the litigation in the appellate courts related to smart meters.<sup>1</sup> The Commission lifted the lifted the general stay of smart meter proceedings and directed the Office of Administrative Law Judge to proceed with pending formal complaint proceedings as directed by the presiding administrative law judge on November 14, 2023.

By order entered on December 6, 2023, I directed the parties to confer and to submit a joint status report which includes a revised schedule for the exchange of written testimony or other proposal for further proceedings on or before February 7, 2024. On February 7, 2024, the Company filed a status report with a proposed schedule for written testimony. The Company indicated that the Complainants filed a document on March 30, 2020, which should be considered her direct written testimony. The Complainants did not object and by interim order served on February 14, 2024, I adopted the proposed schedule for written testimony.

On February 16, 2024, the Complainants requested an extension. By order entered February 26, 2024, the motion for an extension was denied in part. I set a new schedule for written testimony:

Complainant's Written Direct	March 30, 2020
Complainant's Supplemental Written Direct	April 15, 2024
Company Rebuttal	May 20, 2024
Complainants' Written Surrebuttal	June 17, 2024

The Complainants did not serve supplemental written direct testimony. The Company served the written rebuttal testimony of David R. Villao on May 20, 2024.

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<sup>1</sup> By notice dated November 22, 2022, the case was reassigned to me.

On June 23, 2024, the Complainants filed a set of documents titled as “Reply Brief.” It appears that the Complainants intend the document as surrebuttal to the written testimony of Mr. Villao. I note that the Complainants offered only their own written testimony and supporting documents but did not include the testimony of an expert witness.<sup>2</sup>

This matter is now ready to schedule for a brief hearing be held so that each party may request that their written testimony be authenticated and admitted into the evidentiary record.

THEREFORE

IT IS ORDERED:

1. That a hearing is scheduled by telephone for **Wednesday, September 11, 2024, at 10:00 a.m.** To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

**Toll-free Bridge Number: 1-866-566-0649**

**PIN Number: 83345259**

2. **FAILURE TO APPEAR:** You must attend the hearing and present evidence on the issues raised in the pleadings. You may lose the case if you do not take part in this hearing and present evidence on the issues raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

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<sup>2</sup> The Company did not object to the late filing.

**3. CONTINUANCES.** You may request a continuance of the hearing if you have a good reason. Continuance will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should be served pursuant to paragraph 5B below. Your motion should include:

- a) The case name, case number, and hearing date;
- b) The reason you are requesting a continuance; and
- c) State whether the other party(s) agrees to the request (or if you do not know). If you do not know whether the other party(ies) agrees to the request, state that you do not know.

**4. SERVING THE PRESIDING OFFICER.** Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. You must email one (1) copy to me, at [malong@pa.gov](mailto:malong@pa.gov). **Email attachments can be no larger than 5 MB per email.** If you do not have access to email, you must serve me by mail, addressed to:

Administrative Law Judge Mary D. Long  
PA Public Utility Commission  
301 Fifth Avenue, Suite 220  
Pittsburgh, PA 15222

**5. BURDEN OF PROOF.** The Complainant (the one filing the Complaint) bears the burden of proof and must present evidence sufficient to demonstrate that the utility has violated the Public Utility Code, or a regulation or order of the PUC.

**6. ACCOMMODATION.** Any party who needs accommodation for a disability to participate in this hearing process may request one. Please call the PUC scheduling office at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearing, we will have an interpreter present. Please call the scheduling office at the PUC at least ten (10) business days prior to your hearing to submit your request.

Scheduling Office: (717) 787-1399  
The AT&T Relay Service number for persons who are deaf or hearing-impaired is:  
1-800-654-5988.

**7. SETTLEMENT.** The PUC’s policy is to encourage settlements. The utility shall contact the Complainant at least one week before the scheduled hearing to talk over a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached on all the issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

**8. VIOLATIONS.** A finding of a violation of a PUC Order, regulation or statute may result in the imposition of a civil penalty consistent with 66 Pa. C.S. § 3301 or other provision of the Public Utility Code.

**9. HEARING PROCEDURES.** Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the PUC’s Rules of Practice and Procedure at 52 Pa Code Chapters 1, 3, and 5. Please be sure to participate from a location, and use a phone, where background noise will be minimized, and the reception is clear.

**10. FURTHER INFORMATION.** A guide to participating in a Formal Complaint proceeding is available on the PUC’s website at:  
<https://www.puc.pa.gov/complaints/formal-complaints>

Date: July 25, 2024

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Mary D. Long  
Administrative Law Judge

**C-2019-3013745 – DEBORAH AND KIM ENGISCH v METROPLLLITAN EDISON COMPANY**

*Revised May 21, 2024*

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