

Charles J. Vogt

ATTORNEY AT LAW

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June 28, 2024

Via E-Filing Only

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

**Re: Docket No. C-2024-3049383
Overland Trader LLC v. FirstEnergy Pennsylvania Electric Company
Response to Answer and New Matter**

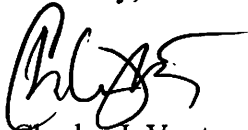
Dear Secretary Chiavetta:

Enclosed for filing please find the Response to Answer and New Matter of Overland Trader LLC (Complainant) to FirstEnergy Pennsylvania Electric Company (Met-Ed Rate District) in the above referenced proceeding.

A copy will be served on counsel for FirstEnergy Pennsylvania Electric Company (Met-Ed Rate District), as indicated on the attached Certificate of Service.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Charles J. Vogt
PA Attorney I.D. #19322

Enclosures as indicated


cc: Parties of Record

CERTIFICATE OF SERVICE

**Re: Docket No. C-2024-3049383
Overland Trader LLC v. FirstEnergy Pennsylvania Electric Company
Response to Answer and New Matter**

I hereby certify that I have this day served a true copy of the Response to Answer and New Matter of Overland Trader LLC dated June 28, 2024, upon counsel for FirstEnergy Pennsylvania Electric Company (Met-Ed Rate District) in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the person listed below:

Dated this 28th day of June 2024.



Charles J. Vogt
PA Attorney I.D. #19322

SERVICE BY E-MAIL ONLY

Margaret A. Morris, Esquire
Reger Rizzo Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

OVERLAND TRADER LLC	:	
	:	
v.	:	Docket No. C-2024-3049383
	:	
FIRSTENERGY PENNSYLVANIA	:	
ELECTRIC COMPANY	:	

**RESPONSE BY OVERLAND TRADER LLC TO ANSWER AND NEW MATTER
OF FIRSTENERGY PENNSYLVANIA ELECTRIC**

Overland Trader LLC, by and through its attorney, Charles J. Vogt, hereby submits its Response to the Answer and New Matter to the Complaint filed by FirstEnergy Pennsylvania Electric. In response thereto, Complainant avers and represents as follows:

1. The correct address of Overland Trader LLC is 265 Tom Ridge Drive Bushkill PA and not 1 Bushkill Falls Rd which is the address to which Respondent has used on invoices to Complainant. Complainant does not own any property at 1 Bushkill Falls Rd.

2. No Response Required.

3. There is no Amphitheater located at 1 Bushkill Falls Road, Bushkill, Pennsylvania under Account No. 100152648869. The service location for that account is 265 Tom Ridge Drive Bushkill PA. Under Account No. 100149194878 Respondent provides residential electric service to another property of Complainant as well as to multiple structures on property not owned by Complainant, but for which Respondent seeks to recover payment from Complainant.

The mailing address used by Respondent for both accounts has been 1 Bushkill Falls Road, Bushkill, Pennsylvania, 18324.

4. As stated above Account No. 100149194878 serves residential property of Complainant as well as numerous structures on property not owned by Complainant. Because Respondent is seeking recovery of payment from Complainant on an account that serves residential property and serves parties other than Complainant, a Commission payment arrangement (PAR) is permitted and Respondent must render an accounting to reflect charges only for the portion of the invoiced amounts actually related to Complainant's usage. The Complainant specifically avers that Respondent's actions in claiming amounts due from Complainant for electric services furnished to others is not reasonable and is not performed in accordance with all applicable laws, the Pennsylvania Public Utility Code (Code), Commission regulations and orders.

Termination

Respondent states that the termination was stayed upon receipt of the present Formal Complaint, however service has not been restored which action has damaged Complainant and continues to do so.

PAR Request

The Complainant specifically avers that the Commission has the authority to direct a PAR for the Account No. 100149194878 which has residential end use. Section 1405 of the Code specifically authorizes the Commission to direct a PAR only for an applicant for residential service or an existing residential customer. The request for a Commission PAR should be granted.

5. Complainant is entitled to the relief requested, because there is a mixed meter situation regarding the Service Location and any other service address and as noted in the Formal Complaint Respondent's personnel have failed and refused to correct the issues. A public utility is not entitled to receive payment from Complainant for the service it provides to other parties. The Respondent has the right to bill and receive payment from Complainant only for the utility service actually supplied to Complainant.

6. No response required.

7a. The underlying Informal Complaint which was incorrectly dismissed by the Commission's Bureau of Consumer Services (BCS) because of the residential use.

7b. No response required.

7c. No response required.

8. No response required.

9. No response required.

10. No response required.

11. No response required

NEW MATTER

12. The Commission has the authority to direct a PAR for the account in question which has residential end use. The Code specifically authorizes the Commission to direct a PAR only for an applicant for residential service or existing residential customers. 66 Pa.C.S.A.

§ 1405.

WHEREFORE, Complainant Overland Trader LLC, requests that the Respondent, FirstEnergy Pennsylvania Electric, be directed immediately to restore service to Complainant's property served by the meter for Account No. 100149194878 and that this matter be referred to an Administrative Law Judge for a hearing.

Respectfully Submitted,

Charles J. Vogt
Law Offices of Charles J. Vogt, LLC
PO Box 103
Tannersville, PA 18372
cjvogtlaw@gmail.com

Counsel for Overland Trader LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

OVERLAND TRADER LLC
Complainant

v.

FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY
Respondent

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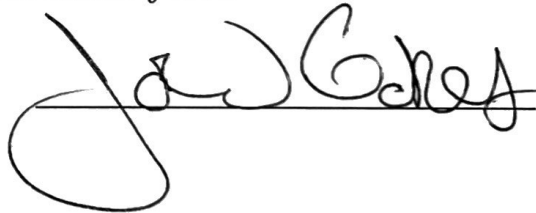
Docket No. C-2024-3049383

VERIFICATION

I, Johan Oakes, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect Overland Trader LLC to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904.

6/28/24

Date

A handwritten signature in black ink, appearing to read "Johan Oakes", is written over a horizontal line. The signature is cursive and includes a large loop at the end.