

August 9, 2024

Via Electronic Filing

Rosemary Chiavetta, Esquire
Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Docket No. C-2023-3044245
Vicky Zorbaugh v. Metropolitan Edison Company
Reply Exceptions of Met-Ed**

Dear Secretary Chiavetta:

Attached for filing is the Reply of Metropolitan Edison Company to the Exceptions filed by Vicky Zorbaugh (Complainant) in the above referenced proceeding.

A copy of the Reply Exceptions has been provided to the Complainant in the manner indicated on the attached Certificate of Service.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP


Margaret A. Morris

MAM/co
Enclosures

cc: The Hon. Steven K. Haas, PA Public Utility Commission [w/encls.]
Office of Special Assistants, PA Public Utility Commission [w/encls.]
Tori Giesler, Esquire, FirstEnergy Service Company [w/encls.]
Vicky Zorbaugh [w/encls.]

**Re: Docket No. C-2023-3044245
Vicky Zorbaugh v. Metropolitan Edison Company
Reply Exceptions of Met-Ed**


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via Electronic and First-Class Mail

Vicky Zorbaugh
1630 South Drive
York, PA 17408
zorbaugh3@aol.com

Dated: August 9, 2024



Margaret A. Morris, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

VICKY ZORBAUGH :
 :
 v. : Docket No. C-2023-3044245
 :
 METROPOLITAN EDISON COMPANY :

**REPLY EXCEPTIONS OF METROPOLITAN EDISON COMPANY
TO EXCEPTIONS OF VICKY ZORBAUGH**

Margaret A. Morris, Esq.
REGER RIZZO & DARNALL LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

Dated: August 9, 2024

Counsel for Metropolitan Edison Company

I. Introduction

In accordance with Section 5.535 of Commission's regulation, 52 Pa. Code § 5.535, and the *Secretarial Letter*, dated July 30, 2024,¹ Metropolitan Edison Company (Respondent, Met-Ed, or the Company) timely files its Reply to the Exceptions of Vicky Zorbaugh (Complainant or Ms. Zorbaugh) which support the adoption of the Initial Decision (ID) of the Honorable Steven K. Haas (Judge Haas) without modification. The Commission should affirm the ID in its entirety and sustain the dismissal of the Formal Complaint for Complainant's failure to carry the burden of proof that she was entitled to a subsequent Commission payment arrangement (PAR) under the Pennsylvania Public Utility Code (Code).

II. Relevant Procedural Background

On November 15, 2023, the Complainant filed the instant Formal Complaint requesting a new Commission PAR she can afford. On December 6, 2023, the Company filed an Answer and New Matter specially denying that the Commission could direct a subsequent PAR since the Complainant defaulted on the 2023 Level 4² Commission PAR.

The Call-in Telephonic Hearings was held on March 6, 2024. The Complainant only offered testimony. Met-Ed offered the testimony of Alison Walker and the Respondent's Exhibits 1-11 were admitted into the record.

The ID was issued on July 1, 2024. The Complainant filed Exceptions on July 18, 2024. The Respondent timely submits its Reply to Exceptions on August 9, 2024.

III. Initial Decision

Based on the record evidence, Judge Haas dismissed the Complaint finding:

In this case, the Complainant testified that her current gross monthly household income is \$8,500.00. Tr. 14-15. This is considerably greater than Ms. Zorbaugh's prior gross monthly household income of \$3,900.00 at the time she received a payment arrangement in BCS Case No. 3912445. Met Ed Ex. 6. As noted, she did not timely appeal that BCS Decision. I cannot order a second payment

¹ The Complainant failed to serve a copy of her Exceptions on the Respondent.

² Level 4 is defined as a household with gross monthly income level exceeding 300 % of the Federal poverty level. 66 Pa.C.S. § 1405(b)(4).

arrangement, pursuant to 66 Pa.C.S. § 1405(d) since the Complainant testified that the current gross monthly income had significantly increased by the time of the hearing.

ID at 6.

In this case, the Complainant did not produce any evidence that the household suffered a significant loss in income due to illness. In fact, competent record evidence demonstrates that there has been a significant increase in the household income. The Complainant also did not produce any evidence of catastrophic damage to her residence or a loss of the residence. She did, however, testify that the number of dependents in the household increased from one person at the time of the BCS-ordered payment arrangement to two people at the time of the hearing in this case. Given the significant increase in the monthly household income since the BCS-ordered payment arrangement, however, I do not conclude that the increase in the number of dependents from one to two justifies an extension or reinstatement of the prior BCS-ordered payment arrangement.

ID at 7.

IV. Exceptions And Reply

The Complainant's Exceptions is set forth below in its entirety.

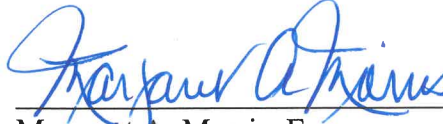
Exceptions- on July 5th received letter from PUC that the Decision was dismissed Due to that I failed to Meet proof of requested Relief. When had my Hearing with PUC and Metropolitan Edison Co. Informed them that applied for Relief with PAFHAC. They denied me thinking that I didn't have to report to PUC and was waiting for PUC Decision of payment arrangement. I Appealed the Decision with PAFHAC and still was Denied.

The Complainant's Exceptions do not address or raise any disagreement with the findings of fact or the conclusion of law set forth in the well-reasoned Decision issued by Judge Haas. The Complainant's denial of assistance/funds is not relevant to the Complainant's request for a subsequent Commission PAR. As Judge Haas found based on the record evidence, the 2023 Commission PAR was based on a household income of 1 with gross monthly income of \$3,900.00. FOF #16. The terms of the 2023 Commission PAR were consistent with a Level 4 Income customer. FOF #18. The current household size is 2 adults, FOF #4, with gross monthly income of \$8,500.00. FOF #7. The Complainant fails to address why she is entitled to a subsequent Commission PAR given that her income has more than doubled since the defaulted 2023 Commission PAR was directed. The Code is clear: the Complainant is not entitled to a subsequent Commission PAR; the household income has significantly increased. 66 Pa. C.S. § 1405(d).

V. Conclusion

For the reasons set forth in its Reply to Exceptions, Metropolitan Edison Company respectfully requests that the Commission deny the Exceptions of the Vicky Zorbaugh, adopt the well-reasoned Initial Decision of the Honorable Steven K. Haas without modification and dismiss, with prejudice, the Formal Complaint of Vicky Zorbaugh.

Respectfully submitted,



Margaret A. Morris, Esq.

Attorney ID No. 75048

Reger Rizzo & Darnall LLP

Cira Centre, 13th Floor

2929 Arch Street

Philadelphia, PA 19104

(215) 495-6524 tel.

mmorris@regerlaw.com

Dated: August 9, 2024

Counsel for Metropolitan Edison Company