



76 South Main Street
Akron, OH 44308

James Austin Meehan, Esq.
(610) 921-6783

August 29, 2024

VIA ELECTRONIC FILING

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

Re: Brian Hoefft v. Metropolitan Edison Company
Docket No. C-2019-3011586

Dear Secretary Chiavetta:

Enclosed please find the Motion for Continuance of FirstEnergy Pennsylvania Electric Company on behalf of its Met-Ed 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.

Respectfully submitted,

James Austin Meehan

JAM/dml

Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BRIAN HOEFT

v.

METROPOLITAN EDISON COMPANY

:
:
:
:
:

Docket No. F-2019-3011586

**MOTION OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY
ON BEHALF OF ITS MET-ED RATE DISTRICT
FOR CONTINUANCE OF HEARING**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

FirstEnergy Pennsylvania Electric Company on behalf of its Met-Ed Rate District¹ (the “Company”) by and through its attorneys, and pursuant to 52 Pa. Code § 1.15(b), hereby files this Motion for Continuance of the in-person hearing currently scheduled for September 9, 2024. In support thereof, the Company avers as follows:

I. BACKGROUND

1. On or about July 15, 2019, Brian Hoeft (“Complainant”) filed a Formal Complaint (“Complaint”) with the Pennsylvania Public Utility Commission (“Commission”) alleging, inter alia, that the Company is threatening to shut off his electric service at his property located at 760 White Oaks Manor Drive, East Stroudsburg, Pennsylvania 118301.

2. On August 6, 2019, Metropolitan Edison Company (“Met-Ed”) filed an Answer and New Matter to the Complaint. Met-Ed averred that it was not currently seeking to terminate

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 Metropolitan Edison Company have their own separate and distinct rate district under FirstEnergy Pennsylvania Electric Company’s tariff.

Complainant's service, but rather issued a termination notice because the Complainant refused to cooperate with Met-Ed's smart meter installation.

3. On August 6, 2019, Met-Ed also filed Preliminary Objections seeking dismissal of the Complaint based on legal insufficiency of the Complaint.

4. On August 23, 2019, the Complainant filed an Answer to Met-Ed's Preliminary Objections.

5. On September 20, 2019, and October 22, 2020, prehearing conferences were held. The parties agreed to submit Briefs and Reply Briefs and subsequently agreed to stay further proceedings pending the Commonwealth's decision in *Povacz, et al. v. Pa. PUC*, 241 A.3d 481 (October 8, 2020).

6. On November 4, 2020, smart meter proceedings were stayed pursuant to the Commission's Order.²

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

8. 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.

9. On December 15, 2023, Administrative Law Judge Buckley ("ALJ Buckley") issued a Telephonic Prehearing Conference Notice for the conference to be held on February 14, 2024.

10. On January 10, 2024, ALJ Buckley issued a Prehearing Conference Order.

² See *Smart Meter Procurement and Installation*, No. M-2009-2092655 (Order entered 11/4/2020).

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

11. On February 7, 2024, the Company submitted a Motion for Continuance due to unavailability for the February 14, 2024 hearing date. The Prehearing Conference was rescheduled to March 19, 2024.

12. On March 19, 2024, the Prehearing Conference convened as scheduled. Counsel on behalf of the Company appeared. The Complainant did not appear.

13. On March 21, 2024, ALJ Buckley issued an In-Person Evidentiary Hearing Notice to be held on May 23, 2024.

14. On May 16, 2024, ALJ Buckley issued an Order Granting Motion For Continuance submitted by the Company previously.

15. On July 11, 2024, ALJ Buckley issued an Evidentiary Hearing Notice scheduling the initial in-person evidentiary hearing for September 9, 2024.

16. The witness for the Company is unavailable during the scheduled hearing date and time due to a conflicting obligation.

17. The Company avers that both parties prefer the evidentiary hearing to be conducted telephonically.

18. As such, the Company respectfully requests that the evidentiary hearing scheduled for September 9, 2024 in this matter be rescheduled to a date in October, when both parties are available to participate and that the in-person hearing be converted to telephonic.

19. The Company has reached out to the Complainant to discuss alternative dates for the hearing. The Complainant indicated that he can accommodate the Company's schedule below.

The Company is available on the following dates:

- October 10, 14, 25, 28 and 30.

20. 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

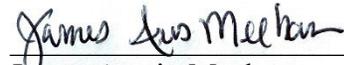
19. The Commission's regulations permit a request for continuance of a hearing upon good cause shown. 52 Pa. Code § 1.15(b).

20. In this case, the Company is unable to attend the hearing at the scheduled date and time because the Company's witness has a conflict and is unavailable during the scheduled hearing date and time.

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

Respectfully submitted,

Dated: August 29, 2024



James Austin Meehan
Tori L. Giesler
Daniel A. Garcia
Attorney No. 310442
Attorney No. 207742
Attorney No. 311503
FirstEnergy Service Company
76 South Main
Akron, OH 44308
(610) 921-6783
(610) 921-6658
(724) 838-6416
jameehan@firstenergycorp.com
tgiesler@firstenergycorp.com
dagarcia@firstenergycorp.com

Counsel for FirstEnergy Pennsylvania Electric
Company (Met-Ed Rate District)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

BRIAN HOEFT :
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 v. : **Docket No. C-2019-3011586**
 :
METROPOLITAN EDISON COMPANY :

CERTIFICATE OF SERVICE

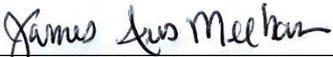
I hereby certify that I have this day served a true copy of the Motion of Continuance of FirstEnergy Pennsylvania Electric Company on behalf of its Met-Ed Rate District upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by electronic mail only as follows:

Brian Hoeft
deletedregularly@hushmail.com

Deputy Chief Administrative Law Judge
Dennis J. Buckley
debuckley@pa.gov

Dated: August 29, 2024



James Austin Meehan
Tori L. Giesler
Daniel A. Garcia
Attorney No. 310442
Attorney No. 207742
Attorney No. 311503
FirstEnergy Service Company
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(610) 921-6658
(724) 838-6416
jameehan@firstenergycorp.com
tgiesler@firstenergycorp.com
dagarcia@firstenergycorp.com

Counsel for FirstEnergy Pennsylvania Electric
Company (Met-Ed Rate District)