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September 9, 2024

VIA ELECTRONIC FILING

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

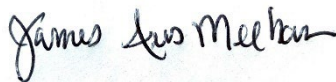
Re: Heidi Fiedler v. Metropolitan Edison Company
Docket No. C-2018-3003642

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**

HEIDI FIEDLER	:	
v.	:	Docket No. C-2018-3003642
	:	
METROPOLITAN EDISON COMPANY	:	

**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 attorney, James Austin Meehan, and pursuant to 52 Pa. Code § 1.15(b), hereby files this Motion for Continuance of the hearing currently scheduled for September 12, 2024. In support thereof, the Company avers as follows:

I. SUMMARY OF BACKGROUND

1. On or about July 23, 2018, Heidi Fiedler (“Complainant”) filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) seeking to maintain her use of the analog meter currently installed at her property located at 432 East Wesner Road, Blandon, Pennsylvania 19510 (“Service Location”).²

2. On August 13, 2018, the Company filed an Answer and New Matter to the Complaint as well as Preliminary Objections to the Complaint.

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.

² On November 4, 2020, smart meter proceedings were stayed pursuant to the Commission’s Order. *See Smart Meter Procurement and Installation*, No. M-2009-2092655 (Order entered 11/4/2020) (“*Stay Order*”).

3. On September 11, 2018, a Notice was issued assigning Administrative Law Judge (“ALJ”) Jeffrey A. Watson to rule on the Company’s Preliminary Objections.

4. On September 21, 2018, an Interim Order was issued denying the Company’s Preliminary Objections. Also, an Interim Order was issued that established the initial litigation schedule for the proceeding.

5. On November 7, 2018, the Company was served with a copy of the Complainant’s Amended Formal Complaint.

6. On November 28, 2028, the Company filed an Answer and New Matter to the Complainant’s Amended Formal Complaint.

7. On March 7, 2019, the Company was served with the Complainant’s Second Amended Formal Complaint which reiterated the Complainant’s request to retain her analog meter as well as new issues including allegations of failure of the Company to maintain its equipment and damage to her property when a pole located at the Service Location was replaced.

8. On March 27, 2019, the Company filed an Answer and New Matter as well as Preliminary Objections to the Second Amended Formal Complaint.

9. On April 9, 2019, the Complainant filed a Motion to Dismiss the Company’s Preliminary Objections to the Second Amended Formal Complaint.

10. On April 22, 2019, the Complainant filed a Motion to Dismiss the Company’s Answer and New Matter to the Second Amended Formal Complaint.

11. On October 10, 2019, ALJ Watson issued an Interim Order: (1) granting the Company’s Preliminary Objections to the Second Amended Formal Complaint; (2) denying the Complainant’s April 9, 2019 Motion to Dismiss; and (3) denying the Complainant’s April 22, 2019 Motion to Dismiss. ALJ Watson also issued an Interim Order revising the litigation schedule and

an Interim Order disposing of the outstanding discovery issues and holding the Company's Motion to Dismiss in abeyance.

12. On November 22, 2019, a Notice was issued assigning ALJ F. Joseph Brady to this proceeding.

13. On December 5, 2019, a Notice was issued scheduling an in-person evidentiary hearing for February 5, 2020.

14. On January 21, 2020, the Complainant filed a Motion for Continuance and Change of Location, in which she requested that the hearing be rescheduled for a new date and that the in-person hearing be held in Harrisburg instead of Philadelphia.

15. On January 27, 2020, a Notice was issued converting the February 5, 2020 in-person hearing into a telephonic prehearing conference.

16. On February 3, 2020, the Complainant filed a Third Amended Formal Complaint and a Motion for Discovery and Revised Litigation Schedule

17. Later that same day, ALJ Brady issued an Interim Order rejecting the Complainant's Third Amended Formal Complaint and her Motion for Discovery and Revised Litigation Schedule.

18. On February 5, 2020, all parties attended a telephonic prehearing conference, and, as a result, a Notice was issued later that day assigning the case to Deputy Chief ALJ Joel H. Cheskis and scheduling an in-person evidentiary hearing in Harrisburg on April 28, 2020.

19. On February 7, 2020, the Company filed a letter stating that it would not be filing a response to the Third Amended Formal Complaint setting forth certain procedural rules for the proceeding and the evidentiary hearing.

20. On February 13, 2020, the Complainant filed what was considered to be a Petition for Interlocutory Review, which sought to challenge ALJ Brady's February 3, 2020 Interim Order rejecting her Third Amended Formal Complaint and her Motion for Discovery and Revised Litigation Schedule.

21. On February 26, 2020, the Company filed a Brief in Opposition to the Complainant's Petition for Interlocutory Review.

22. The Commission did not act on Ms. Fiedler's Petition for Interlocutory Review within 30 days, and it was deemed denied.³

23. On May 12, 2020, a Notice was issued which rescheduled the evidentiary hearing for July 30, 2020, to be held telephonically.

24. On June 30, 2020, Ms. Fiedler requested that the July 30, 2020 hearing be held in abeyance pending appeals currently before the Commonwealth Court and due to the unavailability of her witnesses.

25. On July 14, 2020, the Company opposed that the hearing be held in abeyance but did not oppose the request to reschedule due to the unavailability of witnesses.

26. On July 16, 2020, ALJ Cheskis denied the request to hold the Complaint in abeyance but did grant the request to reschedule the hearing.

27. On July 27, 2020, a Notice was issued scheduling an evidentiary hearing for October 30, 2020.

28. On October 16, 2020, the Company filed a Motion to Stay the Proceedings, which the Complainant opposed via a filing on October 21, 2020.

³ See, 52 Pa. Code § 5.303(b).

29. On October 22, 2020, ALJ Cheskis issued an Interim Order granting the Motion to Stay Proceedings and, as a result, on October 23, 2020, the evidentiary hearing was canceled.

30. On November 4, 2020, the Commission entered an Order and Notice, at Docket No. M-2009-2092655, pursuant to 66 Pa.C.S. § 501, instituting a stay of certain formal complaint proceedings then-pending before the Commission involving challenges to electric distribution company (“EDC”) deployment of smart meter technology as being in violation of Section 1501 of the Code (*November 4, 2020, Stay Order*) which was applied to and was docketed at the instant case.

31. On August 16, 2022, the Pennsylvania Supreme Court issued its Opinion affirming in part and reversing in part the Commonwealth Court’s decision.⁴

32. On November 21, 2022, the Commission issued a Judge Change Notice, assigning this matter to ALJ Emily I. DeVoe.

33. 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.

34. On January 5, 2024, ALJ DeVoe issued an Interim Order Setting Deadlines for Motions, Responses to Motions and Status Report.

35. On January 25, 2024, the Company filed a Motion for Summary Judgment and, on February 8, 2024, the Complainant filed a response to the Motion for Summary Judgment.

36. On March 21, 2024, a Further Call-In Telephonic Hearing Notice was issued setting a hearing for April 24, 2024.

37. On April 24, 2024, counsel for the Company appeared at the telephonic hearing. The Complainant did not appear.

⁴ See *Povacz v. Pa. PUC*, 280 A.3d 975 (Pa. 2022).

38. On June 5, 2024, ALJ DeVoe granted in part and denied in part the Company's Motion for Summary Judgment.

39. On June 6, 2024, a Prehearing Order was issued which scheduled a telephonic hearing for July 31, 2024.

40. On July 19, 2024, the Complainant sent a letter requesting to reschedule the hearing on July 31, 2024 due to a conflict.

41. On July 26, 2024, a Further Call-In Telephonic Hearing Notice was issued rescheduling the hearing initially scheduled for July 31, 2024 to September 12, 2024.

42. On August 22, 2024 an Interim Order was issued rescheduling the evidentiary hearing scheduled for July 31, 2024 to September 12, 2024.

43. The parties are actively working together towards resolution of the Formal Complaint and require some additional time.

44. On September 6, 2024, the Company contacted the Complainant via e-mail and telephone to discuss the continuance request. The Complainant was agreeable to a continuance of the hearing in this matter to engage in further settlement discussions.

45. As such, the Company respectfully requests that the hearing scheduled for September 12, 2024 in this matter be rescheduled to a later date if it becomes clear that the parties' efforts towards resolution are not fruitful. The Complainant agreed to this approach.

46. The Company proposes to submit a joint status report on October 21, 2024 to provide an update on settlement progress.

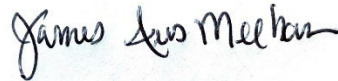
II. MOTION FOR CONTINUANCE

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

13. In this the Company is working towards resolution of the Formal Complaint and requires additional time to do so.

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

Respectfully submitted,



Dated: September 9, 2024

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Company (Met-Ed Rate District)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

HEIDI FIEDLER

v.

METROPOLITAN EDISON COMPANY

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Docket No. C-2018-3003642

CERTIFICATE OF SERVICE

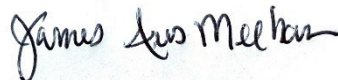
I hereby certify that I have this day served a true copy of the Motion of Continuance of FirstEnergy Pennsylvania Electric Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by First Class and electronic mail as follows:

Heidi Fiedler
432 East Wesner Road
Blandon, PA 19510
heidi25@reagan.com

Administrative Law Judge Emily DeVoe
edevoe@pa.gov

Dated: September 9, 2024



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