

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

- - - - -  
 LAURA FARINA : DOCKET NO.  
 : C-2022-3030803  
 v. :  
 :  
 METROPOLITAN EDISON COMPANY :  
 :  
 Prehearing Conference Call In :  
 - - - - -

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Judge's Chambers  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Friday, August 2, 2024  
Commencing at 10:05 a.m.

BEFORE:

JOHN M. COOGAN, ADMINISTRATIVE LAW JUDGE

REPORTER:

TIFFANY L. MAST

APPEARANCES:

BY: DANIEL A. GARCIA, ESQUIRE  
FIRSTENERGY  
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ALSO PRESENT:  
JAMES A. MEEHAN ESQUIRE  
VIKTOR LACKMANN

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INDEX TO WITNESSES

FOR COMPLAINANT: LAURA FARINA

Direct Exam

Cross Exam

CLOSING STATEMENT BY  
LAURA FARINA --

CLOSING STATEMENT BY  
METROPOLITAN EDISON COMPANY --

INDEX TO EXHIBITS

COMPLAINANT: IDENTIFIED/ADMITTED  
None

RESPONDENT: IDENTIFIED/ADMITTED  
None

1 P R O C E E D I N G S

2 \* \* \*

3 ADMINISTRATIVE LAW JUDGE COOGAN: Good  
4 morning. We are now on the record. My name is  
5 John Coogan. I'm the Administrative Law Judge  
6 assigned to this proceeding.

7 This is the hearing of the complaint of  
8 Laura E. Farina versus Metropolitan Edison  
9 Company, Docket No. C-2022-3030803. And I'm  
10 sorry if I misspoke. This is a prehearing  
11 conference, not an actual evidentiary hearing.

12 So today's date is August 2nd, 2024, and  
13 the time is 10:05 a.m. And present on the phone  
14 this morning is Miss Farina.

15 Good morning, Miss Farina.

16 MS. FARINA: Good morning.

17 ADMINISTRATIVE LAW JUDGE COOGAN: And  
18 also present on the phone this morning is  
19 Mr. Garcia, Mr. Daniel Garcia for the company.

20 Mr. Garcia, if you could please introduce  
21 yourself?

22 MR. GARCIA: Good morning, Your Honor.

23 My name is Daniel Garcia. I'm attorney  
24 for FirstEnergy.

25 Did you want me to introduce the two that

1 are just observing, or just myself?

2 ADMINISTRATIVE LAW JUDGE COOGAN: Sure.  
3 You might as well, just so we have a complete  
4 listing of who's on the phone today.

5 MR. GARCIA: Yes, Your Honor. And also  
6 on the line we have Attorney James Meehan and  
7 Viktor Lackmann. They will be joining us for  
8 observational purposes only.

9 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
10 Thank you.

11 Okay. So as I mentioned, this is a  
12 prehearing conference. This case was filed -- a  
13 complaint was filed by Miss Farina back in  
14 December of 2021. So this case has a fairly long  
15 procedural history. So I won't go through all of  
16 that. Suffice to say that this case is scheduled  
17 for an evidentiary hearing on September 13th,  
18 2024, by telephone. And the main reason I called  
19 this prehearing conference is so we could discuss  
20 Miss Farina's request that the hearing take place  
21 in person, rather than by telephone. But I'd  
22 also like to try to deal with any other  
23 procedural issues we might have, so we don't have  
24 to meet again, or basically, we can just --  
25 everybody can just get ready for the evidentiary

1 hearing. So I just -- I just want to try to make  
2 sure we nail everything down that we can here as  
3 far as procedural issues.

4 So you know, without further adieu,  
5 Miss Farina, I really just want to hear from you,  
6 to explain in your own words why you wanted an  
7 in-person hearing, rather than a telephonic  
8 hearing. Certainly an in-person hearing is  
9 something we do, but it's -- it's -- I need to  
10 hear from both parties what the position is  
11 regarding that.

12 And I will just say at the outset, I just  
13 want -- I know you don't live -- I don't believe  
14 you live in the Harrisburg area. So the hearing  
15 would have to take place in Harrisburg, so that's  
16 just -- I'm not sure if you were aware of that.  
17 So could you -- could you explain a little bit  
18 more why you wanted to make the request for a  
19 telephonic hearing, rather than an in-person  
20 hearing?

21 MS. FARINA: I made a request for --  
22 (Inaudible crosstalk.)

23 ADMINISTRATIVE LAW JUDGE COOGAN: Yeah,  
24 I'm sorry. I got that -- yeah, I'm sorry. I got  
25 that backwards. Why you are requesting an

1 in-person hearing, rather than a telephonic  
2 hearing.

3 MS. FARINA: Because -- because by law,  
4 I'm entitled to it.

5 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
6 I'm here Miss Farina.

7 MS. FARINA: Okay. I am -- I am --

8 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
9 To my knowledge -- and I'm not at all trying to  
10 be argumentative with you here -- I believe it's  
11 sufficient to either have telephonic or in-person  
12 hearings. I'm not -- I'm happy to listen to your  
13 argument.

14 Do you know what the law is exactly,  
15 where it says that, that you're entitled to have  
16 an in-person hearing, rather than a telephonic  
17 hearing?

18 MS. FARINA: At this current moment, no,  
19 I don't. I would be happy to look it up for you,  
20 but by law, I do believe that it is my right to  
21 have an in-person hearing. I would have to look  
22 that up for you. I am aware --

23 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
24 Go ahead. Sorry.

25 MS. FARINA: I had a conversation with

1 Mr. Garcia the other day, and I am aware that it  
2 is their preference to have the telephonic, but  
3 I'm the one that brought the complaint up. So I  
4 should be allowed to have the face-to-face  
5 hearing in Harrisburg.

6 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.

7 MS. FARINA: And I -- I honestly do not  
8 appreciate others trying to persuade me from that  
9 particular right to have a face-to-face.

10 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.

11 And is this something -- have you talked to your  
12 -- I believe there's two expert witnesses that  
13 you're planning on presenting their testimony; is  
14 that right?

15 MS. FARINA: Correct.

16 ADMINISTRATIVE LAW JUDGE COOGAN: And  
17 have you asked them whether they can attend the  
18 hearing in Harrisburg?

19 Ms. FARINA: Correct.

20 ADMINISTRATIVE LAW JUDGE COOGAN: You  
21 have asked them?

22 MS. FARINA: Uh-huh.

23 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.

24 And they've -- they've agreed to attend the  
25 hearing in Harrisburg?

1 MS. FARINA: Yes.

2 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
3 And is there -- okay. So I understand what you  
4 say as far as there -- you believe that it's your  
5 right according to law to be able to have a  
6 face-to-face hearing, rather than a telephonic  
7 hearing.

8 Is there any reason -- or can you -- are  
9 there any other reasons you would explain why you  
10 think your case needs to be presented in person,  
11 rather than by telephone? What -- I mean why --  
12 what makes the difference?

13 MS. FARINA: Because I am entitled to it,  
14 and my witnesses also would like to have the  
15 face-to-face.

16 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.

17 Mr. Garcia, do you have a response to  
18 Ms. Farina's request to have an in-person hearing  
19 in Harrisburg?

20 MR. GARCIA: Well, we certainly --  
21 certainly prefer the telephonic hearing. It  
22 would be best for all parties, including  
23 Ms. Farina. In speaking with her, she did tell  
24 me that she does have limited -- limited  
25 resources. And going to Harrisburg and paying

1 the travel and lodging for two other people, as  
2 well, you know --

3 MS. FARINA: Okay. I never said that.

4 MR. GARCIA: -- (inaudible)

5 MS. FARINA: I never said that. I said I  
6 am on Social Security, but that has to do with --  
7 we were working together on the phone. That has  
8 to do with a possible agreement to remove the  
9 meter. And then, I said that I didn't -- I'm on  
10 Social Security, and I don't want to be  
11 financially raped. And he brought up the rates  
12 and tariffs. Okay.

13 My -- my ability to travel to Harrisburg  
14 with two companions has nothing to do with our  
15 financial status. That's a lie.

16 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
17 Well, again.

18 (Inaudible crosstalk.)

19 (Court reporter clarification.)

20 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
21 Okay. Understood. Understood, Miss Farina.

22 Okay. Mr. Garcia, how about from  
23 FirstEnergy's perspective, what's -- what's --  
24 just solely looking at your resources --

25 (Dog barking in background.)

1 ADMINISTRATIVE LAW JUDGE COOGAN: -- you  
2 know, such as where your witness is located,  
3 where is counsel located, what -- can you sort of  
4 explain a little bit more about what  
5 FirstEnergy's position is in relation to this  
6 (inaudible).

7 MR. GARCIA: Yes, Your Honor. Well, our  
8 witness will be traveling in from Ohio. They're  
9 -- they're based out of Akron, Ohio area and --

10 MS. FARINA: That's not my problem.

11 MR. GARCIA: -- and Greensburg into  
12 Harrisburg. So that would -- that would also be  
13 a considerable expense. Doing it telephonic  
14 would certainly save on those expenses. It would  
15 certainly save the state expenses, as well, and  
16 taxpayer dollars because you and your staff will  
17 have to travel to Harrisburg. The court reporter  
18 will have to travel to Harrisburg.

19 So there's just a considerable amount of  
20 expense, not just for the Complainant, but for  
21 the Company and the state if we do this in  
22 person.

23 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
24 And so you'll have witnesses -- you'd have two  
25 witnesses traveling from Ohio and -- one from

1 Ohio, one from Florida.

2 And where -- where would counsel be  
3 traveling from?

4 MR. GARCIA: Actually, counsel for the  
5 evidentiary hearing will be traveling from  
6 Florida. And that would be Mr. Meehan. And I  
7 would be traveling in from Greensburg.

8 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
9 Okay.

10 And Miss Farina, I understand you said  
11 your witnesses would be fine with traveling, so  
12 that's understood. But just -- just so I can  
13 have some background, where would they be  
14 traveling from?

15 MS. FARINA: Pike County in Pennsylvania.

16 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
17 And that's where you live, right, Pike County?

18 MS. FARINA: Correct.

19 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
20 And let me just get some clarification on who the  
21 witnesses will be.

22 Ms. Farina, are you still expecting to  
23 call Dr. Robert Ollar and Mr. Dennis Klein as  
24 your witnesses?

25 MS. FARINA: Yes.

1 ADMINISTRATIVE LAW JUDGE COOGAN: And  
2 I'll spell those. Okay. Dr. Robert,  
3 R-o-b-e-r-t; last name Ollar, O-l-l-a-r. And  
4 Mr. Dennis Klein, D-e-n-n-i-s; last name Klein,  
5 K-l-e-i-n.

6 Okay. Let me ask, is there,  
7 technologically, any reason that would prevent  
8 you from participating in a telephonic hearing,  
9 Ms. Farina?

10 MS. FARINA: Well, first of all, I  
11 brought the case. I am within my rights to have  
12 a face-to-face. Now, if you're asking additional  
13 questions, I do not have Internet on a daily  
14 basis. And I only have a cell phone, so if --  
15 and I do not have Zoom. So if my phone goes out,  
16 WiFi goes out, there that goes. But that's not  
17 the primary reason. The primary reason is  
18 because I have the legal right to a face-to-face.

19 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.

20 MS. FARINA: And I do not appreciate  
21 people putting words in my mouth.

22 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
23 Well --

24 MS. FARINA: Mr. Garcia -- Mr. Garcia --  
25 am I allowed to speak?

1 ADMINISTRATIVE LAW JUDGE COOGAN: Well,  
2 Miss Farina, I understand your point about what  
3 Mr. Garcia was saying on your behalf. That's  
4 fine. I'll just listen to what you are saying as  
5 far as your reasons for traveling, and that's  
6 fine, but --

7 MS. FARINA: I have one -- one reason. I  
8 only have one reason, and that's because it's  
9 within my rights to have a face-to-face. That is  
10 only one reason.

11 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
12 Miss Farina, I totally understand your  
13 preference. And I'm absolutely open to hearing  
14 more about the legal basis for your right to have  
15 an in-person hearing, rather than telephonic, but  
16 I'm personally not aware of -- of that being a  
17 strict rule, that if someone requests an  
18 in-person hearing they're -- that. Because it's  
19 -- to my understanding, it's more just the nature  
20 of the case, whether it can be done effectively  
21 by phone or not.

22 MS. FARINA: Well, it cannot be done  
23 effectively if I have witnesses that also believe  
24 that a face-to-face is paramount in our case.

25 ADMINISTRATIVE LAW JUDGE COOGAN: Well,

1 why -- is there a reason why you think they can't  
2 call in separately as witnesses to participate in  
3 a hearing?

4 MS. FARINA: They discussed this with me,  
5 and this is what the conclusion was.

6 ADMINISTRATIVE LAW JUDGE COOGAN: The  
7 conclusion -- the conclusion was that you're just  
8 -- you're maintaining that you want to have a  
9 face-to-face hearing?

10 MS. FARINA: Correct.

11 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.

12 MS. FARINA: I did not know this was  
13 going to be such a big deal, otherwise I would  
14 have looked into the Black Law's [sic] Dictionary  
15 and other literature to find out where you can,  
16 you know, read up on it or the Constitution.

17 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
18 Okay. Well --

19 MS. FARINA: If I may --

20 ADMINISTRATIVE LAW JUDGE COOGAN: Hold on  
21 one --

22 (Inaudible crosstalk.)

23 Ms. FARINA: I was surprised -- I was  
24 surprised that I had received a phone call from  
25 Mr. Garcia the other day. Okay. So I allowed

1 him to speak. We had a conversation. It  
2 appeared that we were going to try to work  
3 together regarding the removal of the smart meter  
4 from my home.

5 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
6 Well, Miss Farina, I want to say one thing. I  
7 don't -- if you had settlement discussions with  
8 Mr. Farina, please don't -- don't let me know  
9 because I really -- I shouldn't be involved in  
10 settlement discussions because that's, you know,  
11 really between the parties. So I'd rather just  
12 deal with what we have to do to get ready for  
13 that evidentiary hearing on September 13th.

14 MS. FARINA: So then you think I should  
15 not -- I should not speak with him again? I  
16 didn't ask to --

17 ADMINISTRATIVE LAW JUDGE COOGAN: No, no.  
18 No, no. No, no. Yeah. No, no. I encourage the  
19 parties to speak to each other. Certainly, if  
20 you can resolve the complaint without going  
21 through the formal process, he might -- it might  
22 be better for the parties that way if you can  
23 figure something out, but no, I just -- I don't  
24 want to know settlement discussions because those  
25 should really just stay between the parties. But

1 everyone, let me -- I just want to consider what  
2 Miss Farina has to say and what Mr. Garcia has to  
3 say.

4 I take your request very seriously, Ms.  
5 Farina, but I also -- you know, we have a lot of  
6 hearings at the Commission that take place by  
7 telephone, including with expert witnesses. It's  
8 -- they usually go fine. So I don't want to make  
9 it, you know, understanding you're saying that  
10 you have a legal right to have an in-person  
11 hearing, I -- I just need to consider everything.  
12 Just give me two minutes. I'll be right back.

13 So Miss Mast, can we go off the record --

14 MS. FARINA: When you consider  
15 everything, is that regarding the fact that I  
16 believe that it's within my rights to have a  
17 face-to-face, and the fact that FirstEnergy,  
18 MetEd doesn't feel like exhausting any kind of  
19 money to travel.

20 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
21 Well -- okay. Miss Mast --

22 MS. FARINA: (Inaudible)

23 ADMINISTRATIVE LAW JUDGE COOGAN: Miss  
24 Mast -- just a second. Just a second.

25 Miss Mast, are we still on the record or

1 are we off the record?

2 COURT REPORTER: I was when she kept  
3 talking. Would you like me to go off now?

4 ADMINISTRATIVE LAW JUDGE COOGAN: We'll  
5 just stay on.

6 I'll answer your question, Miss Farina,  
7 but I do want to go off the record just to  
8 consider this. I'm sorry. I will go off the  
9 record in a little bit, once I finish talking.  
10 I'll let you know -- I'll let you know again,  
11 Miss Mast, when I do want to go off the record.  
12 But I do want to, since we're still on the  
13 record, just respond to Miss Farina.

14 I -- I'm absolutely taking as much into  
15 consideration what you have to say, Miss Farina,  
16 as what FirstEnergy says, but --

17 MS. FARINA: I'm the Complainant.

18 ADMINISTRATIVE LAW JUDGE COOGAN: So --  
19 yeah, I totally understand.

20 MS. FARINA: I'm being kicked to the  
21 curb? I'm being kicked to the curb?

22 ADMINISTRATIVE LAW JUDGE COOGAN: No,  
23 absolutely not. No. Again, I haven't even said  
24 one way or the other where I'm going to come out,  
25 but I do -- I do want to take into consideration

1 that the Commission very often successfully has  
2 telephonic hearings with expert witnesses. And  
3 considering the travel -- I understand you seem  
4 totally happy to come to Harrisburg, Miss Farina,  
5 but I do want to -- I don't want to make  
6 unnecessary hoops for people to jump through if  
7 we can accomplish the same thing by phone.

8 MS. FARINA: Okay. Let me. May I speak?  
9 The unnecessary hoops are -- in my complaint, is  
10 that there are potential health risks. The  
11 unnecessary hoop is because FirstEnergy is trying  
12 to cut costs. Well, they have no medical expert  
13 witness. So they're going to bring people in  
14 that are not going to be able to -- to stand on a  
15 cross examination regarding health risks.

16 So what's the point of them bringing in  
17 people who's going to say, here's the cost  
18 factor?

19 ADMINISTRATIVE LAW JUDGE COOGAN: Well,  
20 my point is unnecessary hoops is I'm flying  
21 somebody in from Florida when you can ask them  
22 the same questions over the phone and we can  
23 answer the same questions, you know, just as well  
24 by phone as in person without having a better  
25 idea of why exactly --

1 MS. FARINA: But what will the questions  
2 be? They're -- my thing is it's a potential  
3 health hazard. Their thing is a cost and  
4 financial -- financial. That has -- financial  
5 and costs has nothing to do with potential health  
6 risks, nothing. So they're going to --

7 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
8 Miss Farina, well, that's a question -- that's  
9 for when they present their witnesses. They'll  
10 -- you know, you'll ask questions to qualify your  
11 witness to show why they're experts in whatever  
12 they're being asked to testify about.

13 MS. FARINA: Uh-huh.

14 ADMINISTRATIVE LAW JUDGE COOGAN: And  
15 they'll do the same thing with their witnesses.  
16 And you can cross examine them when they're  
17 presented. So you know, let's -- but that's more  
18 -- goes to, you know, the substance of when we  
19 actually have the hearing. I'm just trying to  
20 figure out right now whether I need to re --  
21 convert it to being telephonic versus in person.  
22 Because I mean to be -- to be frank --

23 A. Well, that's what this phone call is  
24 for. That's all this phone call is for today,  
25 to give everybody -- to go through the steps

1 and the procedures, to say we follow protocol,  
2 here's the presentment, and we're not going to  
3 give Miss Farina her face-to-face. We  
4 concluded that at this hearing. That's what  
5 this is for. This is a Mickey Mouse -- this  
6 is a Mickey Mouse hearing then --

7 Q. Okay.

8 A. -- to push me to the curb.

9 Q. Not at all. The whole reason I had it  
10 was so I could actually talk to you in person --  
11 or you know, by phone to understand better your  
12 request because, again, the vast majority --

13 A. I put it -- I put it -- I did put it in  
14 writing I wanted a face to face. I explained  
15 it in writing. I explained it to you on the  
16 phone, and there should not have to be a  
17 discussion or any kind of a legal argument as  
18 to why I want it. I want it. I'm within my  
19 legal rights to have it. I -- I've maintained  
20 that it was a potential health risk all along.  
21 I maintained that there was no informed  
22 consent to put this meter on my house.

23 I maintained. Why do I have to have a  
24 phone conference just to fight other people who  
25 want to talk about the money end of it?

1 Q. Okay. Well, before I ask people to  
2 travel from all around the country to come to --  
3 (Inaudible crosstalk.)

4 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
5 Okay. Miss Mast, we're going -- Miss Mast, let's  
6 go off the record.

7 COURT REPORTER: Okay. Thank you, Judge.

8 ADMINISTRATIVE LAW JUDGE COOGAN: We're  
9 on a break. Let's go off the record. It's  
10 10:24.

11 Thank you.

12 (Whereupon, a brief recess was taken.)

13 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
14 Well, you know, I don't want make a decision  
15 right now because I do want to -- I do want to --  
16 I'm going to make a very quick decision because I  
17 don't want this lingering because we do have a  
18 hearing on September 13th, but I'll treat,  
19 essentially, Miss Farina's request here as an  
20 oral motion to convert the September 13th hearing  
21 from a telephonic to an in-person hearing.

22 You know, I want to look a little bit  
23 more into this. Because Miss Farina, you know.  
24 I know you don't seem to believe it, but I do  
25 definitely take your request seriously, but I --

1 I -- there's competing factors going on here.

2 So you know, expect me to issue and send  
3 out an Order, I'd say within the next week,  
4 either granting or denying Miss Farina's request  
5 for an in-person hearing.

6 Ms. FARINA: Judge, can I say something  
7 else?

8 ADMINISTRATIVE LAW JUDGE COOGAN: Sure.  
9 Go ahead.

10 MS. FARINA: Okay. First of all, I want  
11 to thank you for the hearing today, even though I  
12 -- I think it's ridiculous. But I want to thank  
13 you for -- for your effort, number one. Number  
14 two, I do not -- I'm a very calm person, but I do  
15 not appreciate Mr. Garcia lying. Okay. I do not  
16 appreciate that. So --

17 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
18 Well, Miss Farina --

19 (Inaudible crosstalk.)

20 MS. FARINA: All the more reason to have  
21 a face-to-face. Okay. All the more reason. And  
22 if my phone doesn't work, it doesn't work. And  
23 then what, my case will be dismissed if my phone  
24 don't work?

25 ADMINISTRATIVE LAW JUDGE COOGAN: I don't

1 want -- we will cross that bridge if we get  
2 there, but you know -- okay. But at this moment,  
3 it appears that, you know, the parties -- you  
4 know, it's always better if the parties can come  
5 to some sort of agreement. But right now,  
6 FirstEnergy still wants a telephonic hearing, and  
7 you want an in-person hearing, so --

8 MS. FARINA: That's too bad. That's too  
9 bad that they want --

10 (Inaudible crosstalk.)

11 Ms. FARINA: They never had informed  
12 consent to put up a smart meter on my home. They  
13 did not have informed consent.

14 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
15 Okay. All right. Well, again, let me -- I'm not  
16 making a decision right now. I'll let everybody  
17 know by mail. I'll send out my Order in the next  
18 week or so, letting you know if it's going to be  
19 converted to an in-person hearing or it will stay  
20 telephonic, so --

21 MS. FARINA: Okay.

22 ADMINISTRATIVE LAW JUDGE COOGAN: That  
23 was the main reason I wanted to have the call  
24 today, Miss Farina, because it's a loss easier on  
25 the phone, rather than just going back by --

1 through writing. So okay -- so --

2 MS. FARINA: Well, I already -- I already  
3 put it in writing that I wanted a face-to-face,  
4 and I explained myself. So I really found it all  
5 a waste of my time. My time is my time. My time  
6 is money, just like anybody else's.

7 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
8 All right. Well, so I already detailed who  
9 Miss Farina is expecting to call as her expert  
10 witnesses. I just want to -- I just want to  
11 clarify a couple other things.

12 Mr. Garcia, could you -- I think in the  
13 letter, going back to a letter sent on April  
14 26th, 2024, you said that David Vadidzillao --  
15 and I might be pronouncing his name wrong --  
16 V-a-d-i-d-z-i-l-l-a-o, Will be an expert witness,  
17 but you said that there were two expert  
18 witnesses --

19 (Interruption in background.)

20 ADMINISTRATIVE LAW JUDGE COOGAN: -- it  
21 sounded like from today. So do you -- can you --  
22 Miss Farina, It sounds like you're talking in the  
23 background. Just remember this is being  
24 transcribed by a court reporter, so please --

25 MS. FARINA: Oh, yeah. I'm talking to my

1 dog. I'm talking to my dog.

2 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.

3 MS. FARINA: I have dogs in my house.

4 Sorry about that.

5 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.

6 Yeah, but just --

7 MS. FARINA: Not to you. It's to the  
8 dog.

9 ADMINISTRATIVE LAW JUDGE COOGAN: Yep.  
10 It's difficult for the court reporter. Let's  
11 just -- just -- you can put yourself on mute, if  
12 you're not going to talk.

13 Mr. Garcia, could you please just clarify  
14 whether it's Mr. Vadidzillao and another -- and  
15 who the other witness is that FirstEnergy is  
16 planning on presenting?

17 MR. GARCIA: Yes, Your Honor. Actually,  
18 we did file an update on June 14th, 2024, that  
19 Stephen Dubrey will be replaying Mr. Vadidzillao.  
20 So we will have Stephen Dubrey. He's an employee  
21 here at the company, and he will be speaking on  
22 smart meters. And with the introduction of the  
23 two Complainant witnesses, we will need to bring  
24 in a couple of witnesses, witness experts, as  
25 well. But we never received from the

1 Complainant -- we did get the names of her  
2 witnesses, but we never got their CVs. We never  
3 received contact info or a synopsis of what  
4 they're going to be testifying about, as directed  
5 in the previous Order.

6 But we would like to bring on one more  
7 witness to speak to the medical side of it, but  
8 it's really going to depend on what the CV and  
9 synopsis of the Complainant witnesses actually  
10 inform us on. So we would like that -- reserve  
11 that right to bring on that extra witness that,  
12 as of right now, is not identified, at least  
13 until we get that, you know, the CVs and the  
14 synopsis of their testimonies.

15 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
16 Yeah, and I apologize for not mentioning -- for  
17 overlooking the June 14th letter. Stephen  
18 Dubrey, it looks like, is spelled S-t-e-p-h-e-n.  
19 And last name, D-u-b-r-e-y. Well, maybe we can  
20 help. Again, a good reason we had this call  
21 today was, Miss Farina, can you explain what each  
22 of the witnesses, you're intending for them to  
23 testify on.

24 First, starting with Mr. Ollar, what is  
25 he intending to testify on?

1 MS. FARINA: Dr. Ollar has a Ph.D. in  
2 biology.

3 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
4 But what --

5 MS. FARINA: So -- what was that, sir?

6 ADMINISTRATIVE LAW JUDGE COOGAN: No. I  
7 was just asking if it was -- you could please  
8 elaborate a little more what -- what he's going  
9 to testify -- or what you're planning on having  
10 him testify on.

11 MS. FARINA: The biological potential  
12 health risks as he has studied up on it. I  
13 submitted to both the secretary, Rosemarie  
14 something, FirstEnergy, and also to yourself,  
15 sir, approximately 282 pages to 300 pages of  
16 medical peer reviews globally. Uh-huh. So  
17 Dr. Ollar is familiar with the peer reviews and  
18 with the doctors who have written them. Uh-huh.  
19 Yeah.

20 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
21 And Dr. Dennis Klein, what was he going to  
22 testify on?

23 MS. FARINA: He is more on the electrical  
24 side of things with the amount of EM radiation  
25 that is generally emitted from the smart meter.

1 So certainly -- certainly -- certainly, if they  
2 bring any physical report, it would be best to  
3 have them face to face. And so unless -- and I  
4 truthfully don't think MetEd is going to be able  
5 to bring a doctor in to testify regarding smart  
6 meters because I haven't found anybody in the  
7 medical profession that are willing to say that  
8 they are 100-percent safe.

9 So they would probably be like in a  
10 managerial position, as far as whatever education  
11 they received on the job, without any kind of  
12 medical --

13 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
14 And Mr. Garcia, what was -- Stephen Dubrey, what  
15 will he testify to -- or was the company planning  
16 on him testifying to?

17 MR. GARCIA: Yes, Your -- Yes, Your  
18 Honor. Dubrey will be testifying as to the smart  
19 meters, the safety of the smart meters. He'll be  
20 discussing the electrical output of the smart  
21 meters and how they have been reviewed by the  
22 Federal Communication Agency, the UCC, and the  
23 like. He'll also be testifying on the Act 129  
24 and our implementation plan that's been submitted  
25 to the PUC.

1 ADMINISTRATIVE LAW JUDGE COOGAN: And he  
2 is the -- is he coming from Ohio?

3 Is he the witness that you mentioned was  
4 coming from Ohio?

5 MR. GARCIA: Yes.

6 ADMINISTRATIVE LAW JUDGE COOGAN: Or who  
7 was located in Ohio, I should say.

8 MR. GARCIA: Yes, Your Honor.

9 ADMINISTRATIVE LAW JUDGE COOGAN: And you  
10 said your witness is in Florida; is that -- but  
11 it sounds like there's only one. Stephen Dubrey  
12 is the only named witness who's identified right  
13 now. Is there -- there's another witness in  
14 Florida that might be called; is that --

15 MR. GARCIA: No, the gentleman from --  
16 (Inaudible crosstalk.)

17 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
18 Okay. Okay. Well -- okay. Well -- so Miss --  
19 yeah, I understand what you said, Mr. Garcia,  
20 about Miss Farina not giving a synopsis of her  
21 witnesses earlier, but Miss Farina did explain  
22 now what she expected her witnesses to testify  
23 to. And as far as their CVs go, you know, if  
24 parties are able to, you know, we still have some  
25 time for parties to exchange information

1 informally, which is always very encouraged, if  
2 possible. There is discovery, but -- formal  
3 discovery, but we are getting near the September  
4 13th hearing debate. So you know, as a last, you  
5 know, we always have --

6 (Dog barking in background.)

7 ADMINISTRATIVE LAW JUDGE COOGAN: We  
8 always have the hearing to have, you know, to --  
9 to go through the witnesses' qualifications, so  
10 the parties -- so the parties are clear what  
11 their qualifications are, you know, as far as  
12 being offered as expert witnesses. So that helps  
13 a little bit for us to clarify that today.

14 You know, as far as, Miss Farina, you  
15 mentioned some reports. I did, in a June 21st  
16 Order that was sent to everybody -- it was called  
17 an Order modifying the litigation schedule. I  
18 did explain to everyone how we need to circulate  
19 exhibits to me and the other parties five  
20 business days ahead of the hearing.

21 MS. FARINA: I did.

22 ADMINISTRATIVE LAW JUDGE COOGAN:  
23 (Inaudible) Oh, you've already -- okay. Well, I  
24 wasn't sure what the --

25 MS. FARINA: I already did it. They all

1 -- they all got it. They all got it. I sent it  
2 to Garcia's office. I sent it to Meehan's  
3 office. Sometimes I just sent it to Garcia's  
4 because his is the address that was given.  
5 Meehan's wasn't the address given. Okay. But  
6 when I got Meehan's address, I sent some things  
7 to him because -- and Garcia's office, I -- I  
8 sent everything certified mail, return receipt.  
9 And his office is not signing the return receipt,  
10 he said because there's no one in the office.

11 Well, why am I paying for certified mail,  
12 which is a Federal regulation that it's supposed  
13 to be signed? So the Post Office can affirm that  
14 he received it, but it's not my problem. I paid  
15 for certified mail, return receipt, and I'm not  
16 getting return receipts from his office.

17 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
18 So --

19 MS. FARINA: Another thing -- and another  
20 thing, you know, I wouldn't mind working with  
21 him, so that like the other day, we had a very  
22 good conversation, we made an effort to work  
23 together, whatever, but you know what, that's all  
24 well and good, but when he comes to the hearing  
25 today and he's putting words in my mouth,

1 therefore lying, I don't appreciate that. I  
2 don't appreciate that. I understand what you  
3 said about Mr. Garcia when he was, you know, what  
4 you don't appreciate, but that's -- I'm not going  
5 to take -- understanding what your response is  
6 going to say, I'm not going to take that into  
7 consideration when considering your request  
8 because I understand you dispute, basically, what  
9 he said.

10 MS. FARINA: And I have dogs in my house.  
11 I have dogs in my house, you know.

12 ADMINISTRATIVE LAW JUDGE COOGAN: Yeah.

13 MS. FARINA: Where am I supposed to go?  
14 Where am I supposed to go to hear you? How am I  
15 supposed to tell them to shut up, be quiet? I  
16 have dogs in my house.

17 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.

18 MS. FARINA: You got an office to talk  
19 from.

20 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.

21 All right. Okay.

22 MS. FARINA: If everybody was honest  
23 today, this could have been a really smooth, nice  
24 hearing, but there were lies.

25 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.

1 MS. FARINA: And you know what, tell a  
2 lie in front of me in a courtroom, and then my  
3 witnesses will present evidence. So no, this is  
4 -- a telephonic hearing is not good for me,  
5 absolutely not.

6 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
7 Well, so you said you've already circulated  
8 exhibits.

9 What were those? It was a letter sent --  
10 dated May 11th, 2024? I mean, it was essentially  
11 hundreds of pages of --

12 MS. FARINA: There's more like 282 to 300  
13 pages. When I made copies, that's what the  
14 people at the print shop said. That's what I  
15 paid for.

16 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
17 So those are the exhibits that you're intending  
18 to introduce during the hearing? Okay.

19 MS. FARINA: I already sent this to  
20 everybody, so everybody has it. Garcia has it.

21 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
22 Well --

23 MS. FARINA: So if Meehan wants it, he  
24 should ask Garcia for it.

25 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.

1 Well, I -- I did receive a packet of physical  
2 papers from you, Miss Farina, and I did forward  
3 those to counsel for FirstEnergy. I wasn't  
4 positive whether they received their own copies  
5 or not. So that was the --

6 (Inaudible crosstalk.)

7 MS. FARINA: Who is speaking to -- who's  
8 speaking? I don't even know who's speaking.

9 ADMINISTRATIVE LAW JUDGE COOGAN: This is  
10 Judge Coogan.

11 MS. FARINA: Oh, the voices sometimes  
12 sound similar. I can't tell who's speaking.

13 ADMINISTRATIVE LAW JUDGE COOGAN: Yeah,  
14 so it was -- it was a file I sent around -- it  
15 was a file I sent to FirstEnergy that was titled  
16 Farina May 11th, 2024 submission part 1 and part  
17 2. Because it was a large file, so I had to  
18 split them up. Okay. Well, you know, if there's  
19 further exhibits that you're intending on  
20 introducing during the hearing, Miss Farina, it  
21 still goes that -- please make sure you circulate  
22 those five days ahead of -- five business days  
23 ahead of the September 13th hearing. The same  
24 rule goes for FirstEnergy.

25 Okay. One other thing I have to ask

1 Miss Farina was --

2 (Inaudible crosstalk.)

3 ADMINISTRATIVE LAW JUDGE COOGAN: -- was  
4 whether -- because this makes a difference as far  
5 as, you know, us continuing to make sure your  
6 address isn't shown on documents. And also,  
7 there are certain Commission regulations that --  
8 that take this into account, whether you have an  
9 active PFA or not.

10 Do you still have an active PFA or not?

11 MS. FARINA: No, it's not active.

12 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
13 It's not active. Okay.

14 All right. Well, you know, it sounds  
15 like the parties did -- I'm glad to hear you had  
16 a good conversation earlier that I wasn't part  
17 of. Sorry, you know, if you're saying,  
18 Miss Farina, this call didn't go as smoothly, but  
19 the parties are able to talk and try to resolve  
20 this --

21 (Inaudible crosstalk.)

22 MS. FARINA: I don't see how we could  
23 talk if he's going to lie.

24 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
25 Well, I can't --

1 MS. FARINA: I do not take kindly to  
2 lying. Number one, it shocked me that a lawyer  
3 on the opposing team is contacting me. Okay.  
4 Okay. I can put a little bit of that behind. I  
5 can work -- I can work with you. Okay. Okay.  
6 You know, maybe we can resolve this before the  
7 conference hearing. Okay. Okay. Okay.

8 But -- the lying, lying about me,  
9 defamation of character, I do not appreciate  
10 that. Explain to me how I can get over this --  
11 explain to me --

12 ADMINISTRATIVE LAW JUDGE COOGAN:  
13 Miss Farina -- Miss Farina, I -- I can't force  
14 the parties to talk to each other. I can't --  
15 you know, I'm not -- I'm not Mr. Garcia's keeper.  
16 I can't --

17 (Inaudible crosstalk.)

18 COURT REPORTER: MS. Farina, please let  
19 the Judge speak.

20 MS. FARINA: Sorry.

21 COURT REPORTER: I can't take down what  
22 he's saying.

23 Thank you.

24 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.

25 MS. FARINA: I don't know what she said,

1 but --

2 ADMINISTRATIVE LAW JUDGE COOGAN: Okay.  
3 I think -- that was Miss Mast. She's trying to  
4 transcribe the hearing, so it's hard sometimes if  
5 people are talking over each other.

6 But anyway, I think we've -- I basically  
7 just wanted to hear both sides about whether --  
8 what their positions are regarding having  
9 in-person versus a telephonic hearing. There  
10 were some other issues I wanted to clean up as  
11 far as expert witnesses and exhibits and the PFA.  
12 So we've done what I needed to do today. So  
13 we're still having the hearing on September 13th.  
14 Whether it's telephonic or in person, I'll issue  
15 an Order about that soon.

16 So that's -- that's all I have to say for  
17 today. So thank you everyone for participating  
18 today. The time is 10:47 a.m., and we are  
19 adjourned.

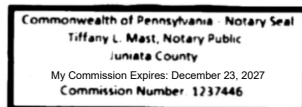
20 (Whereupon, the proceeding concluded  
21 at 10:47 a.m.)  
22  
23  
24  
25

C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

*Tiffany L. Mast*

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