

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held September 12, 2024

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Ralph V. Yanora
Kathryn L. Zerfuss
John F. Coleman, Jr.

John M. Chenosky, PE

C-2019-3007622

v.

Metropolitan Edison Company

ERRATA NOTICE

This is to advise all parties of record that the Opinion and Order entered on September 12, 2024, in the above-captioned proceeding, contains ministerial errors on Pages 1, 34, 35, and 36.

The first correction relates to the docket number for the complaint filed by John M. Chenosky referenced in the case caption and Ordering Paragraphs. The docket number currently reads “C-2018-3007622,” and was listed as such on each of the above pages. However, the correct docket number is “C-2019-3007622.” Also, to correct Ordering Paragraph 5 on Page 35, we will omit “filed on October 30, 2018, at Docket Nos. C-2018-3007622.” Therefore, Ordering Paragraph 5 will now read:

5. That, the Formal Complaint of John M. Chenosky, PE, filed on January 25, 2019, at this docket, is dismissed, with prejudice, barring the Complainant from filing another formal complaint with the Public Utility Commission raising the same issues or claims as raised in the Formal Complaint.

The corrected pages of the Opinion and Order are attached to this notice. Please release the incorrect pages in your copy of the Opinion and Order.

The Opinion and Order on the PA PUC website will be corrected as indicated above. Please accept our apologies for any inconvenience this may have caused you.

Thank you.

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Metropolitan Edison Company

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are the Exceptions filed by John M. Chenosky, PE (Complainant or Mr. Chenosky) on April 8, 2024, relative to the above-captioned proceeding. The Exceptions were filed in response to the Initial Decision (Initial Decision or I.D.) of Administrative Law Judge (ALJ) Conrad A. Johnson, which the Commission served on the Parties on March 19, 2024. No Replies to Exceptions were filed. In the Initial Decision, the ALJ recommended that the Commission dismiss, with

prejudiced by the wasteful use of the agency's and the respondent's time and resources in addressing a complaint. *See, Jefferson; Nichols III.*

In his Exceptions, the Complainant did not present any reason why he failed to make himself available for the hearing via telephone. Thus, the Complainant has presented no reason for our consideration to conclude that the Complainant's absence via telephone was unavoidable. Therefore, we are left to conclude that the Complainant chose not to appear at the hearing by telephone. As such, we agree with the ALJ that the Complainant waived the opportunity to participate in the hearing by failing to appear.

Accordingly, for all the forgoing reasons, we shall affirm the Initial Decision and dismiss the Complaint, with prejudice. A dismissal "with prejudice" means that the Complainant is barred from filing another complaint with the Commission, raising the same issues or claims as raised in the dismissed complaint.

IV. Conclusion

In light of the above discussion, we shall: (1) deny the Complainant's Exceptions; (2) deny the Complainant's Second Motion for Stay; (3) adopt the ALJ's Initial Decision; and (4) dismiss the Complaint, with prejudice, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Exceptions filed by John M. Chenosky, PE, on April 8, 2024, to the Initial Decision of Administrative Law Judge Conrad A. Johnson issued on March 19, 2024, at Docket Nos. C-2019-3007622, are denied, consistent with this Opinion and Order.

2. That the MOTION TO STAY ACTION ON DOCKET C-2019-3007622 PENDING OUTCOME OF APPEAL FROM FINAL ORDER OF THE COMMONWEALTH COURT OF PENNSYLVANIA BEFORE THE SUPREME COURT OF THE COMMONWEALTH OF PENNSYLVANIA: ALLOCATUR DOCKET 2024 – ALEXIA AND LAWRENCE MCKNIGHT *Petitioners v. PENNSYLVANIA PUBLIC UTILITY COMMISSION Respondents*, filed by John M. Chenosky, PE, on August 6, 2024, at Docket Nos. C-2019-3007622, is denied, consistent with this Opinion and Order.

3. That the Initial Decision of Administrative Law Judge Conrad A. Johnson, issued on March 19, 2024, at Docket Nos. C-2019-3007622, is adopted, consistent with this Opinion and Order.

4. That, pursuant to 66 Pa.C.S. § 332(f) and 52 Pa. Code § 5.245, the Complainant, John M. Chenosky, PE, is deemed to have waived his opportunity to participate in a hearing regarding their Formal Complaint filed on January 25, 2019, due to his failure to appear at the February 1, 2024 hearing held in this proceeding.

5. That, the Formal Complaint of John M. Chenosky, PE, filed on January 25, 2019, at this docket, is dismissed, with prejudice, barring the Complainant from filing another formal complaint with the Public Utility Commission raising the same issues or claims as raised in the Formal Complaint.

6. That the Secretary's Bureau shall mark Docket No. C-2019-3007622 closed.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: September 12, 2024

ORDER ENTERED: September 12, 2024