

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dorene Dougherty	:	
	:	
v.	:	C-2018-3001474
	:	
Pennsylvania Electric Company	:	

PREHEARING CONFERENCE ORDER

Relevant Procedural History

On April 24, 2018, Dorene Dougherty (“Complainant”) filed a Formal Complaint (“complaint”) with the Pennsylvania Public Utility Commission (“Commission”) against Pennsylvania Electric Company (“Respondent”). The complaint asserted that the utility was threatening to shut off or already had shut off Complainant’s electric service. The relief requested was: (a) not to shut off Complainant’s electric service, (b) to allow Complainant to keep the analog meter due to health concerns regarding smart meters and (c) a guarantee that Respondent’s actions regarding the meter will not cause harm to her or her property.

On May 17, 2018, Respondent filed its Answer and New Matter, which included a notice to plead, admitting and denying various averments in the complaint. Also, on May 17, 2018, Respondent filed Preliminary Objections (“POs”) to the complaint arguing that the complaint was legally insufficient under 52 Pa. Code § 5.101(a)(4) because it failed to state a claim upon which relief can be granted. The POs included a notice to plead.

By Order dated June 15, 2018, Complainant was granted an extension to respond to Respondent’s New Matter and POs. On August 2, 2018, Complainant filed her responses to the New Matter and POs.

On October 18, 2018, Administrative Law Judge (“ALJ”) Jeffrey A. Watson issued an Interim Order denying Respondent’s POs.

On June 17, 2019, a Prehearing Conference was held. Both Complainant and counsel for Respondent appeared.

On October 22, 2019, a second Prehearing Conference was held. Both Complainant and counsel for Respondent appeared.

On September 10, 2020, the Commission issued a notice scheduling a Telephonic Hearing for November 19, 2020.

On October 16, 2020, Respondent filed a Motion to Stay Proceedings pending a final order in *Povacz v. Pa. PUC*, Docket Nos. 492 C.D. 2019, *et al.* 606 C.D. 2019, and 607 C.D. 2019 (Slip. Op. dated Oct. 8, 2020).

On November 4, 2020, the Commission entered an Order at Docket No. M-2009-2092655 staying Formal Complaint proceedings pending before the Commission involving challenges to an electric distribution company's deployment of smart meter technology as being in violation of Section 1501 of the Code.

On November 6, 2020, the Commission issued a Notice cancelling the November 19, 2020 hearing.

On November 14, 2023, the Commission entered an Order at Docket No. M-2009-2092655 lifting the stay of all Formal Complaint proceedings pending before the Commission challenging an electric distribution company's deployment of smart meter technology.

On November 29, 2023, the Commission issued a Call-In Telephonic Prehearing Conference Notice scheduling a prehearing conference for Friday, February 2, 2024, and the matter was reassigned to the undersigned to preside over this matter.

On December 11, 2023, the Commission issued a Prehearing Conference Order which advised, *inter alia*, of the various procedures that would be applicable to the prehearing conference, and the purpose of the prehearing conference.

On January 26, 2024, Complainant emailed the Secretary's Bureau and the undersigned a "Request and Petition for Continuance for the Pre-Hearing Conference" ("request for continuance") based on: (a) Complainant's disabilities, (b) lack of computer/internet access with no accommodations and (c) the illness of Complainant's case contact – Jeff Smiles.

On January 28, 2024, Respondent responded via email opposing Complainant's request for continuance on the basis that: (a) the timeline and reality of Complainant's health conditions are unclear making this a potentially perpetual continuance, (b) Complainant failed to request or specify any needed accommodations and (c) Mr. Smiles' illness is irrelevant to the matter because he is not a licensed attorney representing Complainant nor has it been demonstrated that he has power of attorney.

On January 29, 2024, Commission Secretary Rosemary Chiavetta responded to Complainant's email requesting a continuance advising Complainant that it could not be accepted for filing as it must be either filed electronically or delivered in writing to the Commission.

On January 29, 2024, the undersigned issued an Order advising the parties that Complainant's request for continuance was not accepted for filing and that the prehearing conference would be held as scheduled on February 2, 2024. Complainant was also advised that she could re-state her request for continuance at the prehearing conference.

On January 30, 2024, the Commission received a paper filing of Complainant's request for continuance that was accepted for filing.¹

¹ The request for continuance was deposited in the mail on January 26, 2024.

On February 2, 2024, the parties appeared telephonically for the prehearing conference. Complainant requested an 85-day continuance, on the record, based on: (1) her disability, (2) the need for an accommodation in the form of allowing Mr. Jeffrey Smiles to be her proxy and (3) the need to retrieve paperwork from the prior person assisting her in this case due to him passing away. Respondent opposed the request for continuance based on the same reasons it raised on January 28, 2024. At the conclusion of the prehearing conference, the undersigned verbally granted Complainant an approximately 60-day continuance.

On February 5, 2024, the undersigned issued an Order which, *inter alia*, memorialized that Complainant was granted a continuance for at least 85 days.

On February 29, 2024, the Commission issued a Judge Change – Assignment Notice re-assigning this matter to ALJ Conrad Johnson.

On March 3, 2025, the Commission issued a Judge Change – Assignment Notice re-assigning this matter to the undersigned.

THEREFORE,

IT IS ORDERED:

1. DATE AND TIME OF PREHEARING CONFERENCE. That a telephonic prehearing conference will be held in this case on:

Thursday, April 17, 2025, beginning at 10:00 a.m.

To participate in the prehearing conference, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any additional participants for the prehearing conference who are participating

from a separate phone, you must provide them with the telephone number and PIN Number.

Toll-free Bridge Telephone Number: **888-537-9826**
PIN Number: **59951562**

2. FAILURE TO APPEAR. That failure of a party to attend the prehearing conference, without good cause shown, shall constitute a waiver of all objections to any motions or arguments raised and to any order or ruling with respect thereto.

3. REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*.² And, unless you are an attorney, you may not represent someone else.

4. PREPARATION. That parties shall review the regulations pertaining to prehearing conferences, in particular 52 Pa. Code § 5.222(d), which provides that parties and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, gathering and advance study of all relevant materials and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable. Specifically, the parties shall be prepared to discuss: (a) available hearing dates between June 2025 and July 2025, (b) updates on any proposed witnesses, (c) whether the parties still wish to proceed with live direct testimony and (d) any other case management concerns.

5. DISCOVERY. That the parties shall conduct discovery pursuant to 52 Pa. Code §§ 5.321-5.373. We encourage the parties to cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted

² 52 Pa. Code §§ 1.21 & 1.22.

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Served via first class mail March 5, 2025

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