

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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|-----------------------------|---|----------------|
| Lauren Zonca | : | |
| | : | |
| v. | : | C-2023-3041619 |
| | : | |
| Metropolitan Edison Company | : | |

**INTERIM ORDER
ESTABLISHING INITIAL LITIGATION SCHEDULE**

Please read this Order in its entirety. It contains important information regarding this case.

Procedural Background

Lauren Zonca (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Metropolitan Edison Company (Respondent) dated July 5, 2023. Complainant averred her electric utility was threatening to shut off her service if she did not comply with having a smart meter installed at her residence. Complainant averred there are ongoing formal complaints against the installation of smart meters due to alleged well documented hazards of pulsed modulated radio frequency electromagnetic microwave radiation emanated by electric smart meters. As relief, Complainant requested that Respondent not install a smart meter and not shut off the power to her residence at 15 Sherman Road, Ottsville, Pennsylvania (service location or service address).¹

On July 26, 2023, Respondent filed an Answer and New Matter to the Formal Complaint. Respondent denied Complainant is permitted to opt-out of installation of a smart meter at her residence. Respondent further denied that the installation of a smart meter presents health, privacy, safety, or property risks to Complainant. Respondent further averred it is legally

¹ Formal Complaint p.p. 2-3.

required to install and retain the smart meter by the Public Utility Code, the Commission's orders, and the Company's Commission-approved Smart Meter Deployment Plan (SMP).²

In its New Matter, Respondent averred smart meter installation is required by Act 129 of 2008 (Act 129) and Respondent's SMP and that the Commission was unable to provide the requested relief sought by Complainant.

The New Matter dated July 26, 2023, included a Notice to Plead, directing Complainants to file a response within twenty days of service.

On July 26, 2023, Respondent also filed Preliminary Objections. By interim Order entered on April 3, 2025, Respondent's Preliminary Objections were denied.

Under the circumstances, the Parties are hereby directed to comply with the following initial litigation schedule:

1. **ON OR BEFORE May 5, 2025**, any Party wishing to present factual testimony of any person other than Complainant must provide to the other Party in writing, the name and business address of that person and a written summary of the expected testimony of that person. If no factual testimony will be presented, the Parties shall provide a writing to the opposing Party indicating this fact.

2. **ON OR BEFORE May 5, 2025**, any Party wishing to present expert testimony (including but not limited to medical, technical, etc.) must provide to the other Party in writing, the name and business address of that expert and a written summary of the expected testimony of that expert. If no expert testimony will be presented, the Parties shall provide a writing to the opposing Party indicating this fact.

² See 66 Pa.C.S. § 2807(f); *Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, and Pennsylvania Power Company for Approval of Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2009-2123950 (Order June 9, 2010).

3. **ON OR BEFORE June 6, 2025**, the Parties shall conclude discovery in this proceeding.

4. **ON OR BEFORE June 30, 2025**, (unless required to provide such documentation by Order or pursuant to Commission discovery or other regulations) the Parties shall exchange expert reports for all experts the Parties intend to offer as witnesses in this proceeding, which shall include an identification of the specific materials or other documents upon which the witness will rely or reference, and setting forth the specific facts and opinions to which each such witness will testify. The expert documentation shall include a current curriculum vitae of each expert and shall specifically comply with each and every requirement set forth in 52 Pa. Code Section 5.324(a)(1)(ii). Each of the expert reports shall include the identity of each expert, the subject matter on which the expert is expected to testify, the substance of the facts and opinions to which the expert is expected to testify, and shall set forth the grounds for each opinion as it relates to the claims being advanced by the Party offering the testimony. In the event that any Party should fail to provide timely, full and complete expert reports and documentation identified above and consistent with the provisions of this order and 52 Pa. Code Section 5.324(a)(1)(ii) for any or all of the proposed expert witnesses identified in these ordering paragraphs, such proposed expert witnesses may be precluded from providing expert testimony in this proceeding.

5. **ON OR BEFORE July 18, 2025**, the Parties shall file a status report in this proceeding and serve a copy upon the opposing Party and the undersigned Presiding Officer. In addition, prior to July 18, 2025, the Parties shall confer in an attempt to agree upon proposed dates for a hearing in this case to be held in September of 2025. The status report shall identify the agreed upon hearing date, to consist of three consecutive days and whether the Parties are requesting a telephone or in-person hearing. In the event the Parties are unable to agree upon a hearing date, the Parties, in their respective status reports, shall also identify all dates in which the Parties and their witnesses will be able to provide testimony in this proceeding in September of 2025. The Parties shall identify at least two different proposed hearing dates, consisting of three consecutive days each, in September of 2025. Absent receipt of this information, a hearing

date will be established by the undersigned Presiding Officer and the Parties and their witnesses will make themselves available at the scheduled date(s) and time(s).

Commission Rules and Procedures

This matter is a formal proceeding and will be conducted in accordance with the Commission's Rules of Practice and Procedure. 52 Pa.Code §§ 1.1 *et seq.*

Complainants bear the burden of proof and must demonstrate by a preponderance of the evidence that Respondent violated its tariff, the Public Utility Code or a Commission order or regulation, and that they are entitled to the relief requested in the Complaint.

If you, or anyone you plan to call as a witness on your behalf, have a limited ability to speak or understand English or are deaf or hearing-impaired, a qualified interpreter can be provided upon your request. If you want an interpreter, please contact the Scheduling Office at least twenty (20) days before the scheduled hearing to make your request. Scheduling Office: (717) 787-1399. AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

Representation

Pursuant to 52 Pa.Code §§ 1.21 & 1.22, if you are an individual, you may represent yourself or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, limited liability company, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered promptly and in accordance with the provisions of 52 Pa.Code § 1.24(b).

If you are an individual and wish to be represented by an attorney, you should promptly retain an attorney without delay. A request to continue the hearing in this proceeding or to extend a deadline in order to obtain legal counsel will be denied by the Presiding Officer absent a showing of exigent circumstances by the moving party.

Service

Service of documents and pleadings shall be made in accordance with the Commission's Rules of Practice and Procedure.

Service of documents and pleadings upon the undersigned Presiding Officer shall be made in accordance with the Commission's Rules of Practice and Procedure. The undersigned Presiding Officer shall also be served with an email transmission of all briefs, discovery motions and dispositive motions filed in this proceeding, followed not later than the next business day with a hard copy of the same material via first-class mail postage prepaid. All such briefs, discovery motions and dispositive motions filed in this proceeding and submitted to the undersigned Presiding Officer in electronic form shall be submitted in WORD format. The Parties shall serve the undersigned Presiding Officer directly with any documents filed in this proceeding, other than discovery requests identified herein. A copy of any document or correspondence sent to the undersigned Presiding Officer must also be sent to all other Parties in the case.

Parties without internet capabilities shall not be required to serve such documents electronically.

Email and Fax Transmissions

The Parties may agree to accept email or facsimile transmission of documents. The Presiding Officer will not accept email transmissions without prior authorization. Email communications received that are inconsistent with these instructions may not be considered by the undersigned Presiding Officer. The Presiding Officer will not accept facsimile transmissions

greater than ten pages in length without prior authorization. If the Parties have any questions, they may call the office of the Presiding Officer at (412) 565-3550.

Discovery

The Parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa.Code § 5.322. If this process fails, the Parties have recourse to the Commission's procedures for formal discovery, as herein modified. 52 Pa.Code §§ 5.321, *et seq.* The Parties must not send the undersigned Presiding Officer any discovery requests, responses or material or cover letters, unless attached to a motion to compel. All motions to compel must contain a certification of the Party, or from counsel if represented, regarding the informal discovery undertaken and their efforts to resolve their discovery disputes informally. If a motion to compel fails to contain such certification, the Presiding Officer will contact the Parties and direct them to pursue informal discovery.

Settlement and Stipulations

The Parties are reminded it is the Commission's policy to encourage settlements. 52 Pa.Code § 5.231(a). The Parties are urged to seriously explore this possibility. The Settlement Judge Procedure may also be available upon consent of the Parties.

If settlement is not feasible, the Parties are encouraged to stipulate to any matters they reasonably can in order to expedite this proceeding, lessen the burden of time and expenses in litigation on all Parties and conserve administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234. All stipulations entered into by the Parties must be reduced to writing, signed by the Parties to be bound thereby, and accepted into the record during the hearings in this case or prior to the hearing by interim order. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation may be permissible, if accepted and as directed by the Presiding Officer.

Request For Protective Order

The Commission's regulations (52 Pa.Code § 5.423) specifically provide for the protection of "confidential" information in order to ensure that adequate procedural safeguards are put in place to make certain that sensitive information is not improperly disclosed to the public. In the event that any Party is desirous of entering into an agreement with regard to a protective order or wishes that a protective order be entered by the undersigned Presiding Officer, the Parties shall confer and discuss a possible agreement or protective order to address the disclosure and use of the discovery materials and other sensitive information in this proceeding. In the event the Parties are unable to reach an agreement, any Party may file a request the entry of a protective order consistent with the Commission's rules and regulations.

Subpoenas

Any Party intending to subpoena a witness for the hearing is directed to review the procedures established in 52 Pa.Code § 5.421. Such Party shall submit its written application to the Presiding Officer sufficiently in advance of the hearing date so that the other Parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

Evidence and Documents

If you intend to present any documents or exhibits for my consideration at an in-person hearing, including any documents or exhibits into evidence, or have a witness refer to any material of any kind, document or proposed exhibit, you must send three (3) copies of each document to the undersigned Presiding Officer, and one (1) copy of each document to every other party in this case. If the opposing party is represented by counsel, the copies shall be sent to legal counsel. Proposed exhibits should be properly pre-marked for identification. Your documents or exhibits must be received by me and every other party seven (7) days before the scheduled hearing. Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. If you send me any correspondence or document, you

must also send a copy of that correspondence or document to every other party. For your convenience, a copy of the Commission's current service list of all parties to this proceeding is enclosed with this Order. If the hearing is scheduled as a telephone hearing, only one copy of each such document shall be served upon the undersigned Presiding Officer, and one (1) copy of each document to every other party in this case, with a copy being provided to legal counsel, if the opposing party is represented by counsel, consistent with the deadlines and instructions set forth above.

If you intend to attempt to introduce any CD, DVD, video or audio tape or similar material into evidence or have a witness refer to any such material, you must have an official transcript made of the purported material and provide three (3) copies of each such item, material or proposed exhibit and at least three (3) copies of the official transcript of each such item, material or proposed exhibit, which clearly and fully identifies the name, address, telephone number and qualifications of the official reporter who made the transcript, to the undersigned Presiding Officer, and one (1) copy to every other Party in this case, or to legal counsel if the Party is represented. Such documents or materials and transcripts must be received by me and every other Party or legal counsel, if represented, at least fourteen (14) days prior to the hearing.

In addition, the Party sponsoring or proposing to use such CD, DVD, video or audio tape or similar material must make satisfactory arrangements with the opposing Party and the office of the undersigned Presiding Officer as to how a video or audio tape or other such material will be presented into evidence at the hearing, at least fourteen (14) days prior to the hearing. The Parties are advised that the Pittsburgh Commission hearing rooms may not be equipped with computers or audio-visual equipment and it is the responsibility of the Party offering their proposed evidence to make appropriate arrangements to properly present their evidence at the hearing in this proceeding. The Parties are encouraged to cooperate in an effort to resolve any procedural matters prior to the hearing. The failure to make such appropriate arrangements as set forth above, may result in the refusal of any request to use such materials at the hearing or to introduce any such materials or proposed evidence at the hearing in this proceeding.

Prehearing Conference

Any Party may request a prehearing conference, a settlement conference, or an expedited litigation hearing schedule and hearing date in writing, with a copy of the request to be proved to the opposing party and the undersigned presiding officer. A prehearing conference may also be scheduled by the undersigned presiding officer, regardless of whether any Party requests one and regardless of whether the Parties agree to one.

Modification

Any of the provisions of this Interim Order may be modified by an interim order entered into the record upon motion and good cause shown by a Party in interest.

Date: April 4, 2025

/s/
Jeffrey A. Watson
Administrative Law Judge

C-2023-3041619 - LAUREN ZONCA v. METROPOLITAN EDISON CO

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Served via eService April 4, 2025

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