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May 29, 2025

VIA ELECTRONIC FILING

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

Re: Heidi Fiedler v. FirstEnergy Pennsylvania Electric Company
Docket No. C-2018-3003642

Dear Secretary Homsher:

Enclosed for filing please find the Replies of FirstEnergy Pennsylvania Electric Company, (“Met-Ed Rate District¹”) to the Exceptions of Heidi Fiedler regarding the above-referenced matter. This document has been served on all parties 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
Office of Special Assistants (via email at ra-OSA@pa.gov)

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 (“FE PA”). Due to the merger transaction, FE PA became successor in interest to all matters previously belonging to the individual Pennsylvania operating companies. 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.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Heidi Fiedler,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2018-3003642
	:	
Metropolitan Edison Company,	:	
	:	
Respondent	:	

**REPLY EXCEPTIONS OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY
TO THE EXCEPTIONS OF HEIDI FIEDLER**


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Date: May 29, 2025

Counsel for FirstEnergy Pennsylvania Electric
Company (Met-Ed Rate District)

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I. INTRODUCTION

FirstEnergy Pennsylvania Electric Company on behalf of its Met-Ed Rate District¹ (the “Company”), hereby file its Replies to the Exceptions of Heidi Fiedler (“Complainant”). Through the Exceptions, the Complainant takes issue with much of the well-reasoned Initial Decision (“ID”) issued by the Administrative Law Judge Emily I. DeVoe (hereinafter, the “ALJ”) on April 29, 2025. The ID dismissed the Complaint, finding that in failing to appear for the hearing, the Complainant failed to meet her burden of proof and dismissing the Complaint.

As a threshold matter, the Complainant’s Exceptions do not conform with the Commission’s regulations because they are unnumbered.² That being said, to aid in the Commission’s review of the Complainants’ Exceptions, the Company has grouped and numbered the arguments made in the Complainant’s Exceptions and will respond in kind here.

As explained herein, the Complainant’s Exceptions are without merit and should be denied. Accordingly, the Company respectfully requests that the Commission deny the Complainants’ Exceptions and adopt the ID without modification.

II. REPLIES TO EXCEPTIONS

A. REPLY TO EXCEPTION NO. 1: THE ALJ CORRECTLY FOUND THAT BY FAILING TO APPEAR, THE COMPLAINANT FAILED TO MEET HER BURDEN

In her exceptions, while the Complainant claims that she did not receive the call-in information and because of this, her due process rights were violated. (Exceptions at 1.) The

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 Section 5.533(b) of the Commission’s regulations provides that “[e]ach exception must be numbered and identify the finding of fact or conclusion of law to which exception is taken and cite relevant pages of the decision. Supporting reasons for the exceptions shall follow each specific exception.” 52 Pa. Code § 5.533(b).

Complainant claims she indicated in an email that she did not receive the call-in information. (Exceptions at 1.) However, she does not appear to dispute that she acknowledged the date of the hearing in that email.

It is well-established law that once a timely notice of a hearing and the opportunity to be heard have been provided, it is the responsibility of the parties to be present and participate in the hearing. *See Schneider v. Pa. PUC*, 479 A.2d 10 (Pa. Cmwlth. 1984); *Mumma v. PPL Elec. Utils. Corp.*, Docket No. C-00014869 (Order Entered Jan. 24, 2002). Here, a hearing notice and Prehearing Order were issued on February 3, 2025 setting the date of the hearing for Wednesday, March 5, 2025, beginning at 10:00 a.m. As indicated in the ID, the notice and Order were served on the Complainant by First-Class Mail and neither were returned as undeliverable. (ID at 26.) This notice contained the call-in information. The Prehearing Order stated,

You must attend the hearing and present evidence on the issues raised in the pleadings. You may lose the case if you do not take part in this hearing and present evidence on the issues raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

(February 3, 2025, Prehearing Order.) Both the Hearing Notices and Prehearing Orders described how to request a continuance. The Complainant has participated in hearings in the past and is aware of Commission procedure.³ (ID at 36.) The Complainant has requested continuances in the past, and, therefore, is aware of the procedure. (ID at 36.) The Complainant did not request a continuance, nor did she explain in her exceptions why she did not request a continuance. By not appearing at this hearing, the Complainant waived the opportunity to participate in the hearing under 52 Pa. Code § 5.245(a)(1).

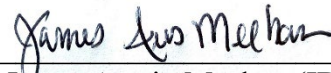
³ The Complainant attended hearings on April 29, 2019; May 2, 2019; and February 5, 2020. (ID at 36.) She failed to appear at an evidentiary hearing scheduled for April 24, 2024. (ID at 36.) She attended a hearing on January 30, 2025. (ID at 26.)

Furthermore, the ALJ properly afforded the Complainant due process. “The Commission, as an administrative body, is bound by the due process provisions of constitutional law and by the principles of common fairness.” *Hess v. Pa. PUC*, 107 A.3d 246, 266 (Pa. Cmwlth. 2014) (citations omitted). “Among the requirements of due process are notice and an opportunity to be heard on the issues, to be apprised of the evidence submitted, to cross-examine witnesses, to inspect documents, and to offer evidence in explanation or rebuttal.” *Id.* (citations omitted).

The Complainant was provided notice and an opportunity to be heard. The ALJ correctly found that the Complainant failed to meet her burden (ID at 39.) The Complainant’s Exceptions are meritless and should be denied.

IV. CONCLUSION

WHEREFORE, for the foregoing reasons, and those set forth in the Initial Decision, the Exceptions of Heidi Fiedler should be denied.



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v.

**FIRSTENERGY PENNSYLVANIA
ELECTRIC 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 this document of FirstEnergy Pennsylvania Electric Company, Met-Ed Rate District 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 mail and electronic mail as follows:

Heidi Fiedler
432 East Wesner Road
Blandon, PA 19510

Administrative Law Judge Emily I. DeVoe
Pennsylvania Public Utility Commission
edevoe@pa.gov

Dated: May 29, 2025



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