

200 Brook Hollow Road  
Mount Pleasant, PA 15666  
January 27, 2019

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

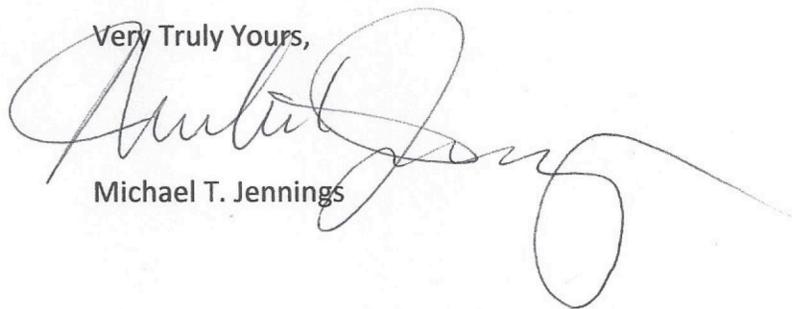
Re: Michael T. Jennings v. West Penn Power Company  
Docket No. C-2018-3006031

Dear Secretary Chiavetta,

Attached please find my Request for Cancellation of Pre-Hearing Conference in the above-referenced matter. This document has been served on West Penn Power as shown in the Certificate of Service.

Please contact me if you have any questions.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Michael T. Jennings", with a large, stylized flourish extending to the right.

Michael T. Jennings

ssj  
Enclosures

CC: ALJ Watson  
Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MICHAEL T. JENNINGS**

**v.**

**WEST PENN POWER COMPANY**

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**Docket No. C-2018-3006031**

**Request for Cancellation of Pre-Hearing Conference**

Your Honor,

You have previously stated in Interim Orders in other cases that any Party may request a Pre-hearing Conference in writing after conferring with opposing Party requesting consent to the scheduling of such conference.

WPP's request for a Pre-hearing Conference consisted of a single sentence on the Cover Letter of its Answer and New Matter. I stated my objection to WPP's request for a Pre-hearing Conference in my response to the New Matter which I e-filed on 12-27-18. Both documents are attached for your review.

I contend that a genuine dispute does exist, and that I am entitled to submittal of this evidence by means of an evidentiary hearing, and that this material be formally and individually considered as part of my right to due process.

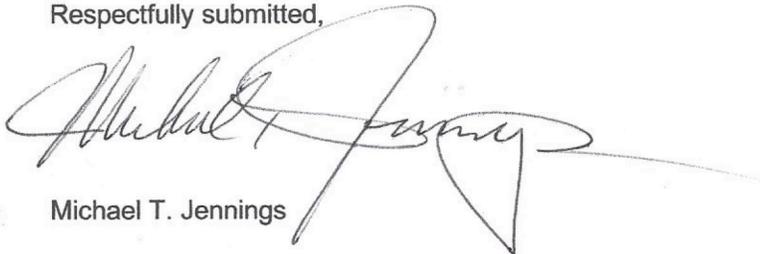
I am hindered by time constraints (24/7 care of my disabled son, small business owner) and a lack of the human resources available to WPP counsel, as well as a lack of expertise in legal matters resulting from the fact that my career was not in law. These factors and more put me at an automatic disadvantage.

Preparing for multiple proceedings is a repeated drain on my time, and is an undue burden on my limited resources. I desire the ability to state my version of the facts and the legal theory under which my case is brought.

As *pro se*, scheduling of the pre-hearing conference is premature because I am in the process of reviewing procedural rules and of securing participation of expert witnesses, all of whom are out of town.

THEREFORE, Complainant, Michael T. Jennings, respectfully requests the cancellation of the Pre-hearing Conference be granted as has occurred in other similar cases before the Commission.

Respectfully submitted,



Michael T. Jennings

January 27, 2019

Rec'd 12-8-18

Lauren M. Lepkoski, Esq.  
(610) 921-6203  
(330) 315-9263 (Fax)

December 5, 2018

**VIA E-FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

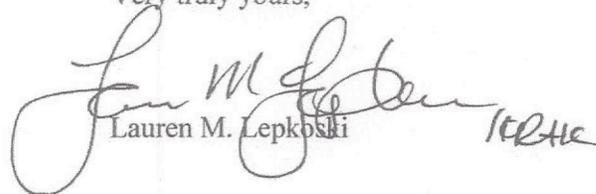
**Re: Michael T. Jennings v. West Penn Power Company**  
**Docket No. C-2018-3006031**

Dear Secretary Chiavetta:

Enclosed please find the Answer and New Matter of West Penn Power Company to the Complaint of Michael T. Jennings. This document has been served on the Complainant as shown in the Certificate of Service. **Please note that this Answer contains a request for a prehearing conference.**

Please contact me if you have any questions regarding this matter.

Very truly yours,

  
Lauren M. Lepkoski

krak  
Enclosures

c: As Per Certificate of Service

200 Brook Hollow Road  
Mount Pleasant, PA 15666  
December 27, 2018

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

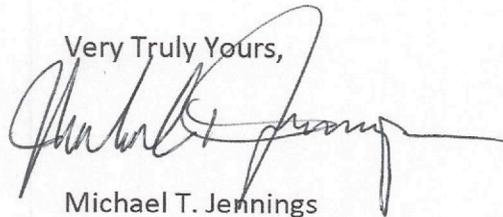
Re: Michael T. Jennings v. West Penn Power Company  
Docket No. C-2018-3006031

Dear Secretary Chiavetta,

Attached please find the Answers to New Matter in the above-referenced matter. This document has been served on West Penn Power as shown in the Certificate of Service. **Please note that this Answer to New Matter contains an objection to the Respondent's request for a pre-hearing conference.**

Please contact me if you have any questions.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Michael T. Jennings", with a long horizontal flourish extending to the right.

Michael T. Jennings

ssj  
Enclosures

C: As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>MICHAEL T. JENNINGS</b>	:	
	:	
<b>v.</b>	:	<b>Docket No. C-2018-3006031</b>
	:	
<b>WEST PENN POWER COMPANY</b>	:	

**ANSWERS TO NEW MATTER OF WEST PENN POWER**

11. Complainant does not need to respond to this number.

12. Admit – first sentence

Admit – second sentence

Complainant at first thought relocating the meter might help, considering the health issues our family have, especially our son. I subsequently learned that we could not afford the relocation cost and, even if we were able, relocating the meter would still be detrimental to our family’s health, especially to the fragile health of our son. We are his 24-hour caregivers and we don’t need our health affected as we are his only caregivers.

Admitted – third sentence

Admit – fourth sentence

Neither Admitted nor Denied – fifth sentence

Complainant is without sufficient knowledge to determine the cause of the disconnection. West Penn Power did not attempt to return the call to satisfy our inquiry. Complainant subsequently obtained the information through other means.

Denied – sixth sentence

It is admitted that Complainant did send a letter dated October 17, 2018. It is denied that the Complainant’s letter stated he wanted “an opt-out.” It is also denied that the Complainant refused the installation of smart meters. However, Complainant’s letter did request reasonable accommodations for medical conditions that would be exacerbated if the smart meter was installed on complainant’s property and which would significantly contribute to a deterioration on my son’s and my family’s health.

Admit in part, deny in part – seventh sentence

Denise, a representative from West Penn Power, did call complainant and his wife on November 9, 2018. Denise did give complainant information on the relocation of the meter if complainant did indeed decide to do it. Denise also proceeded to inform complainant he would be receiving a shut off notice on November 21, 2018, but he should disregard it. She also stated complainant could ignore the “Friendly Letter,” the 10-day shut-off notice and the 3-day shut-off notice. This left the Complainant with concerns whether or not WPP would know that he was instructed to ignore these multiple shut-off notices and “friendly” letter, if WPP was not able to cancel them in the first place by changing their records with the 12 days and more notice. Complainant explained the circumstances of having a disabled child with medical conditions. Denise stated the company used to accept medical letters, but not anymore. (Complainant believes this would be in violation of 56.111, 56.112 and 56.113) Complainant asked what if he decided not to proceed. Denise informed complainant a formal complaint would have to be filed to put a hold on the account for smart meter installation.

Denied – eighth sentence

Complainant did not refuse the smart meter during the call with Denise.

Admit in part, deny in part – ninth sentence

Denise advised complainant “if you are going to do this,” it needs to be done by April 2019. Complainant made no agreement with Denise during this phone call.

Admit– tenth sentence

Complainant did receive a letter on November 15<sup>th</sup>.

Admitted – eleventh sentence

13. Complainant specifically denies that Act 129 requires the deployment of wireless, radio frequency (RF) emitting meters on Complainant’s property.
14. Complainant is without sufficient knowledge to admit or deny this number.
15. Admitted in part, denied in part.  
I admit no prior complaint was filed in this matter, but a prior complaint is not a prerequisite for filing the Formal Complaint that was filed on November 14, 2018. Complainant had no idea of any metering procedures in 2008 or 2014 as our son was having health concerns, I was undergoing my own critical health issues and my wife was busy taking care of our disabled son.

16. Denied.  
There is nothing in Act 129 which mandates wireless RF emitting and harmonic transient producing meters, especially those that would exacerbate existing medical conditions. The SMP did not take into consideration the medically fragile customer whose medical condition requires accommodation of **no** wireless meter on their property. Furthermore, even if WPP feels its SMP and Act 129 do not allow the Commission to grant the requested relief, it is required under WPP's responsibility under 1501 and 1502 to request relief to enable the customer to continue to receive electricity without endangering their health. Accommodations should be granted under Section 1501 and 1502 of the PA PUC law, Section 504 of the Rehabilitation Act of 1973 (disability); Title II of the Americans with Disabilities Act of 1990 (disability); and the Fair Housing Act, per ADA and HUD.
17. Denied.  
By way of further answer, West Penn Power/First Energy has violated PA 66 Section 1501 and 1502; Section 504 of the Rehabilitation Act of 1973 (disability); Title II of the Americans with Disabilities Act of 1990 (disability); and the Fair Housing Act. In fact, there is no requirement in Act 129 for West Penn/First Energy to deploy meters that are harmful for my family. This would be a direct violation of Section 1501 and 1502 of PA 66 and is therefore not in accordance with PUC law as applied to me and my family. Under the Fair Housing Act, it is against the law to refuse to make reasonable accommodations for persons with a disability if the accommodation may be necessary to afford such person a reasonable and equal opportunity to use and enjoy a dwelling. Our son has been designated as disabled through the Social Security Administration since October 2010.
18. Denied.  
Pursuant to 52 PA Code § 56.141 – Dispute procedures – “(2) *Termination stayed...*when a... complaint has been properly filed in accordance with this subchapter, termination shall be prohibited until resolution of the dispute or complaint...” Complainant has properly filed a formal complaint in accordance with 52 PA Code § 56.141. Complainant asked for accommodations.
19. Denied.  
If the Commission does rule in favor of West Penn Power, the Commission would be allowing violations of PA 66 Section 1501 and 1502, and is therefore not in accordance with PUC law.
20. Denied insofar as West Penn Power has omitted many relevant Commission precedents from January 2016 and beyond which have held that the Commission

must grant hearings to complainants who are similarly situated to Complainant, and those PUC hearings have either been held or are scheduled to be held next year. Complainant detailed some of these docket numbers which he is aware in his answers to the Preliminary Objections.

*Edward Albert Lucey v. Metropolitan Edison Company C-2018-3003679* is a similar complaint to mine.

Wherefore, Complainant asks that his formal complaint NOT be dismissed with prejudice, but be permitted to go to hearing in the future, and that the Commission grant Complainant such other relief as is just and reasonable under the circumstances.

Furthermore, as Complainant in this matter, I object to the request of Respondent for a pre-hearing conference in this matter. Respondent made this request in its Answer and New Matter.

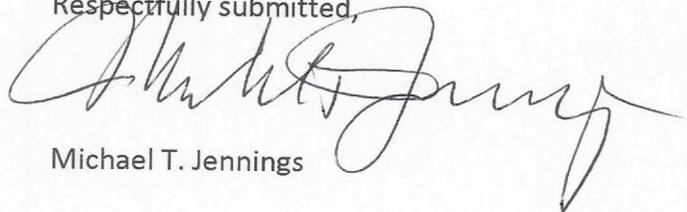
As a pro se litigant, I do not have the legal resources available to West Penn Power. I am not an attorney and lack the knowledge and expertise in legal matters. I am clearly at a disadvantage.

My wife and I are 24/7 caregivers for our disabled son. We have no time to prepare for multiple proceedings. Multiple proceedings are an undue burden on our limited time and resources.

I contend that a genuine dispute exists and that I am entitled to an evidentiary hearing in this matter.

Dated: December 27, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael T. Jennings", written in a cursive style.

Michael T. Jennings

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL T. JENNINGS  
Complainant

v.

WEST PENN POWER COMPANY  
Respondent

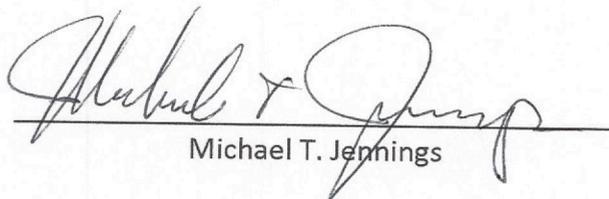
Docket No. C-2018-3006031

VERIFICATION

I, Michael T. Jennings, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect West Penn Power Company to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904.

12-27-18

Date

  
Michael T. Jennings

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL T. JENNINGS

v.

WEST PENN POWER COMPANY

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Docket No. C-2018-3006031

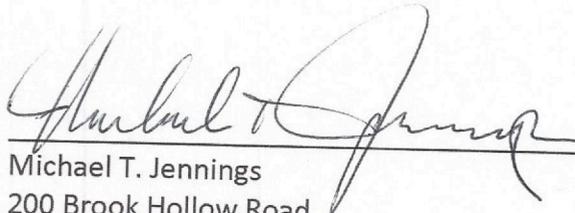
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of my Answer to New Matter upon the individuals listed below, in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant.)

Service by e-filing as follows:

Lauren M. Lepkoski  
Tori L. Giesler  
FirstEnergy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, PA 19612-6001  
[llepkoski@firstenergycorp.com](mailto:llepkoski@firstenergycorp.com)  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)

Dated: December 27, 2018



Michael T. Jennings  
200 Brook Hollow Road  
Mount Pleasant, PA 15666  
724-600-9338  
Lilmac2@zoominternet.net

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL T. JENNINGS :  
Complainant :  
v. :  
WEST PENN POWER COMPANY :  
Respondent :

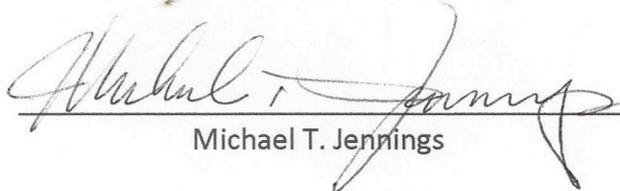
Docket No. C-2018-3006031

VERIFICATION

I, Michael T. Jennings, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904.

1-27-2019

Date

  
Michael T. Jennings

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL T. JENNINGS

v.

WEST PENN POWER COMPANY

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Docket No. C-2018-3006031

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of my Request to Cancel Pre-hearing Conference upon the individuals listed below, in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant.)

Service by e-filing as follows:

Lauren M. Lepkoski  
Tori L. Giesler  
FirstEnergy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, PA 19612-6001  
[llepkoski@firstenergycorp.com](mailto:llepkoski@firstenergycorp.com)  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)

Dated: January 27, 2019



Michael T. Jennings  
200 Brook Hollow Road  
Mount Pleasant, PA 15666  
724-600-9338  
Lilmac2@zoominternet.net