

200 Brook Hollow Road
Mount Pleasant, PA 15666

June 25, 2019

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd 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 Response to Answer of West Penn Power Company to the Motion to Compel of Michael T. Jennings 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,



Michael T. Jennings

ssj
Enclosures

CC: ALJ Watson
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**RESPONSE OF MICHAEL T. JENNINGS TO THE ANSWER OF WEST PENN POWER COMPANY TO
THE MOTION TO COMPEL**

Your Honor,

Pursuant to 52 Pa. Code § 5.342(g), Michael T. Jennings, (“Complainant”), files this Response to the Answer of West Penn Power Company, (“Respondent” or “West Penn”), dated June 17, 2019, to the Motion to Compel of Michael T. Jennings, Complainant dated June 12, 2019 (Discovery Requests). The Complainant avers as follows:

I. Pertinent Background

1. On May 8, 2019 Complainant mailed interrogatories, Set II to Respondent, West Penn Power (WPP).

2. On May 10, 2019 Complainant E-filed Interrogatories, Set II.

3. On May 31, Respondent, WPP, mailed a copy of its Answers to Interrogatories, Set II, to Complainant, Michael T. Jennings, which Complainant received on June 3, 2019. Complainant noted that Respondent, WPP, had not provided answers to questions Nos. 2, 3, 20, 21- 29, 35 and 36.

4. Complainant notes that Respondent, WPP, never filed with the Secretary's Bureau its Answers to the Complainant's Interrogatories, Set II. See Attachment A, Daily Actions and Public Documents of Michael Jennings.

5. Complainant notes that at the time Complainant filed a Motion to Compel Answers to Interrogatories, Set II, Respondent, WPP, had not served Complainant with any objections to Interrogatories, Set II. See Attachment A.

6. Complainant notes that Respondent, WPP, never filed with the Secretary's Bureau any objections to Interrogatories, Set II, of Complainant, Michael T. Jennings. See Attachment A.

7. Pursuant to 52 Pa Code §§ 5.342(e), objections must be filed within 10-days of service of Interrogatories. The deadline for filing objections would have been by May 23, 2019, taking into consideration of 52 Pa Code §§ 1.56 (5)(b), Date of Service (mailbox rule). See Attachment A.

8. On June 12, 2019 Complainant filed a Motion to Compel Discovery Responses, Set II, Nos. 2, 3, 20, 21- 29, 35 and 36.

9. Respondent, WPP, **mistakenly** stated in its Answers to Complainant's Motion to Compel, #20, that *"On May 23, 2019, the Company had filed its objections to specific questions contained in Complainant's Set II Discovery Requests"*. See Attachment A and as noted in #5 above.

10. in Respondent's Answers to Complainant's Motion to Compel, footnote #1, pg.3, Respondent states, *"On June 13, 2019, Counsel for the Company and Ms. Jennings spoke via telephone. During this conversation, Counsel became aware that the Complainant did not*

receive the Company's objections to Set II. On June 14, 2019, the Company re-sent a copy of its objections to the Complainant."

Counsel for Respondent is **mistaken** that it "re-sent" the Company's objections to Set II to Complainant. On June 17, 2019 Complainant received for the first and only time, Respondent's objections. See #s 5, 6 above, and Attachment A,

II. Discussion

1. In Complainant's case, Respondent has a history of filing and/or serving documents late or not at all. Respondent filed its Objections to Complainant's Interrogatories, Set I late as noted in Complainant's Motion to Dismiss Late-Filed Objections, filed by Complainant on April 3, 2019. Respondent never filed its Answers or its Objections to Interrogatories, Set II, as noted in the Background above and as evidenced in Attachment A. The rules for filing Answers and Objections are contained in 52 Pa Code §§ 5.342, Answers or objections to written interrogatories by a party.

III. Conclusion

WHEREFORE, for the foregoing reasons, Complainant's Motion to Compel Answers to Interrogatories, Set II, Nos. 2, 3, 20, 21- 29, 35 and 36 should be granted.

Respectfully submitted,

Dated: June 25, 2019



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

Lilmac2@zoominternet.net

Attachment A

Page 1



PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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The Consolidated Case View displays the case information, actions taken on the case, and links to **public** documents associated with the case, which is identified by the Docket Number **C-2018-3006031**.

Case Summary

Docket Number C-2018-3006031		Active	
Applicant:		Utility Code:	111250
Complainant:	MICHAEL JENNINGS	Utility Name:	WEST PENN POWER CO.
Respondent:	WEST PENN POWER CO	Utility Type:	Electric
Responsible Bureau:	ALJ	Efiling Confirmation Number (Case):	1747871
Date Filed:	11/15/2018	Date Posted:	11/15/2018
Case Description:	Michael Jennings vs West Penn Power Co		

Daily Actions

Action Date	Description	Posted Date
11/15/2018	Case Created - C-2018-3006031 - Formal complaint filed by Michael Jennings vs West Penn Power Co.	11/15/2018
11/15/2018	Assigned Responsible Bureau - ALJ	11/15/2018
11/15/2018	Document Served - Other - See Comments - Assigned to ALJ, Copy to BIE.	11/15/2018
11/15/2018	Private Document Published on Web - Document 'Jennings Formal Complaint' Restricted on Web - {C2B4A698-19F6-C0C7-84EB-67173E400000}	11/15/2018
11/15/2018	Document EServed to POR - Document 'Jennings Formal Complaint' is eServed - {C2B4A698-19F6-C0C7-84EB-67173E400000}	11/15/2018
12/6/2018	Document Attached to Case - Answer & New Matter to Formal Complaint - WPP - West Penn Power Co filed answer and new matter and preliminary objections to formal complaint.	12/6/2018
12/6/2018	Document Attached to Case - Preliminary Objection - Met Ed - West Penn Power Co filed answer and new matter and preliminary objections to formal complaint.	12/6/2018

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12/6/2018	Private Document Published on Web - Document 'Answer & New Matter to Formal Complaint - WPP' Restricted on Web - {A91BC571-EBB6-CC06-84EB-677F86F00000}	12/6/2018
12/6/2018	Document Published on Web - Document 'Preliminary Objection - Met Ed' is made public	12/6/2018
12/17/2018	Document Attached to Case - Answer to Preliminary Objection-Michael Jennings - Michael Jennings filed Answer to Preliminary Objection	12/17/2018
12/17/2018	Document Published on Web - Document 'Answer to Preliminary Objection-Michael Jennings' is made public	12/17/2018
12/18/2018	Document Attached to Case - Answer to Preliminary Objection - Michael Jennings - Michael Jennings filed answers to preliminary objections.	12/18/2018
12/18/2018	Document Published on Web - Document 'Answer to Preliminary Objection - Michael Jennings' is made public	12/18/2018
12/28/2018	Document Attached to Case - Answer to New Matter - M Jennings - Michael Jennings filed answer to new matter to formal complaint.	12/28/2018
12/28/2018	Private Document Published on Web - Document 'Answer to New Matter - M Jennings' Restricted on Web - {17B9ABB8-5EF4-C84A-8A24-67F4B0400000}	12/28/2018
1/3/2019	Document Published on Web - Document 'C-2018-3006031PGHMotion JUDGE Watson ASSIGNMENTJennings.doc' is made public	1/3/2019
1/3/2019	Document EServed to POR - Document 'C-2018-3006031PGHMotion JUDGE Watson ASSIGNMENTJennings.doc' is eServed - {11F0C8D1-4989-C9E1-8613-681576900000}	1/3/2019
1/25/2019	Document Published on Web - Document 'C-2018-3006031 Jennings Interim Order Denying Preliminary Objections.docx' is made public	1/25/2019
1/25/2019	Document Published on Web - Document 'C-2018-3006031 Jennings Interim Order Establishing Initial Litigation Schedule.docx' is made public	1/25/2019
1/25/2019	Document Published on Web - Document 'C-2018-3006031 Jennings Interim Order Scheduling Prehearing Conference.docx' is made public	1/25/2019
1/25/2019	Document EServed to POR - Document 'C-2018-3006031 Jennings Interim Order Denying Preliminary Objections.docx' is eServed - {7A1474C5-E6B7-C3E1-8B8B-68856EE00000}	1/25/2019
1/25/2019	Document EServed to POR - Document 'C-2018-3006031 Jennings Interim Order Establishing Initial Litigation Schedule.docx' is eServed - {4D86DEA4-E224-C2A0-8473-68856F800000}	1/25/2019
1/25/2019	Document EServed to POR - Document 'C-2018-3006031 Jennings Interim Order Scheduling Prehearing Conference.docx' is eServed - {4627F551-E9DE-CF89-842F-688570200000}	1/25/2019
1/28/2019	Document Attached to Case - Letter re request cancel PHC - Jennings - Michael Jennings filed Letter requesting Cancellation of Prehearing Conference.	1/28/2019
1/28/2019	Document Published on Web - Document 'Letter re request cancel PHC - Jennings' is made public	1/28/2019
1/28/2019	Document Published on Web - Document 'C-2018-3006031PGH Call In Telephonic Prehearing Conference Jennings.docx' is made public	1/28/2019
1/28/2019	Document EServed to POR - Document 'C-2018-3006031PGH Call In Telephonic Prehearing Conference Jennings.docx' is eServed - {3CC705DE-52A6-C325-86E4-6894BCD00000}	1/28/2019
2/12/2019	Document Published on Web - Document 'C-2018-3006031 Jennings Interim Order Cancelling Prehearing Conference Scheduled for February 19 2019.docx' is made public	2/12/2019
2/12/2019	Document Published on Web - Document 'C-2018-3006031 Jennings Interim Order Revising Initial Litigation Schedule.docx' is made public	2/12/2019

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2/12/2019	Document EServed to POR - Document 'C-2018-3006031 Jennings Interim Order Cancelling Prehearing Conference Scheduled for February 19 2019.docx' is eServed - {9F01237A-74A7-C6F9-841F-68E20E700000}	2/12/2019
2/12/2019	Document EServed to POR - Document 'C-2018-3006031 Jennings Interim Order Revising Initial Litigation Schedule.docx' is eServed - {030A6124-A92A-C470-8699-68E20F100000}	2/12/2019
2/13/2019	Document Attached to Case - Certificate of Service - WPP - West Penn Power Co filed certificate of service.	2/13/2019
2/13/2019	Document Published on Web - Document 'Certificate of Service - WPP' is made public	2/13/2019
2/13/2019	Document Published on Web - Document 'C-2018-3006031Cancelation Notice Jennings.doc' is made public	2/13/2019
2/13/2019	Document EServed to POR - Document 'C-2018-3006031Cancelation Notice Jennings.doc' is eServed - {D7A2A823-D8A0-CA29-87C9-68E778600000}	2/13/2019
2/14/2019	Document Published on Web - Document 'Letter to Complainant advising filing of communication with attachment.pdf' is made public	2/14/2019
2/14/2019	Document EServed to POR - Document 'Letter to Complainant advising filing of communication with attachment.pdf' is eServed - {96FCFCEA-8312-CF1A-85DA-68ECE5600000}	2/14/2019
2/14/2019	Document EServed to POR - Document 'Letter to Complainant advising filing of communication with attachment.pdf' is eServed - {96FCFCEA-8312-CF1A-85DA-68ECE5600000}	2/14/2019
3/4/2019	Document Attached to Case - Certificate of Service - M Jennings - Michael Jennings filed certificate of service.	3/4/2019
3/4/2019	Document Published on Web - Document 'Certificate of Service - M Jennings' is made public	3/4/2019
3/11/2019	Document Attached to Case - Cert of Srvc interrog set I - Jennings - Michael Jennings filed Certificate of Service.	3/11/2019
3/11/2019	Document Published on Web - Document 'Cert of Srvc interrog set I - Jennings' is made public	3/11/2019
3/26/2019	Document Attached to Case - Certificate of Service - West Penn Power - West Penn Power Company filed Certificate of Service	3/26/2019
3/26/2019	Document Published on Web - Document 'Certificate of Service - West Penn Power' is made public	3/26/2019
4/1/2019	Document Attached to Case - Factual & Expert Witnesses & Testimony - Michael Jennings - Michael Jennings filed Identification of Factual and Expert Witnesses and Summary of Expected Testimony.	4/1/2019
4/1/2019	Document Published on Web - Document 'Factual & Expert Witnesses & Testimony - Michael Jennings' is made public	4/1/2019
4/3/2019	Document Attached to Case - Motion to Dismiss Late Filed Objections-Michael Jennings - Michael Jennings filed Motion to Dismiss Late Filed Objections	4/3/2019
4/3/2019	Document Published on Web - Document 'Motion to Dismiss Late Filed Objections-Michael Jennings' is made public	4/3/2019
4/3/2019	Document Attached to Case - Certificate of Service - WPP - West Penn Power Co filed certificate of service.	4/3/2019
4/3/2019	Document Published on Web - Document 'Certificate of Service - WPP' is made public	4/3/2019
5/13/2019	Document Attached to Case - Cert of Srvc interrog set II - Jennings - Michael T. Jennings filed Certificate of Service.	5/13/2019
5/13/2019	Document Published on Web - Document 'Cert of Srvc interrog set II - Jennings' is made public	5/13/2019

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5/28/2019	Document Attached to Case - Petition for an Extension of Time to provide Direct Testimony & expert witness-Michael Jennings - Michael Jennings filed Petition for an Extension of Time to provide Direct Testimony & expert witness	5/28/2019
5/28/2019	Document Published on Web - Document 'Petition for an Extension of Time to provide Direct Testimony & expert witness-Michael Jennings' is made public	5/28/2019
6/3/2019	Document Attached to Case - Petition for Extension of Time to Secure a Replacement Expert Witness-Michael Jennings - Michael Jennings filed Petition for an Extension of Time to Secure a Replacement Expert Witness	6/3/2019
6/3/2019	Document Attached to Case - Cert of Servc to Answers to Interrg &Requests for Prodn of Docs-Michael Jennings - Michael Jennings filed Certificate of Service to Answers to Interrogatories and Requests for Production of Documents	6/3/2019
6/3/2019	Document Published on Web - Document 'Cert of Servc to Answers to Interrg &Requests for Prodn of Docs-Michael Jennings' is made public	6/3/2019
6/3/2019	Document Published on Web - Document 'Petition for Extension of Time to Secure a Replacement Expert Witness-Michael Jennings' is made public	6/3/2019
6/6/2019	Document Attached to Case - Petition for Extension of Time to Provide Direct Testimony of Factual Witness - M Jennings - Michael Jennings filed petition for extension of time to provide direct testimony of factual witness.	6/6/2019
6/6/2019	Document Published on Web - Document 'Petition for Extension of Time to Provide Direct Testimony of Factual Witness - M Jennings' is made public	6/6/2019
6/12/2019	Document Attached to Case - Motion to Compel Discovery Responses Set II Nos 2, 3, 20-29, 35 & 36 - M Jennings - Michael Jennings filed motion to compel discovery responses, Set II, Nos 2, 3, 20-29, 35 and 36.	6/12/2019
6/12/2019	Document Published on Web - Document 'Motion to Compel Discovery Responses Set II Nos 2, 3, 20-29, 35 & 36 - M Jennings' is made public	6/12/2019
6/17/2019	Document Attached to Case - Petition for Extension of Time to File Direct Testimony - M Jennings - Michael Jennings filed petition for extension of time to file direct testimony.	6/17/2019
6/17/2019	Document Published on Web - Document 'Petition for Extension of Time to File Direct Testimony - M Jennings' is made public	6/17/2019
6/18/2019	Document Attached to Case - Answer to Motion-West Penn Power - West Penn Power filed Answer to Motion	6/18/2019
6/18/2019	Document Published on Web - Document 'Answer to Motion-West Penn Power' is made public	6/18/2019

Public Documents

Document Name	Document Type	eFiling Confirmation Number	Date Received	Date Served	Reference Docket Number
<u>Preliminary Objection - Met Ed</u>	Preliminary Objection	1747871	12/5/2018		
<u>Answer to Preliminary Objection-Michael Jennings</u>	Answer to Preliminary Objection	1747871	12/17/2018		
<u>Answer to Preliminary Objection - Michael Jennings</u>	Answer to Preliminary	1747871	12/15/2018		

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	Objection			
<u>C-2018-3006031PGHMotion JUDGE Watson ASSIGNMENTJennings.doc</u>	PO Assignment Notice	1747871		
<u>C-2018-3006031 Jennings Interim Order Denying Preliminary Objections.docx</u>	Interim Order	1747871		
<u>C-2018-3006031 Jennings Interim Order Establishing Initial Litigation Schedule.docx</u>	Interim Order	1747871		
<u>C-2018-3006031 Jennings Interim Order Scheduling Prehearing Conference.docx</u>	Interim Order	1747871		
<u>Letter re request cancel PHC - Jennings</u>	Letter	1747871	1/28/2019	
<u>C-2018-3006031PGH Call In Telephonic Prehearing Conference Jennings.docx</u>	Hold Conference Notice	1747871		
<u>C-2018-3006031 Jennings Interim Order Cancelling Prehearing Conference Scheduled for February 19 2019.docx</u>	Interim Order	1747871		
<u>C-2018-3006031 Jennings Interim Order Revising Initial Litigation Schedule.docx</u>	Interim Order	1747871		
<u>Certificate of Service - WPP</u>	Certificate of Service	1747871	2/12/2019	
<u>C-2018-3006031Cancelation Notice Jennings.doc</u>	Hearing Cancellation Notice	1747871		
<u>Letter to Complainant advising filing of communication with attachment.pdf</u>	Case Related Document	1747871		
<u>Certificate of Service - M Jennings</u>	Certificate of Service	1747871	3/4/2019	
<u>Cert of Srvc interrog set I - Jennings</u>	Certificate of Service	1747871	3/11/2019	
<u>Certificate of Service - West Penn Power</u>	Certificate of Service	1747871	3/25/2019	
<u>Factual & Expert Witnesses & Testimony - Michael Jennings</u>	Letter	1747871	4/1/2019	
<u>Motion to Dismiss Late Filed Objections-Michael Jennings</u>	Motion	1747871	4/3/2019	
<u>Certificate of Service - WPP</u>	Certificate of Service	1747871	4/3/2019	
<u>Cert of Srvc interrog set II - Jennings</u>	Certificate of Service	1747871	5/13/2019	
<u>Petition for an Extension of Time to provide Direct Testimony & expert witness-Michael Jennings</u>	Motion	1747871	5/27/2019	

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<u>Cert of Servc to Answers to Interrg &Requests for Prodn of Docs-Michael Jennings</u>	Certificate of Service	1747871	6/3/2019		
<u>Petition for Extension of Time to Secure a Replacement Expert Witness-Michael Jennings</u>	Petition for Extension of Time	1747871	6/3/2019		
<u>Petition for Extension of Time to Provide Direct Testimony of Factual Witness - M Jennings</u>	Petition for Extension of Time	1747871	6/6/2019		
<u>Motion to Compel Discovery Responses Set II Nos 2, 3, 20-29, 35 & 36 - M Jennings</u>	Motion	1747871	6/12/2019		
<u>Petition for Extension of Time to File Direct Testimony - M Jennings</u>	Petition for Extension of Time	1747871	6/14/2019		
<u>Answer to Motion-West Penn Power</u>	Answer to Motion	1747871	6/17/2019		

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL T. JENNINGS

Complainant

v.

WEST PENN POWER COMPANY

Respondent

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:
:
:

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.

6-26-19

Date


Michael T. Jennings

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL T. JENNINGS

v.

WEST PENN POWER COMPANY

:
:
:
:
:

Docket No. C-2018-3006031

CERTIFICATE OF SERVICE

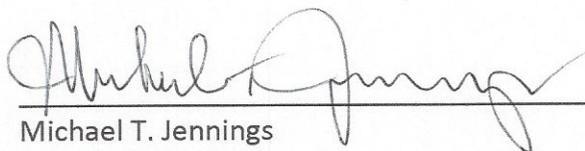
I hereby certify that I have this day served a true copy of my Response to Answer of West Penn Power to the Motion to Compel of Michael T. Jennings, upon the individuals listed below, in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant.)

Service by e-filing and first class mail:

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

Administrative Law Judge Jeffrey A. Watson
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222

Dated: June 25, 2019



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