

**Andrew and Theresa Sabatini**

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May 5, 2019

VIA E-FILE

Rosemary Chiavetta, Esq.  
Public Utility Commission

Re: Andrew and Theresa Sabatini v. West Penn Power Company  
Docket No. C-2018-3005177

Dear Ms. Chiavetta,

We are writing to register a complaint against West Penn Power Company (WPP) and Administrative Law Judge Watson as regards the above referenced case.

On March 13<sup>th</sup>, 2019, my wife, Theresa Sabatini, spoke with Katie Weidel, executive assistant to Tori Giesler of First Energy to establish email communications with the attorneys at First Energy/WPP to facilitate the negotiation of our contract with WPP for electrical service at our home.

The following day, March 14, 2019, Theresa and I submitted answers to WPP Interrogatories via email, complete and true to the best of our ability and understanding, followed by a hard copy sent via first class USPS mail. We have here attached a copy of our answers for your records. We heard nothing back from them until May 1<sup>st</sup>, when we received via first class mail, a letter and motion to compel dated April 23<sup>rd</sup> that stated we had gone against Judge Watson's order of February 12, 2019 and had not answered fully. Since we hadn't heard from WPP for a month and a half, we had assumed that our answers were acceptable and complete as we had understood and intended them to be.

On the evening of May 1<sup>st</sup>, upon receipt of WPP's Motion to Compel, we immediately drafted and sent an objection letter to WPP (via first class mail) and Judge Watson (via Priority Mail). We E-Filed that same letter on the PUC website May 2<sup>nd</sup>.

Yesterday, May 2nd, 2019, we received a letter via email from WPP called a status report, which makes it seem as if we had done nothing to further our case or answer their interrogatories. Today, May 3<sup>rd</sup>, 2019, we received an order from Judge Watson dated May 1<sup>st</sup>, 2019 (the day we RECEIVED WPP's Motion to Compel and before Judge Watson could ever have seen our Objection letter to WPP's April 23<sup>rd</sup> letter). In his order, Judge Watson states that 1) WPP's Motion to Compel is granted. 2) That our objections were denied (we made no objections in our interrogatory answers and he was not in receipt of our objection letter as we mailed it May 2<sup>nd</sup>). 3) That we shall provide full and complete responses to all Interrogatories. 4) That we shall file

certificate of service to Judge Watson no later than May 17<sup>th</sup> showing that we answered their questions.

We have several issues with all this.

First, WPP emailed us yesterday with their latest communication of a status report. Why didn't they email their Motion to Compel on April 23<sup>rd</sup>? Since it arrived at our home via US Postal Service on May 1<sup>st</sup>, we didn't have a chance to respond before WPP and Judge Watson had already decided the outcome. If we had had that information on the 23<sup>rd</sup>, we could have gotten our objection letter in sooner and had a chance to be heard. Yet yesterday WPP's status report comes via email, in which we are being made out to be derelict in our case, as if we are not obeying Judge Watson's orders and as if we are ignoring WPP's motion, none of which is true.

This seems like a purposeful deceit and strategy on the part of WPP to game the system, so to speak, making it impossible for us to work out a reasonable solution to this case and renegotiate our service contract with them to continue providing us electricity, for which we pay and are not in arrears.

Second, Judge Watson has not been equitable in his decisions and communications with us. The first instance, on February 12<sup>th</sup>, after we had requested a minimum 90 day extension due to Theresa's mother's disability and injuries resulting from a fall and the attendant complications with her corneal transplant from hitting her head, face, and eye, we received just over 30 days extension and an admonition that "no further extensions will be granted". Why? My mother-in-law lives here with us now so that we can provide her the continuing care she needs. My mother-in-law's prior home needs to be cleaned out and work needs to be done in order to sell it, and we are responsible to get it ready and listed for sale because she can no longer live there and pay the mortgage. We are constantly pressed for time, energy, and focus to care for the needs of our family, and I work many hours of overtime each week to meet our family's obligations. We simply need more time to properly research and prepare our case. Why is that not being granted?

Also, in Judge Watson's Interim Order of May 1<sup>st</sup>, 2019, he details the dates of WPP's certificates of service, his own interim order extending our time to respond to WPP's Interrogatories, and WPP's Motion to Compel, completely leaving out the fact that we DID, to the best of our understanding and ability, respond to them in a timely manner, we DID provide documentation in the form of electronic sources, we DID answer ALL questions; WPP just didn't like our answers.

Also, WPP is making hay out of us not having followed Judge Watson's Litigation Schedule. We have been operating under the understanding that the thirty-some day extension to respond to WPP's Interrogatories pushed the whole schedule back by that amount. WPP took a month and a half to respond to our original answers to their interrogatories, finally sending a Motion to Compel dated April 23<sup>rd</sup>, eight days past the original end-of-discovery date of April 15<sup>th</sup>. That seems to affirm that we have additional time. Yet they filed their status report on May 2<sup>nd</sup>, seeming to affirm the original litigation schedule. They are not being clear, not being straightforward; they are following the schedule as it suits them. Yet they make a lot of noise that we are not following the rules.

We are not attorneys, nor do we have staff to fill out forms or boilerplate answers at the ready. We do not have the political and financial power that WPP and its parent company, First Energy, has. We have full and busy lives, we don't know our way around legalities, we are fighting for our health and privacy and safety, and it seems we are getting bullied and run around by both WPP and ALJ Watson.

Yesterday, in an effort to understand what we should do and how best to comply and work within the PUC complaint process, we spoke with Gayle, an attorney at the PUC. During that helpful conversation, Gayle explained to us that WE have the right to serve Interrogatories on WPP also; we had no idea! How is it that the PUC never laid this information out for us? The PUC has lawyers. WPP has lawyers. We can't afford to hire a lawyer. Perhaps the PUC will provide one for us, since it is the PUBLIC's Utility Commission.

We have many questions we would like to ask WPP to help us prepare for our hearing. Is it too late to do that? Do we have the extension month for the whole process? If not, how will Judge Watson respond to our request? He has already stated that he'll grant no more extensions; does that statement refer to just the interrogatory responses or the whole process?

In our past experience, legal cases may take years, but here we're being unreasonably pushed and hurried through this in a way that is burdensome and damaging to our health and our family's well being. We are losing sleep and suffering stress and anxiety due to the litigation schedule's demands on top of work, overtime, and all of our other concerns and obligations. This litigation schedule is severely burdensome for us, and we need relief.

We are truly and sincerely endeavoring to work with WPP, the PUC, and ALJ Watson to figure out a reasonable solution to retain our agreed upon electrical service and equipment, the service we pay for and WPP provides. This seems so simple, yet it's being made into an adversarial process, with so much legalese, so many procedural details, and the seemingly underhanded maneuvering by WPP, that we are at a loss.

Please help us to continue this process fairly and reasonably. We are ready and willing to comply with the PUC's formal complaint process, but we request a level playing field and some time and consideration for our circumstances and lack of understanding of this process.

Sincerely,

Andrew Sabatini

Theresa Sabatini

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ANDREW AND THERESA SABATINI</b>	:	
	:	
v.	:	<b>Docket No. C-2018-3005177</b>
	:	
<b>WEST PENN POWER COMPANY</b>	:	
	:	

**CERTIFICATE OF SERVICE**

We hereby certify that we have this day served a true copy of this letter of complaint upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by email followed by a hard copy sent via First Class Mail, postage prepaid, as follows:

Tori L. Giesler  
Attorney No. 207742  
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P.O. Box 16001  
Reading, Pennsylvania 19612-6001  
(610) 921-6658  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)

Honorable Judge Jeffrey Watson  
Administrative Law Judge  
Piatt Place, Suite 220  
301 Fifth Avenue  
Pittsburgh, PA 15222  
[jeffwatson@pa.gov](mailto:jeffwatson@pa.gov)

Dated: May 5, 2019

Andrew and Theresa Sabatini

cc: Hon. Jeffrey A. Watson as per Certificate of Service  
Rosemary Chiavetta, Secretary, PA PUC