

200 Brook Hollow Road
Mount Pleasant, PA 15666

January 1, 2020

VIA ELECTRONIC FILING

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

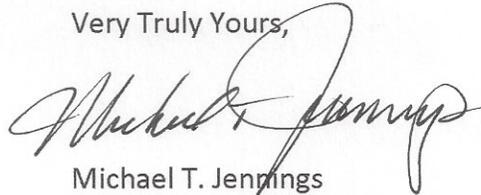
Re: Michael T. Jennings v. West Penn Power Company
Docket No. C-2018-3006031

Dear Secretary Chiavetta,

Attached please find the **Response to West Penn Power Company's Letter to Secretary Chiavetta dated December 31, 2019** 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", written in a cursive style.

Michael T. Jennings

ssj
Enclosures

CC: ALJ Watson
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

Date: January 1, 2020

**Re: Response to West Penn Power Company’s Letter to Secretary Chiavetta
dated December 31, 2019**

Dear Secretary Chiavetta:

This letter is in response to the letter I received from West Penn Power Company’s counsel dated December 31, 2019, which served as their Status Report and was addressed to you. Typically, we send things of this nature to Administrative Law Judge Jeffery A. Watson, but under the circumstances, whereby West Penn Power contacted you, I will follow suit and respond to you. West Penn Power’s Council conveniently neglected to leave out a few important details concerning the issue they raised.

1. On February 12, 2019, West Penn Power propounded interrogatories upon the Complainant to which the Complainant answered and electronically filed on March 2, 2019. Complainant explained to West Penn Power more answers would be provided if they would sign and return the enclosed Stipulated Protective Agreement (**first** copy, see **Appendix A**) to protect my family’s confidential medical information. West Penn Power did not respond nor did they sign the agreement. West Penn Power totally disregarded the Stipulated Protective Agreement for nine months.

2. On September 20, 2019, I filed a Request for Entry of a Protective Order since I would be producing confidential medical information to West Penn Power. Accordingly, the entry of a Protective Order would protect my information and documents that are considered confidential.

3. ALJ Watson agreed with my request for a Protective Order and filed an Interim Order Directing the Parties to Confer Regarding a Proposed Stipulated Protective Agreement or the Filing of a Petition for Protective Order on September 30, 2019.

The Interim Order directed, in part, that the parties shall confer on or before October 10, 2019 and attempt to agree or stipulate to the terms of a protective order to address the disclosure and use of medical information and documentation and other sensitive information in this

proceeding. Further, the parties were directed to submit a stipulated protective order or, in the event an agreement was not reached by the parties, either party, or both, could submit a request for a protective order on or before October 17, 2019.

4. On October 7, 2019, I emailed and sent via first class mail a **second** copy (**See Appendix A.**) of the Stipulated Protective Agreement to West Penn Power counsel for their review and signatures. I did not receive any comments or signature pages in return. I heard nothing from West Penn Power concerning the Stipulated Protective Agreement, yet again.

5. On October 15, 2019, after not hearing anything from West Penn Power concerning the second mailing of the Stipulated Protective Agreement, Complainant emailed a **third** copy of the Stipulated Protective Agreement to West Penn's counsel, Lauren Lepkoski and Tori Giesler, (**See Appendix A and B.**) as a last attempt to work this out. In the email, I stated I would give them until November 17, 2019 to respond and if I heard nothing back, I would proceed with Judge Watson's directions by submitting a request for a protective order along with my Stipulated Protective Agreement for him to review. Neither Ms. Lepkoski nor Ms. Giesler responded, acknowledged receipt, signed, or returned the agreement.

6. I heard absolutely nothing from West Penn Power's counsel concerning this matter until October 17, 2019 when I received an email from Kaitlyn B. Weidel. West Penn Power stated in their Petition for Protective Order, dated October 17, 2019, "On October 4, 2019, in an effort to comply with ALJ Watson's directive in the Interim Order issued September 30, 2019, the Company sent a copy of the proposed protective order to the Complainant for his review..." Complainant did not receive anything from West Penn Power except the email from Ms. Weidel on October 17, 2019 regarding West Penn Power's filing of a Protective Order.

7. West Penn Power also stated in their Petition (**See No. 5.**) "By letter dated October 7, 2019, the Complainant provided no comment or input regarding the draft protective order forwarded to the Complainant on October 4, 2019..." The Complainant never received said draft protective order. I could not comment on something I never received.

8. The Complainant gave West Penn Power many opportunities to sign the Stipulated Protective Agreement, but they chose not to respond to the Complainant. West Penn Power chose to wait until the eleventh hour and file their Petition for Protective Order instead of conferring with Complainant. West Penn Power wanted the information, so it seems they would have been eager to confer.

9. On October 18, 2019, Complainant filed his Petition for Protective Order after hearing nothing in response from West Penn Power.

10. On October 24, 2019, ALJ Watson entered a Protective Order in the above-referenced matter.

11. On November 4, 2019 I received a letter from West Penn Power stating they would not

be serving advance rebuttal testimony because of my late filed testimonies, which was due to **no** signed Protective Order from West Penn Power.

12. On November 5, 2019, Complainant filed his Signed Acknowledgement of Protective Order.

13. On November 5, 2019, Complainant filed a request to ALJ Watson to have West Penn Power sign the Protective Order as West Penn Power had not acknowledged the order by filing a signed agreement at that point. The only signed protective document they provided was their own Petition for Protective Order, which was worded differently from the Protective Order filed by ALJ Watson.

14. On November 13, 2019, West Penn Power filed signed acknowledgements of the Protective Order as was requested on November 5, 2019.

15. On November 14, 2019, complainant emailed West Penn's Counsel (**See Appendix C.**) to get confirmation that rebuttal testimony would be filed if Complainant filed the testimonies. Again, there was **no** response to this email from West Penn Power.

16. On November 25, 2019, I filed my testimony and the testimonies of my witnesses, which was due on November 1, 2019, as I was waiting for West Penn Power to sign the Protective Order which ALJ Watson entered on October 24, 2019. West Penn Power did not sign and file the Acknowledgement of Protective Order until November 13, 2019.

During this time, my son's health was (and continues to be) a huge factor, resulting in another visit to the ER on November 20, 2019. Once this particular health crisis eased, I was able to gather all of the testimonies and exhibits and appropriately prepare them for filing and mailing. This was no small task due to the size of the material, the amount of copies, and putting the documents on flash drives because of the requirements for confidential information and filings over 250 pages. We have had an unusually difficult time lately with the care of our disabled son as his caregivers 24/7 and we have done the best that we can under the circumstances as possible.

17. On December 29, 2019 I entered my Status Report which was filed on December 30, 2019.

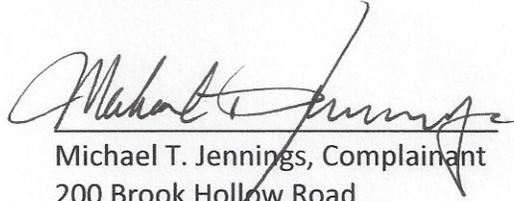
18. On December 31, 2019 I received an email from West Penn Power's Counsel containing their Status Report, a letter to you, Secretary Chiavetta, which I am addressing here.

19. West Penn Power finds themselves in this situation because they blatantly neglected to sign the Stipulated Protective Order I sent to them not once, not twice, but three times. West Penn is now attempting to blame the Complainant for their negligence in this matter.

Wherefore, for the reasons set forth above, should West Penn Power file a motion as they stated in their letter dated December 31, 2019, this motion should be denied.

Complainant's Certificate of Service has been filed with the Commission's Secretary, in accordance with Commission Regulations.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael T. Jennings", written over a horizontal line.

Dated: January 1, 2020

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

APPENDIX A

SENDER: COMPLETE THIS SECTION

1. Complete items 1, 2, and 3.
2. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:
Attn: Tori Giesler Esq.
FirstEnergy Ser. Co.
2800 Pittsville Rd
PO Box 1600
Reading, PA 19612-6001

9590 9402 4457 6240 4310 44

7016 3030 0001 9250 6127

PS Form 3811, July 2015 PSN 7530-02-000-9003

COMPLETE THIS SECTION ON DELIVERY

A. Signature
B. Received by (Printed Name)
C. Date of Delivery
D. Is delivery address different from item 1? If YES, enter delivery address below.

3. Service Type
4. Signature Confirmation
5. Signature Confirmation Restricted Delivery
6. Signature Confirmation Restricted Delivery

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (if any) of the filing. The matter will receive the attention of the Commission and you will be advised any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

Print this page for your records.

eFiling Confirmation	
Docket Number:	C-2018-3006031
Description:	Certificate of Service - Answers to the Interrogatories and Request for Production of Documents - Set I - propounded by West Penn Power
Transmission Date:	3/2/2019 7:37:00 PM
Filed On:	3/4/2019 8:00:00 AM
eFiling Confirmation Number:	1761680

First time the Stipulated Protective Agreement was sent to West Penn Power.

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com™.

READING, PA 19612

OFFICIAL USE

Certified Mail Fee \$3.50

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$2.80

Return Receipt (electronic) \$0.00

Certified Mail Restricted Delivery \$0.00

Adult Signature Required \$0.00

Adult Signature Restricted Delivery \$0.00

Postage \$0.70

Total Postage and Fees \$7.00

Sent to
Lauren Lepkoski ; Tori Giesler
Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9007 See Reverse for Instructions

0666 04

OCT 7 2019

10/07/2019

SENDER: COMPLETE THIS SECTION

1. Complete items 1, 2, and 3.
2. Print your name and address on the reverse so that we can return the card to you.
3. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Lauren Lepkoski
Tori Giesler
WPP
Stipulated Prot. Agreement

9590 9402 3829 8032 4354 69

7016 3010 0000 8001 2236

PS Form 3811, July 2015 PSN 7530-02-000-9003 Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature
B. Received by (Printed Name)
C. Date of Delivery
D. Is delivery address different from item 1? If YES, enter delivery address below.

3. Service Type
4. Signature Confirmation
5. Signature Confirmation Restricted Delivery
6. Signature Confirmation Restricted Delivery

Second time the Stipulated Protective Agreement was sent to West Penn Power.

APPENDIX B

#3 STIPULATED PROTECTIVE AGREEMENT SENT TO WPP

From: Susan Jennings lilmac2@zoominternet.net
Subject: Stipulated Protective Agreement - Docket Number C-2018-3006031
Date: October 15, 2019 at 9:36 AM
To: Lauren Lepkoski llepkoski@firstenergycorp.com, Tori Giesler tgiesler@firstenergycorp.com
Bcc: Susan Jennings oilsofgrace@hotmail.com



Dear Ms. Lepkoski and Ms. Giesler,

As a courtesy, I am sending my Stipulated Protective Agreement to you by email. I mailed a certified/return receipt copy to your office via first class mail on October 7, 2019. My request has gone unanswered and I am making a last attempt to fulfill the Interim Order dated September 20, 2019.

Please have all parties having access to my confidential health information sign the agreement and fill out the form at Appendix A. Please mail all signed copies back to me. If you choose not to sign and use this agreement, please explain in writing why you choose not to use it and why you will not sign.

If I do not hear back from you on or before October 17, 2019, I will proceed with the Interim Order instructions to submit a request for a protective order along with this Stipulated Protective Agreement to Honorable Jeffrey A. Watson.



Stipulated
Protect...ent.pdf

Very Truly Yours
Michael T. Jennings

APPENDIX C

From: Susan Jennings lilmac2@zoominternet.net
Subject: Jennings, Michael T. v. West Penn Power Company; Docket No. C-2018-3006031
Date: November 14, 2019 at 6:32 PM
To: Lauren Lepkoski llepkoski@firstenergycorp.com, Tori Giesler tgiesler@firstenergycorp.com



Dear Ms. Lepkoski and Ms. Giesler,

I am in receipt of your Acknowledgement of the Protective Order dated November 13, 2019. I would like to have clarification concerning the letter I received on November 4, 2019.

The letter in question is dated November 1, 2019 and stated West Penn Power Company "will not be serving advance rebuttal testimony regarding the above-referenced matter." Now that I have a Protective Order in place, I will be submitting my direct written testimony and that of my witnesses. Once you have received our testimony, does WPP intend to submit rebuttal testimony? Please confirm West Penn Power Company's intentions in this matter.

Thank you,

Michael T. Jennings

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the **Response to West Penn Power Company's Letter to Secretary Chiavetta dated December 31, 2019**, in accordance with the requirement of 52 Pa. Code § 1.54 (relating to service by a participant.)

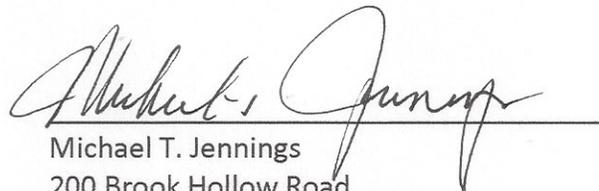
Service by e-filing and email:

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

Service by e-filing and first-class mail:

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

Dated: JANUARY 1, 2020



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