

200 Brook Hollow Road  
Mount Pleasant, PA 15666

January 21, 2020

**VIA ELECTRONIC FILING**

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

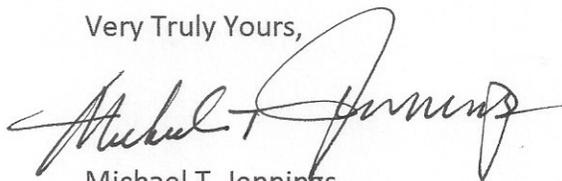
Re: Michael T. Jennings v. West Penn Power Company  
Docket No. C-2018-3006031

Dear Secretary Chiavetta,

Enclosed please find a letter I sent to Chief Charles E. Rainey, Jr., Chief ALJ in the above referenced matter.

Please contact me if you have any questions.

Very Truly Yours,



Michael T. Jennings

ssj  
Enclosures

CC: ALJ Watson  
Certificate of Service

200 Brook Hollow Road  
Mount Pleasant, PA 15666  
January 21, 2020

Charles E. Rainey, Jr., Chief ALJ  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

**Re: *Michael T. Jennings v. West Penn Power*, Docket No. C-2018-3006031  
American with Disabilities Act Accommodations (ADA) Request**

Dear Chief Rainey,

I filed a formal complaint with the PA PUC on November 15, 2018 in the above-referenced matter and have been in this process to date. With this letter, I am requesting to be reassigned to a new judge who understands disabled customers and the PUC's responsibilities under the Federal Americans with Disabilities Act and the Pennsylvania Human Rights Act. Each member of my family is disabled under the ADA definition of disabled as our disabilities interfere with multiple activities of daily living.

My wife and I are hindered by time constraints caregiving for our disabled son 24/7. He has frequent seizures and many major health issues which demand most of our time. I have been at a disadvantage from day one since I am pro se. I am not an attorney and lack legal knowledge, nor do I have the staffing resources that are available to West Penn Power. It has been extremely difficult to get my documents prepared and ready to submit at each deadline. I have very little time to work on my case with the care of my son.

**I require reasonable accommodations from the PUC and from West Penn Power under the ADA. Among those accommodations are:**

1. Simplification of the PUC process.
2. All required pre-filed testimony to be pre-filed, not sprung on us at the last minute or at the hearing. I asked West Penn Power for a signed Stipulated Protective Agreement three times and never received a response until I filed a motion, and even then, it took a letter to the ALJ for West Penn Power to sign the agreement. West Penn Power made the decision not to send their rebuttal testimony to us. **(See Appendix A, Background.)**
- I asked ALJ Watson on three separate occasions to allow West Penn Power the time needed to prepare the testimony as we did not have a hearing date at the time. I did not get a response to any of these requests. **(See Appendix A, Background.)**
3. We need much more time to respond to West Penn Power's filings especially since we are the sole caregivers for a disabled son who experiences seizures.
4. No "extraneous" filings from West Penn Power.
5. Prompt rulings on my motions and filings by the ALJ.

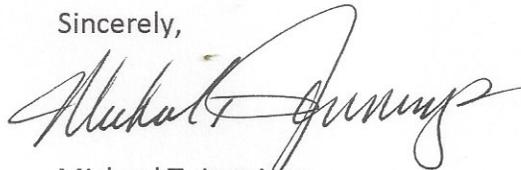
6. No "surprises" from West Penn Power.
7. Ample time to prepare our case and to respond to West Penn Power's case considering the circumstances in which we find ourselves.
8. West Penn Power's cooperation in the whole process.
9. West Penn Power to sign my original Stipulated Protective Agreement furnished to them on March 2, 2019.
10. A stay on my proceedings until after the Commonwealth Court decisions in the Povacz et al cases, Docket No. 492 CD 2019. **(See Appendix B, Povacz Commonwealth Docket Sheet.)** The Commonwealth Court and the PA PUC have set a precedence by granting a stay in the case *Alexia and Lawrence McKnight, Petitioners v. Public Utility Commission, Respondent*, Docket No. 1253 CD 2019. "Proceedings in this matter are stayed pending disposition of the matter at Povacz v. Pennsylvania Public Utility Commission (Pa. Cmwlth., No. 492 C.D. 2019; 606 C.D. 2019; 607 C.D. 2019)." **(See Appendix C, McKnight Commonwealth Docket Sheet.)**

Wherefore, for the reasons set forth in this letter and in the attached appendices, I request to be reassigned to a new judge, to have ADA accommodations as stipulated above, and to have a stay on the proceedings of my case.

All other pertinent parties in this case have also received a copy of this letter as shown below.

Thank you for your consideration in this matter.

Sincerely,



Michael T. Jennings  
724-600-9338  
Lilmac2@zoominternet.net

cc: ALJ Watson, via first class mail  
Lauren M. Lepkoski, Esquire, via email  
Tori L. Giesler, Esquire, via email  
Secretary Rosemary Chiavetta, via e-filing  
Deputy Chief Joel H. Cheskis, via first class mail

# APPENDIX A

## BACKGROUND

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 sent, **see appendix D.**) 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 D.**) 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 E.**) 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

## APPENDIX A

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.

West Penn Power also stated in their Petition for Protective Order (**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.

7. 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.

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

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

10. On November 4, 2019 Complainant 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.

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

12. On November 5, 2019, Complainant filed a Response to West Penn Power's Letter Dated November 1, 2019 which included 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.

13. In Complainant's Response to West Penn's Letter (See No. 13.) Complainant also asked for West Penn Power's written rebuttal testimony: "Therefore, Your Honor, I am requesting a signed Protective Order from West Penn Power and that you allow West Penn Power the time needed to produce rebuttal testimony well in advance of a hearing. Please also allow for the time I need to study and reflect on that testimony given my circumstances in regards to the care of my severely disabled son and as pro se." ALJ Watson **did not** respond to this request, which was request number one.

## APPENDIX A

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 F.**) 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 pro se.

17. In Complainant's letter to ALJ Watson dated November 25, 2019 (see No. 17), which was enclosed with direct testimony, Complainant stated again: "Please allow West Penn Power the time needed to produce rebuttal testimony well in advance of a hearing. Please also allow for the time I need to study and reflect on that testimony given my circumstances in regards to the care of my severely disabled son and as pro se." Again, **no** response from ALJ Watson.

18. On December 29, 2019 I entered my Status Report which was filed on December 30, 2019. In this status report I again asked for the written rebuttal testimony: "I would still like to have the rebuttal testimony and said as much to West Penn Power." For the third time, **no** response from ALJ Watson.

19. On December 31, 2019 I received an email from West Penn Power's Counsel containing their Status Report. I also received a copy by first class mail on January 7, 2020. The status report was in the form of a letter to Secretary Chiavetta (**See APPENDIX G.**).

20. 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.

21. ALJ Watson never responded to my **three** requests to allow the time for West Penn Power to produce the written rebuttal testimony and to allow time for me to prepare a proper response to the rebuttal testimony.



**CAPTION**

Maria Povacz,  
Petitioner  
v.  
Pennsylvania Public  
Utility Commission,  
Respondent

**CASE INFORMATION**

Initiating Document: Petition for Review  
Case Status: Active  
Case Processing Status: November 19, 2019 Awaiting Consideration  
Journal Number:  
Case Category: Administrative Agency Case Type(s): Public Utility Commission

**CONSOLIDATED CASES**

**RELATED CASES**

Docket No / Reason	Type	Docket No / Reason	Type
606 CD 2019 Same Issue(s)	Consolidated	606 CD 2019 Similar Issue(s)	Related
607 CD 2019 Same Issue(s)	Consolidated	607 CD 2019 Similar Issue(s)	Related

**COUNSEL INFORMATION**

**Petitioner** **Randall, Cynthia**

Pro Se: No

IFP Status:

Attorney: Harvey, Stephen G.  
Law Firm: Steve Harvey Law LLC  
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Philadelphia, PA 19103  
Phone No: (215) 438-6600

Fax No:

Attorney: Gehring, Michael E.  
Address: Steve Harvey Law LLC  
1880 John F Kennedy Boulevard  
Suite 1715  
Philadelphia, PA 19103  
Phone No: (215) 438-6600

Fax No:



## COUNSEL INFORMATION

**Petitioner Povacz, Maria**

Pro Se: No

IFP Status:

Attorney: Harvey, Stephen G.  
 Law Firm: Steve Harvey Law LLC  
 Address: 1880 Jfk Blvd Ste 1715  
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Attorney: Gehring, Michael E.  
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 Suite 1715  
 Philadelphia, PA 19103  
 Phone No: (215) 438-6600 Fax No:

**Petitioner Murphy, Laura Sunstein**

Pro Se: No

IFP Status:

Attorney: Harvey, Stephen G.  
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 Phone No: (215) 438-6600 Fax No:

Attorney: Gehring, Michael E.  
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 Suite 1715  
 Philadelphia, PA 19103  
 Phone No: (215) 438-6600 Fax No:

**Petitioner Albrecht, Paul**

Pro Se: No

IFP Status:

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 Law Firm: Steve Harvey Law LLC  
 Address: 1880 Jfk Blvd Ste 1715  
 Philadelphia, PA 19103  
 Phone No: (215) 438-6600 Fax No:

Attorney: Gehring, Michael E.  
 Address: Steve Harvey Law LLC  
 1880 John F Kennedy Boulevard  
 Suite 1715  
 Philadelphia, PA 19103  
 Phone No: (215) 438-6600 Fax No:



**COUNSEL INFORMATION**

**Amicus Curiae Friends of Merrymeeting Bay**

Pro Se: No

IFP Status:

Attorney: Lewis, Tracey Sneed

Address: P.o. Box 60686

Harrisburg, PA 17106

Phone No: (717) 831-1573

Fax No:

**Intervenor PECO Energy Company**

Pro Se: No

IFP Status:

Attorney: Smith, Ward Lowell

Law Firm: PECO Energy Company

Address: 2301 Market Street Box 8699

Philadelphia, PA 19101-8699

Phone No: (267) 324-8426

Fax No:



## COUNSEL INFORMATION

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Pro Se:	No	
IFP Status:		
Attorney:	Pankiw, Bohdan R.	
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Attorney:	Hicks, Renardo Lee	
Law Firm:	Pennsylvania Public Utility Commission	
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Phone No:	(717) 756-1249	Fax No:
Attorney:	Young, Robert Frank	
Law Firm:	Pennsylvania Public Utility Commission	
Address:	Pa Public Utility Commission P.o. Box 3265 Harrisburg, PA 17105-3265	
Phone No:	(717) 787-3173	Fax No:
Attorney:	Wiedt, Patricia Timmerman	
Law Firm:	Pennsylvania Public Utility Commission	
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Phone No:	(717) 787-5755	Fax No:
Attorney:	Tran, Tiffany Loananh	
Law Firm:	Pennsylvania Public Utility Commission	
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Phone No:	(717) 783-5413	Fax No:
Attorney:	McDowell, Christian Alan	
Law Firm:	Pennsylvania Public Utility Commission	
Address:	Pa Public Utility Commission Po Box 3265 Harrisburg, PA 17105-3265	
Phone No:	(717) 787-7466	Fax No:

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
04/26/2019	Petition for Review - Appellate	90.25	04/29/2019	2019-CMW-H-000884	90.25



## AGENCY/TRIAL COURT INFORMATION

Order Appealed From: March 28, 2019 Notice of Appeal Filed:  
 Order Type: Order  
 Documents Received: April 26, 2019

Court Below: Public Utility Commission  
 County: Division: Public Utility Commission  
 Judge: OTN:  
 Docket Number: C-2015-2475023 Judicial District:

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Agency Record	June 05, 2019	
Agency Record	January 09, 2020	additional items

## Date of Remand of Record:

## BRIEFING SCHEDULE

**Amicus Curiae****Friends of Merrymeeting Bay  
Brief**

Due: September 17, 2019 Filed: September 13, 2019

**Intervenor****PECO Energy Company  
Brief**

Due: November 19, 2019 Filed: November 19, 2019

**Petitioner****Albrecht, Paul  
Reply Brief**

Due: December 24, 2019 Filed: December 24, 2019

**Respondent****Public Utility Commission  
Brief**

Due: November 19, 2019 Filed: November 19, 2019

**Murphy, Laura Sunstein  
Reply Brief**

Due: December 24, 2019 Filed: December 24, 2019

**Povacz, Maria  
Brief**

Due: September 17, 2019 Filed: September 17, 2019

**Reply Brief**

Due: December 24, 2019 Filed: December 24, 2019

**Reproduced Record**

Due: September 17, 2019 Filed: September 17, 2019

**Randall, Cynthia  
Reply Brief**

Due: December 24, 2019 Filed: December 24, 2019

## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>April 26, 2019</b>	Petition for Review Filed			
	Povacz, Maria		Petitioner	
	Murphy, Laura Sunstein		Petitioner	

## Commonwealth Docket Sheet

Docket Number: 492 CD 2019

Page 6 of 9

January 20, 2020



DOCKET ENTRY				
Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
	Randall, Cynthia Albrecht, Paul		Petitioner Petitioner	
<b>April 29, 2019</b>	Notice Exited Commonwealth Court Filing Office			04/29/2019
<b>April 29, 2019</b>	Notice of Intervention Smith, Ward Lowell	PECO Energy Company	Intervenor	
<b>May 10, 2019</b>	Docketing Statement Filed Harvey, Stephen G.	Povacz, Maria	Petitioner	
<b>May 10, 2019</b>	Filed - Other Harvey, Stephen G. Document Name: Statement of Issues to docketing statement	Povacz, Maria	Petitioner	
<b>May 10, 2019</b>	Filed - Other Harvey, Stephen G. Document Name: PUC Opinion and Order to docketing statment	Povacz, Maria	Petitioner	
<b>May 15, 2019</b>	Docketing Statement Filed Harvey, Stephen G.	Povacz, Maria	Petitioner	
<b>May 28, 2019</b>	Entry of Appearance Wiedt, Patricia Timmerman	Public Utility Commission	Respondent	
<b>May 28, 2019</b>	Entry of Appearance Young, Robert Frank	Public Utility Commission	Respondent	
<b>May 28, 2019</b>	Application for Consolidation Harvey, Stephen G. Document Name: Stipulation for Consolidation of Multiple Appeals	Povacz, Maria	Petitioner	
<b>May 31, 2019</b>	Order Granting Application for Consolidation Ceisler, Ellen Document Name: NOW, May 31, 2019, upon review of the parties' "Stipulation for Consolidation of Multiple Appeals," which this Court will treat as an application for consolidation of appeals (Application), and upon review of the Pennsylvania Public Utility Commission's decisions and it appearing that there is one record and the appeals involve a similar issue, the Application is granted. Comment: Consolidation of Multiple Appeals," which this Court will treat as an application for consolidation of appeals (Application), and upon review of the Pennsylvania Public Utility Commission's decisions and it appearing that there is one record and the appeals involve a similar issue, the Application is granted.			06/03/2019
<b>June 3, 2019</b>	Consolidated - Same Issue(s) Commonwealth Court			
<b>June 5, 2019</b>	Agency Record Received Wiedt, Patricia Timmerman Document Name: Additional Filings on 1-9-20	Public Utility Commission	Respondent	
<b>July 1, 2019</b>	Briefing Schedule Issued Commonwealth Court Filing Office			
<b>July 3, 2019</b>	Entry of Appearance Gehring, Michael E.	Povacz, Maria	Petitioner	



## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>July 10, 2019</b>	Application for Relief Smith, Ward Lowell	PECO Energy Company	Intervenor	
	Document Name: Joint Application to Modify Briefing Schedule			
<b>July 12, 2019</b>	Order Granting Application for Relief Wojcik, Michael H.			07/15/2019
	Document Name: The briefing schedule is modified as follows: Petitioners' brief shall be filed and served by			
	Comment: 9-10-19. Respondent and Intervenor's brief shall be filed and served by 11-12-19. Petitioner's reply brief, if any, shall be filed and served by 12-12-19.			
<b>September 3, 2019</b>	Filed - Other Harvey, Stephen G.	Povacz, Maria	Petitioner	
	Harvey, Stephen G.	Murphy, Laura Sunstein	Petitioner	
	Harvey, Stephen G.	Randall, Cynthia	Petitioner	
	Harvey, Stephen G.	Albrecht, Paul	Petitioner	
	Smith, Ward Lowell	PECO Energy Company	Intervenor	
	Wiedt, Patricia Timmerman	Public Utility Commission	Respondent	
	Document Name: Joint Application to Modify Word Count Requirement			
<b>September 5, 2019</b>	Order Filed Cohn Jubelirer, Renee			09/06/2019
	Document Name: NOW, September 5, 2019, upon consideration of the Joint Application			
	Comment: to Modify Word Count Requirement, the Application is granted. Petitioners, Respondent and Intervenor may each file a principal brief up to 19,000 words in length. Petitioners may file a reply brief up to 9,000 words in length. The briefs shall be filed and served in accordance with the briefing schedule set forth in the Court's July 12, 2019 order.			
<b>September 6, 2019</b>	Application to Amend Harvey, Stephen G.	Povacz, Maria	Petitioner	
	Harvey, Stephen G.	Murphy, Laura Sunstein	Petitioner	
	Harvey, Stephen G.	Randall, Cynthia	Petitioner	
	Harvey, Stephen G.	Albrecht, Paul	Petitioner	
	Document Name: Joint Application to Further Modify Briefing Schedule			
<b>September 9, 2019</b>	Order Granting Application to Amend Wojcik, Michael H.			09/10/2019
	Document Name: NOW, September 9, 2019, upon consideration of the parties' Joint			
	Comment: Application to Further Modify Briefing Schedule, the Application is granted. The briefing schedule set forth in the Court's July 12, 2019 order is modified as follows:			
	1. Petitioners' brief ( 4 copies) and Reproduced Record ( 4 copies) shall be filed and served on or before September 17, 2019.			
	2. Respondent's and Intervenor's briefs (4 copies) shall be filed and served on or before November 19, 2019.			
	3. Petitioners' reply brief, if any, shall be filed and served on or before December 19, 2019.			
<b>September 13, 2019</b>	Amicus Curiae Brief Lewis, Tracey Sneed	Friends of Merrymeeting Bay	Amicus Curiae	
	Document Name: In support of PFR			



## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>September 17, 2019</b>	Petitioner's Brief Filed Povacz, Maria		Petitioner	
<b>September 17, 2019</b>	Petitioner's Reproduced Record Filed Harvey, Stephen G. Harvey, Stephen G. Harvey, Stephen G. Harvey, Stephen G.	Povacz, Maria Murphy, Laura Sunstein Randall, Cynthia Albrecht, Paul	Petitioner Petitioner Petitioner Petitioner	
<b>September 25, 2019</b>	Entry of Appearance Tran, Tiffany Loananh	Public Utility Commission	Respondent	
<b>September 25, 2019</b>	Application to Strike Tran, Tiffany Loananh Smith, Ward Lowell Wiedt, Patricia Timmerman Young, Robert Frank Hicks, Renardo Lee	Public Utility Commission PECO Energy Company Public Utility Commission Public Utility Commission Public Utility Commission	Respondent Intervenor Respondent Respondent Respondent	
	Document Name: Jt. Motion of Resps' PUC and PECO Energy to Strike the Amicus Brief of Friends of Merrymeeting Bay			
<b>September 26, 2019</b>	Amended Tran, Tiffany Loananh Hicks, Renardo Lee Smith, Ward Lowell Wiedt, Patricia Timmerman Young, Robert Frank	Public Utility Commission Public Utility Commission PECO Energy Company Public Utility Commission Public Utility Commission	Respondent Respondent Intervenor Respondent Respondent	
	Document Name: Joint Motion of Respondent PUC and Intervenor PECO Energy Co. to Strike the Amicus Curiae Brief of Friends of MerryMeeting Bay			
	Comment: Friends of MerryMeeting Bay			
<b>October 23, 2019</b>	Order Filed Covey, Anne E.			10/24/2019
	Document Name: Upon consideration of the Amended Joint Motion of Respondent Pennsylvania Public Utility Commission and Intervenor PECO Energy Company to Strike the Amicus Curiae Brief of Friends of Merrymeeting Bay (Motion), and the response thereto of Amicus Curiae Friends of Merrymeeting Bay, the Motion is granted in part and denied in part. The Court declines to strike the Amicus Curiae Brief in its entirety. However, to the extent the Amicus Curiae Brief presents issues not raised by Petitioners in their Brief, and were neither raised below nor otherwise preserved for appeal by the parties, the Amicus Curiae Brief will not be considered by the Court. See Pa.R.A.P. 531, Note. To the extent Amicus Curiae has attached Exhibits to its Brief containing information or documents that were not before the agency at the time of its decision and are not part of the certified record, they cannot be considered by this Court on appeal. See Pa.R.A.P 1951(a); Twp. of Neshannock v. Kirila Contractors, 181 A.3d 467 (Pa. Cmwlth. 2018). Accordingly, Exhibits A, B, D, E and Fare hereby stricken from the Amicus Curiae Brief and will not be considered by the Court.			
	The Prothonotary is directed to place a copy of this order on each copy of the Amicus Curiae Brief of Friends of Merrymeeting Bay.			
<b>November 18, 2019</b>	Entry of Appearance McDewell, Christian Alan	Public Utility Commission	Respondent	
	Document Name: On behalf of PUC			



## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>November 19, 2019</b>	Respondent's Brief Filed Wiedt, Patricia Timmerman	Public Utility Commission	Respondent	
<b>November 19, 2019</b>	Intervenor's Brief PECO Energy Company		Intervenor	
<b>December 13, 2019</b>	Application for Relief Harvey, Stephen G. Harvey, Stephen G. Harvey, Stephen G. Harvey, Stephen G. Smith, Ward Lowell	Randall, Cynthia Albrecht, Paul Povacz, Maria Murphy, Laura Sunstein PECO Energy Company	Petitioner Petitioner Petitioner Petitioner Intervenor	
Document Name: Joint Application to Further Modify Briefing Schedule				
<b>December 17, 2019</b>	Order Filed Leavitt, Mary Hannah			12/17/2019
Document Name: NOW, December 17, 2019, upon consideration of the Joint Application				
Comment: to Modify Briefing Schedule, the Application is granted. Petitioners' Reply Brief (4 copies) shall be filed and served on or before December 24, 2019.				
<b>December 20, 2019</b>	Tentative Session Date Krimmel, Michael			
Document Name: March 2020 (Philadelphia)				
<b>December 24, 2019</b>	Petitioner's Reply Brief Filed Povacz, Maria Murphy, Laura Sunstein Randall, Cynthia Albrecht, Paul		Petitioner Petitioner Petitioner Petitioner	
<b>January 9, 2020</b>	Notice Public Utility Commission		Respondent	
Document Name: Rule 2501(b) Notice re: Status of Cited Authority				
<b>January 15, 2020</b>	Order Filed Leavitt, Mary Hannah			01/16/2020
Document Name: NOW, January 15, 2020, it appearing that respondent has failed to file the				
Comment: required paper copies of its brief electronically filed via PACFile on November 19, 2019, respondent shall file four ( 4) paper copies of the brief within 10 days of the exit date of this order, or the brief shall be stricken and respondent shall be precluded from participating in oral argument, if oral argument is scheduled.				

## SESSION INFORMATION

Journal Number:

Consideration Type: Tentative Session Date

Listed/Submitted Date: March 16, 2020



## CAPTION

Alexia and Lawrence McKnight,  
Petitioners

v.

Public Utility Commission,  
Respondent

## CASE INFORMATION

Initiating Document: Pro Se / Defective Communication

Case Status: Active

Case Processing Status: January 16, 2020 Stay on an Active Case

Journal Number:

Case Category: Administrative Agency Case Type(s): Public Utility Commission

## CONSOLIDATED CASES

## RELATED CASES

## COUNSEL INFORMATION

**Petitioner McKnight, Lawrence**

Pro Se: Yes

IFP Status:

Pro Se: Lawrence McKnight  
Address: 258 Heyburn Road  
Chadds Ford, PA 19317  
Phone No: (610) 459-1031

Fax No:

**Petitioner McKnight, Alexia**

Pro Se: Yes

IFP Status:

Pro Se: Alexia McKnight  
Address: 258 Heyburn Rd.  
Chadds Ford, PA 19317  
Phone No: (610) 459-1031

Fax No:

**Intervenor PECO Energy Company**

Pro Se: No

IFP Status:

Attorney: Smith, Ward Lowell  
Law Firm: PECO Energy Company  
Address: 2301 Market St, S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699

Phone No: (215) 841-4000

Fax No: (215) 568-3389



## COUNSEL INFORMATION

Respondent	Public Utility Commission	
Pro Se:	No	
IFP Status:		
Attorney:	Wiedt, Patricia Timmerman	
Law Firm:	Pennsylvania Public Utility Commission	
Address:	Pa Public Utility Comm Law Bur Po Box 3265 Harrisburg, PA 17105-3265	
Phone No:	(717) 787-5755	Fax No:
Attorney:	Hicks, Renardo Lee	
Law Firm:	Pennsylvania Public Utility Commission	
Address:	Pennsylvania Puc 400 North St Keystone Bldg Harrisburg, PA 17120	
Phone No:	(717) 756-1249	Fax No:
Attorney:	Young, Robert Frank	
Law Firm:	Pennsylvania Public Utility Commission	
Address:	Pa Public Utility Commission P.o. Box 3265 Harrisburg, PA 17105-3265	
Phone No:	(717) 787-3173	Fax No:
Attorney:	Tran, Tiffany Loananh	
Law Firm:	Pennsylvania Public Utility Commission	
Address:	Pa Public Utility Commission P.o. Box 3265 Harrisburg, PA 17105-3265	
Phone No:	(717) 783-5413	Fax No:

## FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
08/09/2019	Pro Se Letter Received	90.25	09/10/2019	2019-CMW-H-001868	90.25

## AGENCY/TRIAL COURT INFORMATION

Order Appealed From:	August 8, 2019	Notice of Appeal Filed:
Order Type:	Decision	
Documents Received:	September 6, 2019	

Court Below:	Public Utility Commission		
County:		Division:	Public Utility Commission
Judge:		OTN:	
Docket Number:	C-2017-2621057	Judicial District:	

## ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Agency Record	October 25, 2019	PACFiled Cert. List. 1952(b)

Date of Remand of Record:

## BRIEFING SCHEDULE



## BRIEFING SCHEDULE

<b>Petitioner</b> <b>McKnight, Lawrence</b> <b>Brief</b>		<b>Intervenor</b> <b>PECO Energy Company</b> <b>Brief</b>	
Due: January 17, 2020	Filed:	Due: March 17, 2020	Filed:
<b>Reproduced Record</b>		<b>Respondent</b> <b>Public Utility Commission</b> <b>Brief</b>	
Due: January 17, 2020	Filed:	Due: March 17, 2020	Filed:

## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>August 9, 2019</b>	Pro Se Letter Received McKnight, Lawrence McKnight, Alexia		Petitioner Petitioner	
<b>August 13, 2019</b>	Pro Se Letter on How to Appeal Exited Commonwealth Court Filing Office			08/13/2019
<b>September 6, 2019</b>	Ancillary Petition for Review Filed McKnight, Lawrence		Petitioner	
<b>September 10, 2019</b>	Transferred Case Commonwealth Court Document Name: Case was transferred from 502 XX 2019 Comment: Case was transferred from 502 XX 2019			09/10/2019
<b>September 16, 2019</b>	Notice Exited Commonwealth Court Filing Office			09/16/2019
<b>September 19, 2019</b>	Notice of Intervention Smith, Ward Lowell Document Name: PECO Energy Company	PECO Energy Company	Intervenor	
<b>October 25, 2019</b>	Entry of Appearance Wiedt, Patricia Timmerman	Public Utility Commission	Respondent	
<b>October 25, 2019</b>	Agency Record Received Wiedt, Patricia Timmerman Document Name: Certified List. 1952(b).	Public Utility Commission	Respondent	
<b>October 25, 2019</b>	Briefing Schedule Issued Commonwealth Court Filing Office			
<b>October 30, 2019</b>	Application for Relief Smith, Ward Lowell Document Name: Joint Application to Modify Briefing Schedule	PECO Energy Company	Intervenor	



## DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
<b>October 31, 2019</b>	Order Granting Application for Relief McCullough, Patricia A.			11/01/2019
	Document Name: Upon consideration of the Joint Application to Modify Briefing Schedule filed by PECO Energy			
	Comment: Company (Intervenor), on behalf of and with the consent of Petitioners and Respondent, said Application is granted. The briefing schedule, as agreed to by the parties, is modified as follows: 1. Petitioners' brief (4 copies) and reproduced record (4 copies) shall be filed and served on or before January 17, 2020. 2. Briefs of Respondent and Intervenor (4 copies each) shall be filed and served on or before March 17, 2020.			
<b>January 2, 2020</b>	Praeipce for Withdrawal of Appearance Pankiw, Bohdan R.	Public Utility Commission	Respondent	
<b>January 6, 2020</b>	Application for Extension of Time to File Tran, Tiffany Loananh Hicks, Renardo Lee Wiedt, Patricia Timmerman Young, Robert Frank	Public Utility Commission Public Utility Commission Public Utility Commission Public Utility Commission	Respondent Respondent Respondent Respondent	
	Document Name: Application for Relief of the PUC in the Form of a Motion for Extension of Time			
<b>January 12, 2020</b>	Answer to Application for Extension McKnight, Lawrence McKnight, Alexia		Petitioner Petitioner	
	Document Name: Reply to Motion for Extension of Time			
<b>January 15, 2020</b>	Order Granting Application for Extension of Time to File Leavitt, Mary Hannah			01/16/2020
	Document Name: Upon consideration of Respondent's December 24, 2019 Application for Relief in the Form of a Motion			
	Comment: for Extension of Time and Petitioners' Answer in Opposition thereto, and upon review of the Ancillary Petition for Review, the Application is GRANTED. Proceedings in this matter are stayed pending disposition of the matter at Povacz v. Pennsylvania Public Utility Commission (Pa. Cmwlth., No. 492 C.D. 2019; 606 C.D. 2019; 607 C.D. 2019). Within seven (7) days of the Court's decision in Povacz, Respondent shall provide Petitioners with a copy of the Povacz decision and promptly provide proof of service with the Court. Within twenty-one (21) days of service, the parties shall file separate status reports advising the Court whether the Court's decision in Povacz disposes of all issues raised in Petitioners' Ancillary Petition for Review.			

# APPENDIX D

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.

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

**APPENDIX E**  
**#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 F

**From:** Susan Jennings lllmac2@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

Rec'd 1-17-20

APPENDIX G



2800 Pottsville Pike  
PO Box 16001  
Reading, PA 19612-6001

Tori L. Giesler, Esq.  
(610) 921-6658  
(330) 315-9263 (Fax)

December 31, 2019

**VIA FIRST CLASS MAIL**

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**

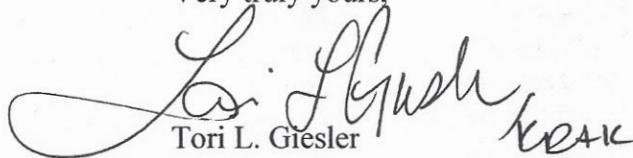
Dear Secretary Chiavetta:

In accordance with the Interim Order issued on August 12, 2019 in the above-referenced matter, this letter serves as a status report on behalf of West Penn Power Company ("West Penn"). The parties have exchanged discovery in this proceeding and discovery closed on November 1, 2019. Further, the parties provided notice of their expert and factual witness information. The Complainant was directed by the Interim Order to submit his written direct testimony no later than September 20, 2019 and West Penn was to submit rebuttal testimony no later than November 1, 2019. The Complainant failed to timely submit his written direct testimony and, as such, West Penn did not submit any rebuttal testimony.

By letter dated November 22, 2019, which was received by West Penn on December 2, 2019, Mr. Jennings submitted revised notification of his witnesses as well as written direct testimony of Laura Sunstein Murphy and Dr. Michael Semelka. Not only is Mr. Jennings's submission of written direct testimony untimely and overdue by more than two months, the discovery deadline passed nearly month after the submission of direct testimony so West Penn is unable to conduct discovery on the newly identified witnesses which is a violation of its due process rights. Given the untimeliness of the submission by Mr. Jennings, West Penn intends to promptly file a motion addressing Mr. Jennings's untimeliness.

Copies of this report are being provided in accordance with the attached Certificate of Service. Should you have any questions regarding this report, please do not hesitate to contact me.

Very truly yours,

  
Tori L. Giesler

krak

c: As Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of my **Letter to Chief Rainey**, 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](mailto:llepkoski@firstenergycorp.com)  
[tgiesler@firstenergycorp.com](mailto: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 5<sup>th</sup> Avenue  
Pittsburgh, PA 15222

Chief Charles E. Rainey, Jr., Chief ALJ  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Chief Joel H. Cheskis, Deputy Chief  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Dated: January 21, 2020



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