

January 22, 2020

Via Electronic Filing

Rosemary Chiavetta, Esquire
Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Docket No. C-2019-3013785
Bradley S. Tupi and Ann Marie Clyne v. West Penn Power Company
Letter Answer to Complainants' Motion to Compel**

Dear Secretary Chiavetta:

Attached for filing is the Letter Answer of West Penn Power Company to the Motion to Compel reportedly filed with the Commission by Bradley S. Tupi and Ann Marie Clyne (Complainants) in the above-referenced docket.

A copy of the filing has been forwarded to the Complainants in the manner indicated on the attached Certificate of Service.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM
Attachment

cc: The Hon. Mark Hoyer, PA Public Utility Commission [w/att]
Teresa K. Harrold, Esquire, FirstEnergy Service Company [w/encl.]
Bradley S. Tupi and Ann Marie Clyne [w/att]

January 22, 2020

Via Electronic and First-Class mail

The Honorable Mark A. Hoyer
PA Public Utility Commission
Piatt Place, Suite 220
301 Fifth Avenue
Pittsburgh, PA 15222
mhoyer@pa.gov

**Re: Docket No. C-2019-3013785
Bradley S. Tupi and Ann Marie Clyne v. West Penn Power Company
Answer of West Penn to “Motion to Compel” of the Complainants**

Dear Judge Hoyer:

On January 15, 2020, I received an email from Bradley S. Tupi and Ann Marie Clyne (Complainants) containing a document entitled “Complainants’ Motion to Overrule Objections and Compel Responses to Second Set of Discovery Requests Directed to Respondent” (Motion). The document was not accompanied by a cover letter indicating when and the method the document was filed with the Commission. The document also lacked the required Notice to Plead and the email service was not followed up with service *via* First Class Mail. The Motion is not listed on the Commission’s docket for the above-referenced proceeding.

Despite the procedural deficiency, West Penn Power Company (West Penn) files this Letter in answer to the Motion.

The requested relief in the Motion can be categorized into three distinct groups: (1) moot; (2) requested document is publicly available and (3) requested information seeks confidential customer information.

Moot

The request to compel responses to questions 1-14, 16-19, 21-30, and 32-34, is moot. The responses to those questions were timely served on the Complainants today. The Cover letter and Certificate of Service were efiled with the Commission as required. A copy of the efiled Letter and COS with receipt of filing is provided as Attachment 1. The Complainants’ request to compel responses for the identified questions should be denied as moot.

The Hon. Mark A, Hoyer

Re: Answer of West Penn to “Motion to Compel” of the Complainants

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Publicly Available Documents

The request to compel responses to questions 15, 20 and 31 is burdensome to West Penn given that the documents requested are publicly available on the Commission’s website. In its Objections, West Penn provided the Commission link and the specific docket number for each requested publicly available document. West Penn has complied in good faith and has responded to questions 15, 20 and 31. The Complainants’ request to compel responses for the identified questions should be denied since the documents requested are publicly available and the specific docket number for the requested document was provided.

Confidential Information

The request to compel responses to questions 35-36 should be denied as the requested information seeks customer information that West Penn has an absolute obligation to protect and keep confidential. See, 52 Pa. Code § 56.11(8),¹ 52 Pa. Code § 56.32(c).² The Complainants have no legal right to the requested information. West Penn’s position is consistent with Commission precedent that a failure to maintain the integrity of a customer’s personal and sensitive information violates Section 1501 of the Code.³ See *Daniel C. Matesic v Duquesne Light Company*, Docket No. C-2014-2438493, (Opinion and Order entered July 2, 2015). Furthermore, the Commission recently revised Chapter 56 regulations⁴ so the same critical protections are now applicable to customers with a Protection from Abuse Order.⁵

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM

cc: Teresa K. Harrold, Esquire, FirstEnergy Service Company [w/encl.]
Bradley S. Tupi and Ann Marie Clyne [w/encl.]

¹ Requires the utility to employ all reasonable measures to protect customer information from unauthorized disclosure and to prevent access to customer account records by persons who are not properly authorized to have access.

² Obligates public utilities to take all appropriate actions needed to ensure the privacy and confidentiality of identification information provided by their applicants and customers.

³ 66 Pa.C.S.A. § 1501.

⁴ Docket No. L-2015-2508421, Final Rulemaking Order entered February 28, 2019.

⁵ 52 Pa. Code § § 56.261(8) and 56.275.

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Letter Answer to Complainants' Motion to Compel**

Attachment 1

Efiled COS for Set 2 Responses

January 22, 2010

Via Electronic and First-Class mail

Bradley S. Tupi
Ann Marie Clyne
1470 Redfern Drive
Pittsburgh, PA 15241
bradtupi@gmail.com

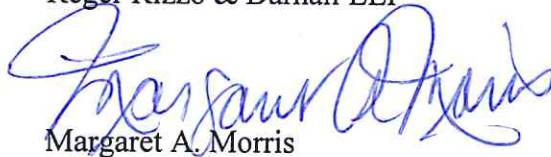
**Re: Docket No. C-2019-3013785
Bradley S. Tupi and Ann Marie Clyne v. West Penn Power Company
West Penn's Responses to Interrogatories- Second set**

Dear Mr. Tupi and Ms. Clyne:

Attached please find the Responses of West Penn Power Company to Bradley S. Tupi and Ann Marie Clyne Interrogatories-Second Set in the above referenced proceeding as indicated on the attached Certificate of Service. If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/lam
Enclosures

cc: The Honorable Mark Hoyer PA Public Utility Commission [Cover & COS only]
Rosemary Chiavetta, Esquire, PA Public Utility Commission [Cover & COS only]
Teresa K. Harrold, Esquire, FirstEnergy Service Company [w/encl.]



PENNSYLVANIA

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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.

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eFiling Confirmation	
Docket Number:	C-2019-3013785
Description:	Bradley Tupi and Ann Marie Clyne vs. West Penn Power Company.
Transmission Date:	1/22/2020 12:35:48 PM
Filed On:	1/22/2020 12:35:48 PM
eFiling Confirmation Number:	1836044

Uploaded File List

File Name	Document Class	Document Type
Tupi Responses to Second set COS.pdf	Other Filing	Certificate of Service

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

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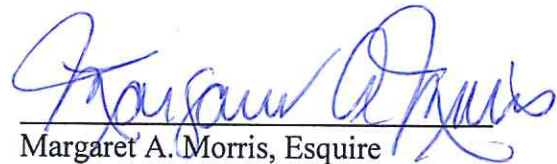
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

Via Electronic and First-Class Mail

Bradley S. Tupi
Ann Marie Clyne
1470 Redfern Drive
Pittsburgh, PA 15241
bradtupi@gmail.com

Dated: January 22, 2020


Margaret A. Morris, Esquire

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Bradley S. Tupi
Ann Marie Clyne
1470 Redfern Drive
Pittsburgh, PA 15241
bradtupi@gmail.com

Dated: January 22, 2020



Margaret A. Morris, Esquire