

**VIA ELECTRONIC FILING**

January 24, 2020

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

**Petition for Interlocutory Commission Review  
and Answer to a Material Question: 52 PA Code § 5.302**

(Eugene J. Bazan v. West Penn Power Company, Docket # C-2017-2640338)

Dear Secretary Chiavetta:

During a second prehearing conference held on Wednesday January 22, 2020, ALJ Jeffrey Watson ordered that all documents which parties wish to present for Judicial Notice be submitted in their entireties and properly authenticated by January 29, 2020.

We had planned to submit documents reflecting the legislative history of Act 129. These documents would include Printers Numbers (PNs) of HB 2200 stored on the Pennsylvania General Assembly Bill Information – History website. The particular page in question is here: [https://www.legis.state.pa.us/cfdocs/billinfo/bill\\_history.cfm?syearch=2007&ind=0&body=H&type=B&bn=2200](https://www.legis.state.pa.us/cfdocs/billinfo/bill_history.cfm?syearch=2007&ind=0&body=H&type=B&bn=2200)

We have determined that sometime between March 2019 and December 2019, at least two of these documents had become corrupted and no longer are true.

This corruption may reflect criminal activity, but that is not for us to investigate. The corruption may also extend to other pages on this website. We cannot now present, in our case, correct information on the history and legislative intent of Act 129, to support our case.

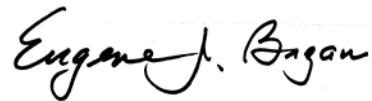
The material question is as follows: What direction will the Commission give ALJ Watson and the parties involved to enable us to proceed with the presentation of the history and legislative intent of Act 129?

As a remedy, we propose a stay on our proceeding until the authenticity of the legislative website can be affirmed, and documents returned to their original and true state. Since there are other complainants also using this particular page and PNs for their proceedings, a stay would benefit not just the present complainant, but others.

The plain English meaning of Act 129 is at the core of almost every smart meter Formal Complaint now before the PUC and the Commonwealth Court. This plain English meaning has been obscured by the PUC Implementation Order of 2009 which insinuates “legislative intent” as a vehicle for transforming the Act as written into one mandating universal deployment. As a complainant, I require this review to prevent substantial prejudice against me, and to protect my rights in due process of law in this present proceeding.

§ 5.302 (b) invites parties, within 10 days of service, to “submit a brief directed to the Commission supporting or opposing the petition and addressing the merits of the question for which an answer is requested and whether a stay of proceedings is required to protect the substantial rights of a party. The brief may not exceed 15 pages.”

Sincerely,

A handwritten signature in black ink that reads "Eugene J. Bazan". The signature is written in a cursive, flowing style.

Eugene J. Bazan,  
Complainant

## CERTIFICATE OF SERVICE

I certify that I have this day sent my letter dated January 24, 2020, **Petition for Interlocutory Commission Review and Answer to a Material Question: 52 PA Code § 5.302** to you, Secretary Chiavetta, and to the persons listed below:

Service of this present letter by fax and First Class Mail, return receipt requested, to the person listed below:

Jeffrey A. Watson, ALJ  
Office of Administrative Law Judge  
301 Fifth Ave., Suite 220, Piatt Place  
Pittsburgh, PA 15222  
Fax: 412-565-5692


Emailed and sent by First Class Mail to:

Tori Giesler, Attorney & Counsel  
First Energy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
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tgiesler@firstenergycorp.com

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January 24, 2020



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Docket No. C-2017-2640338