

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

February 19, 2020

VIA ELECTRONIC FILING

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

Re: Eugene J. Bazan v. West Penn Power Company
Docket No. C-2017-2640338

Dear Secretary Chiavetta:

Enclosed please find the Answer of West Penn Power Company to the Motion for Continuance with regard to the above-captioned matter.

Please contact me if you have any questions regarding this matter.

Very truly yours,



Tori L. Giesler

kbw
Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Eugene J. Bazan,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2017-2640338
	:	
West Penn Power Company,	:	
	:	
Respondent.	:	

**ANSWER OF WEST PENN POWER COMPANY TO THE
MOTION FOR CONTINUANCE FILED BY
EUGENE J. BAZAN ON FEBRUARY 10, 2020**

TO ADMINISTRATIVE LAW JUDGE JEFFREY A. WATSON:

Pursuant to 52 Pa. Code § 5.61, West Penn Power Company (“West Penn” or the “Company”) hereby files this Answer to Eugene J. Bazan’s Motion for Continuance (“Motion for Continuance” or “Motion”), which was filed on February 10, 2020, in the above-captioned proceeding. This Motion for Continuance is the latest in a series of requests by the Complainant to delay the evidentiary hearings in this matter.

As explained herein, West Penn opposes the Complainant’s most recent Motion for Continuance and respectfully requests that hearings in this matter not be further delayed. This proceeding was initiated 26 months ago in December 2017. For several months, both the Complainant and West Penn have been prepared to present their cases. In fact, the parties finished exchanging pre-served written testimony and exhibits approximately four months ago in October 2019. Yet, the Complainant continues to make baseless requests for continuances.

Nothing presented in the Complainant’s latest Motion for Continuance warrants any further delays of the hearings. As explained herein, the Complainant’s assertion that his attorney

needs more time to prepare for this case and oral arguments in upcoming Commonwealth Court appeals is completely without merit. The Complainant's attorney will have had approximately one month to prepare for hearings in this case and several months to prepare for oral argument in *Paul v. PUC*.

In addition, the Complainant erroneously asserts that his attorney will be presenting oral argument in *Povacz v. PUC*. The Complainant's attorney represents an *amicus curiae* in that appeal, not any of the petitioners. Under Pennsylvania Appellate Rules, an *amicus curiae* cannot present oral argument except upon "application" and "for extraordinary reasons." Pa.R.A.P. 531(c). Nothing in the *Povacz v. PUC* docket indicates that the Complainant's attorney even filed such an application. Therefore, she does not need to prepare for that oral argument.

Moreover, the Complainant wholly fails to provide details about which of his witnesses, if any, actually has a conflict with the March 10, 2020 hearing date. Further, even if the witness(es) have conflicts, the Complainant fails to mention how he expressed a preference that the second day of hearings take place on March 10 or 12, 2020, back in November 2019. Lastly, the Complainant's reliance on smart meter appeals being stayed pending the Commonwealth Court's disposition of *Povacz v. PUC* lacks merit.

For these reasons, and as explained in more detail below, the evidentiary hearings should finally be held in this proceeding as currently scheduled on March 10, 2020, and on two of the following dates listed in the February 5, 2020 Interim Order: March 9, 13, 16, and 20 and April 1, 2020, with a preference for March 9 and April 1, 2020.

In support of its Answer, West Penn states as follows:

I. INTRODUCTION

1. This case has a long and complex history since West Penn was originally served on December 29, 2017, with the Complainant's Formal Complaint.

2. On January 27, 2020, the Complainant filed an Emergency Motion for Continuance to Obtain Legal Representation, requesting that Administrative Law Judge Jeffrey A. Watson (“ALJ”) grant a two-month continuance so that the Complainant could obtain legal representation.

3. On February 3, 2020, the ALJ issued an Interim Order denying the Complainant’s January 27, 2020 Motion for Continuance.

4. Also on February 3, 2020, the Complainant, through his counsel, filed a Notice of Appearance and Emergency Motion for Continuance, which requested a three-month continuance. In that pleading, the Complainant asserted that his attorney had “prior commitments” for the February 7 and March 10, 2020 hearings and that she needed time “to come up to speed on Mr. Bazan’s case.”

5. On February 5, 2020, the ALJ issued an Interim Order granting in part and denying in part the Complainant’s February 3, 2020 Motion for Continuance. Under that Interim Order, the February 7, 2020 hearing was canceled. However, the Complainant’s request to continue the March 10, 2020 hearing was denied. The Interim Order further directed the parties to consult each other on their availability for hearings on at least two of the following dates: March 2, 5, 6, 9, 11, 13, 16, 18, 19, 20, 23, and 25, 2020; and April 1 and 2, 2020. On or before February 12, 2020, the parties were directed to file a joint letter or status report identifying at least two of those aforementioned dates for additional hearings.

6. On February 10, 2020, the Complainant filed another Emergency Motion for Continuance, requesting a three-month continuance of this proceeding. In this Motion, the Complainant argued, among other things, that: (1) the Complainant’s attorney needs more time to prepare for this case; (2) at least one of the Complainant’s witnesses will be out of the country

for the month of March 2020; (3) the Complainant's attorney needs more time to prepare for an oral argument in *Povacz v. PUC*¹ before the Commonwealth Court on March 18, 2020; (4) the Complainant's attorney received notice that oral argument may be scheduled in March or April 2020 in *Paul v. PUC*² before the Commonwealth Court; and (5) the Commonwealth Court has been staying the proceedings in smart meter-related appeals pending its disposition of *Povacz v. PUC*. (Motion ¶¶ 1-9.)

7. On February 12, 2020, West Penn filed its Status Report in compliance with the February 5, 2020 Interim Order. Therein, West Penn explained that it was available for additional hearings on the following dates: March 9, 13, 16, and 20, and April 1, 2020, with a preference for March 9 and April 1, 2020. The Complainant filed his status report later on February 12, 2020.

8. West Penn herein submits this Answer in opposition to the Complainant's February 10, 2020 Motion for Continuance.

II. ANSWER TO THE COMPLAINANT'S FEBRUARY 10, 2020 MOTION FOR CONTINUANCE

9. The Complainant's latest Motion for Continuance should be denied.

10. The Complainant's February 10, 2020 Motion for Continuance is the most recent in a series of continuance requests made by the Complainant.

11. Nothing in the Complainant's latest Motion warrants any further delays of the evidentiary hearings in this matter.

¹ The *Povacz v. PUC* matter consists of three consolidated appeals. They are: (1) *Povacz v. PUC*, No. 492 C.D. 2019; (2) *Murphy v. PUC*, No. 606 C.D. 2019; and (3) *Randall, et al. v. PUC*, No. 607 C.D. 2019. The petitioners in those appeals are all represented by the same attorneys, *i.e.*, Stephen G. Harvey and Michael E. Gehring of Steve Harvey Law LLC. As explained herein, the Complainant's attorney is not representing any of the petitioners in the *Povacz v. PUC* matter.

² *Paul v. PUC*, No. 460 C.D. 2019.

12. First, the Complainant's attorney has more than enough time to prepare for the hearings in this case.

13. The Complainant's attorney entered her appearance on February 3, 2020. Because the February 7, 2020 hearing was canceled, the Complainant's attorney will have had approximately one month to prepare for the first day of hearings.

14. One month is more than enough time for the Complainant's attorney to prepare for hearings in this case, especially given that: (1) the parties exchanged pre-served written testimony and exhibits; and (2) the Complainant's attorney is well-versed with the issues involving smart meters due to her participation in the *Povacz v. PUC* and *Paul v. PUC* cases, both of which involve challenges to PECO Energy Company's ("PECO") smart meter installations.

15. Second, the Complainant alleges that "at least one of the witnesses he was relying on to testify in this matter will be out of the country for the entire month of March." (Motion ¶ 2.)

16. However, the Complainant fails to identify which of his witnesses will purportedly be out of the country and does not provide any other details about where the witness(es) will be or when those travel arrangements were made.

17. Moreover, on November 15, 2019, the Complainant himself emailed West Penn's counsel and stated that he preferred March 10 or 12, 2020, for the second day of hearings. Now, the Complainant contends that one or more of his witnesses will be unavailable in the entire month of March. If any of his witnesses will be unavailable in March 2020, it is the Complainant's own fault for not consulting with his witnesses back in November 2019 and

ensuring that they would be available before he stated that his preference would be to schedule a second day of hearings on March 10 or 12, 2020.

18. Third, the Complainant's assertions that his attorney needs time to prepare for the oral arguments in *Povacz v. PUC* and *Paul v. PUC* and that the additional hearing dates may conflict with oral argument in *Paul v. PUC* completely lack merit.

19. The Complainant's attorney filed an *Amicus Curiae* Brief on behalf of Friends of Merrymeeting Bay in *Povacz v. PUC*. Under the Pennsylvania Appellate Rules, an *amicus curiae* can only present oral argument upon "application" and "only for extraordinary reasons." Pa.R.A.P. 531(c).

20. Based on West Penn's review of the *Povacz v. PUC* docket,³ no such application to present oral argument has been filed by Friends of Merrymeeting Bay. Thus, the Complainant's attorney will not be presenting oral argument in the *Povacz v. PUC* proceeding and, as a result, does not need time to prepare for that oral argument.

21. As for the *Paul v. PUC* proceeding, the Complainant's attorney is one of the attorneys representing the petitioner and will be able to present oral argument.

22. However, the Petition for Review in *Paul v. PUC* was originally filed on April 16, 2019, and briefing concluded on December 5, 2019, when the petitioner filed her Reply Brief.

23. Importantly, it appears that the Commonwealth Court set April 2020 as the tentative session date for that oral argument, not March or April as alleged by the Complainant.⁴ (*Compare* Motion ¶ 6, *with* Attachment B, p. 5.)

³ A true and correct copy of the docket sheet for *Povacz v. PUC* is attached hereto as **Attachment A**.

⁴ A true and correct copy of the docket sheet for *Paul v. PUC* is attached hereto as **Attachment B**.

24. Therefore, the Complainant's attorney has already had over three months to prepare for oral argument in *Paul v. PUC*. And by the time that oral argument is actually held, she will have had approximately five months to prepare.

25. In addition, the likelihood that the *Paul v. PUC* oral argument will be scheduled on the same day as any of the hearings in this case is exceptionally low. As explained previously, the tentative session date for oral argument in *Paul v. PUC* is April 2020. However, the only April 2020 dates listed in the February 5, 2020 Interim Order were April 1 and 2, 2020.

26. Fourth, the Complainant's reliance on smart meter appeals being stayed pending the Commonwealth Court's disposition of *Povacz v. PUC* is misplaced.

27. Oral argument in the *Povacz v. PUC* matter is scheduled for oral argument *en banc* on March 18, 2020. (See Attachment A, pp. 9-10.)

28. By the time the Court issues its decision in *Povacz*, it is unlikely that the Commission will have issued its final order in this case.

29. Further, there is no guarantee that the Court's decision in *Povacz* will be controlling of some or all of the issues in this case.

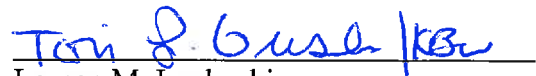
30. Thus, the hearings in this proceeding, which was initiated over 26 months ago, should not be further delayed.

31. Based on the foregoing, the Complainant's latest Motion for Continuance should be denied.

III. CONCLUSION

For the reasons set forth above, Eugene J. Bazan's latest Motion for Continuance should be denied, the March 10, 2020 hearing should be held as scheduled, and additional hearings should be scheduled on two of the following dates: March 9, 13, 16, and 20 and April 1, 2020, with a preference for March 9 and April 1, 2020.

Respectfully submitted,



Lauren M. Lepkoski
Attorney No. 94800
Tori L. Giesler
Attorney No. 207742
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001
(610) 921-6203
(610) 921-6658
llepkoski@firstenergycorp.com
tgiesler@firstenergycorp.com

Date: February 19, 2020

Attorneys for West Penn Power Company

ATTACHMENT A

**Commonwealth Court's Docket Sheet for
Povacz, et al. v. PUC,
Nos. 492 C.D. 2019, *et al.***

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 492 CD 2019

Page 1 of 10

February 17, 2020



CAPTION

Maria Povacz,
Petitioner

v.

Pennsylvania Public Utility
Commission,
Respondent

CASE INFORMATION

Initiating Document: Petition for Review

Case Status: Active

Case Processing Status: February 7, 2020 Awaiting Consideration

Journal Number: 32-03-2020

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
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:

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 492 CD 2019

Page 2 of 10

February 17, 2020



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
 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:

Petitioner Murphy, Laura Sunstein

Pro Se: No

IFP Status:

Attorney: Harvey, Stephen G.
 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:

Petitioner Albrecht, Paul

Pro Se: No

IFP Status:

Attorney: Harvey, Stephen G.
 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:

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 492 CD 2019**Page 3 of 10****February 17, 2020****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:

Respondent Public Utility Commission

Pro Se: No

IFP Status:

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: 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: 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:

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:

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 492 CD 2019

Page 4 of 10



February 17, 2020

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

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		Intervenor	
Friends of Merrymeeting Bay		PECO Energy Company	
Brief		Brief	
Due: September 17, 2019	Filed: September 13, 2019	Due: November 19, 2019	Filed: November 19, 2019
Petitioner		Respondent	
Albrecht, Paul		Public Utility Commission	
Reply Brief		Brief	
Due: December 24, 2019	Filed: December 24, 2019	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

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 492 CD 2019

Page 5 of 10



February 17, 2020

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
April 26, 2019	Petition for Review Filed Povacz, Maria Murphy, Laura Sunstein Randall, Cynthia Albrecht, Paul		Petitioner Petitioner Petitioner Petitioner	
April 29, 2019	Notice Exited Commonwealth Court Filing Office			04/29/2019
April 29, 2019	Notice of Intervention Smith, Ward Lowell	PECO Energy Company	Intervenor	
May 10, 2019	Docketing Statement Filed Harvey, Stephen G.	Povacz, Maria	Petitioner	
May 10, 2019	Filed - Other Harvey, Stephen G. Document Name: Statement of Issues to docketing statement	Povacz, Maria	Petitioner	
May 10, 2019	Filed - Other Harvey, Stephen G. Document Name: PUC Opinion and Order to docketing statment	Povacz, Maria	Petitioner	
May 15, 2019	Docketing Statement Filed Harvey, Stephen G.	Povacz, Maria	Petitioner	
May 28, 2019	Entry of Appearance Wiedt, Patricia Timmerman	Public Utility Commission	Respondent	
May 28, 2019	Entry of Appearance Young, Robert Frank	Public Utility Commission	Respondent	
May 28, 2019	Application for Consolidation Harvey, Stephen G. Document Name: Stipulation for Consolidation of Multiple Appeals	Povacz, Maria	Petitioner	
May 31, 2019	Order Granting Application for Consolidation Ceisler, Ellen Document Name: NOW, May 31, 2019, upon review of the parties' "Stipulation for 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
June 3, 2019	Consolidated - Same Issue(s) Commonwealth Court			
June 5, 2019	Agency Record Received Wiedt, Patricia Timmerman Document Name: Additional Filings on 1-9-20	Public Utility Commission	Respondent	
July 1, 2019	Briefing Schedule Issued Commonwealth Court Filing Office			

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 492 CD 2019

Page 6 of 10

February 17, 2020



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
July 3, 2019	Entry of Appearance Gehring, Michael E.	Povacz, Maria	Petitioner	
July 10, 2019	Application for Relief Smith, Ward Lowell Document Name: Joint Application to Modify Briefing Schedule	PECO Energy Company	Intervenor	
July 12, 2019	Order Granting Application for Relief Wojcik, Michael H. 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.			07/15/2019
September 3, 2019	Filed - Other Harvey, Stephen G. Harvey, Stephen G. Harvey, Stephen G. Harvey, Stephen G. Smith, Ward Lowell Wiedt, Patricia Timmerman Document Name: Joint Application to Modify Word Count Requirement	Povacz, Maria Murphy, Laura Sunstein Randall, Cynthia Albrecht, Paul PECO Energy Company Public Utility Commission	Petitioner Petitioner Petitioner Petitioner Intervenor Respondent	
September 5, 2019	Order Filed Cohn Jubelirer, Renee 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.			09/06/2019
September 6, 2019	Application to Amend Harvey, Stephen G. Harvey, Stephen G. Harvey, Stephen G. Harvey, Stephen G. Document Name: Joint Application to Further Modify Briefing Schedule	Povacz, Maria Murphy, Laura Sunstein Randall, Cynthia Albrecht, Paul	Petitioner Petitioner Petitioner Petitioner	
September 9, 2019	Order Granting Application to Amend Wojcik, Michael H. 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.			09/10/2019

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 492 CD 2019

Page 7 of 10

February 17, 2020



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 13, 2019	Amicus Curiae Brief Lewis, Tracey Sneed Document Name: In support of PFR	Friends of Merrymeeting Bay	Amicus Curiae	
September 17, 2019	Petitioner's Brief Filed Povacz, Maria		Petitioner	
September 17, 2019	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	
September 25, 2019	Entry of Appearance Tran, Tiffany Loananh	Public Utility Commission	Respondent	
September 25, 2019	Application to Strike Tran, Tiffany Loananh Smith, Ward Lowell Wiedt, Patricia Timmerman Young, Robert Frank Hicks, Renardo Lee Document Name: Jt. Motion of Resps' PUC and PECO Energy to Strike the Amicus Brief of Friends of Merrymeeting Bay	Public Utility Commission PECO Energy Company Public Utility Commission Public Utility Commission Public Utility Commission	Respondent Intervenor Respondent Respondent Respondent	
September 26, 2019	Amended Tran, Tiffany Loananh Hicks, Renardo Lee Smith, Ward Lowell Wiedt, Patricia Timmerman Young, Robert Frank Document Name: Joint Motion of Respondent PUC and Intervenor PECO Energy Co. to Strike the Amicus Curiae Brief of Comment: Friends of MerryMeeting Bay	Public Utility Commission Public Utility Commission PECO Energy Company Public Utility Commission Public Utility Commission	Respondent Respondent Intervenor Respondent Respondent	
October 23, 2019	Order Filed Covey, Anne E. Document Name: Upon consideration of the Amended Joint Motion of Respondent Pennsylvania Public Utility Comment: 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.			10/24/2019

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 492 CD 2019

Page 8 of 10

February 17, 2020



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
November 18, 2019	Entry of Appearance McDewell, Christian Alan Document Name: On behalf of PUC	Public Utility Commission	Respondent	
November 19, 2019	Respondent's Brief Filed Wiedt, Patricia Timmerman	Public Utility Commission	Respondent	
November 19, 2019	Intervenor's Brief PECO Energy Company		Intervenor	
December 13, 2019	Application for Relief Harvey, Stephen G. Harvey, Stephen G. Harvey, Stephen G. Harvey, Stephen G. Smith, Ward Lowell Document Name: Joint Application to Further Modify Briefing Schedule	Randall, Cynthia Albrecht, Paul Povacz, Maria Murphy, Laura Sunstein PECO Energy Company	Petitioner Petitioner Petitioner Petitioner Intervenor	
December 17, 2019	Order Filed Leavitt, Mary Hannah 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.			12/17/2019
December 20, 2019	Tentative Session Date Kimmel, Michael Document Name: March 2020 (Philadelphia)			
December 24, 2019	Petitioner's Reply Brief Filed Povacz, Maria Murphy, Laura Sunstein Randall, Cynthia Albrecht, Paul		Petitioner Petitioner Petitioner Petitioner	
January 9, 2020	Notice Public Utility Commission Document Name: Rule 2501(b) Notice re: Status of Cited Authority		Respondent	
January 15, 2020	Order Filed Leavitt, Mary Hannah 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.			01/16/2020

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 492 CD 2019

Page 9 of 10

February 17, 2020



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
January 23, 2020	Application to Strike Harvey, Stephen G. Harvey, Stephen G. Harvey, Stephen G. Harvey, Stephen G. Gehring, Michael E. Gehring, Michael E. Gehring, Michael E. Gehring, Michael E.	Povacz, Maria Murphy, Laura Sunstein Randall, Cynthia Albrecht, Paul Povacz, Maria Albrecht, Paul Randall, Cynthia Murphy, Laura Sunstein	Petitioner Petitioner Petitioner Petitioner Petitioner Petitioner Petitioner Petitioner	
Document Name: Petitioners' Application for Motion to Strike the Notice Filed by Respondent on January 9, 2020				
January 24, 2020	Order Filed Brobson, P. Kevin			01/27/2020
Document Name: NOW, January 24, 2020, upon review, Respondent Pennsylvania				
Comment: Public Utility Commission's Notice pursuant to Pa.R.A.P. 2501(b) (regarding status of a cited authority) and Petitioners' Motion to Strike Notice, and any response thereto, shall be submitted with the merits of the appeal.				
February 3, 2020	Praecepte for Withdrawal of Appearance Young, Robert Frank	Public Utility Commission	Respondent	
February 6, 2020	Answer to Application to Strike Tran, Tiffany Loananh Hicks, Renardo Lee McDewell, Christian Alan Wiedt, Patricia Timmerman	Public Utility Commission Public Utility Commission Public Utility Commission Public Utility Commission	Respondent Respondent Respondent Respondent	
Document Name: Answer of Respondent Pennsylvania Public Utility Commission to Petitioners' Motion to Strike				
February 6, 2020	Answer to Application to Strike Smith, Ward Lowell	PECO Energy Company	Intervenor	
Document Name: Answer of Intervenor Peco Energy Company to Petitioners' App. for Motion to Strike the				
Comment: Commission's Rule 2501(B) Notice.				
February 7, 2020	Argument Scheduled Krimmel, Michael			02/07/2020
Document Name: Wednesday, March 18, 2020 at 9:30 A.M.				
Comment: Before the Court en banc sitting in Court Room No. 1 Ninth Floor, Widener Building, 1339 Chestnut Street One South Penn Square, Philadelphia, PA 19107 This case is No. 32 on the list of cases to be argued.				
February 12, 2020	Praecepte for Withdrawal of Appearance Hicks, Renardo Lee	Public Utility Commission	Respondent	

11:56 A.M.

Commonwealth Docket Sheet

Docket Number: 492 CD 2019

Page 10 of 10

February 17, 2020

Commonwealth Court of Pennsylvania



SESSION INFORMATION

Journal Number: 32-03-2020
Consideration Type: En Banc Argument
Listed/Submitted Date: March 18, 2020

ATTACHMENT B

**Commonwealth Court's Docket Sheet for
Paul v. PUC,
No. 460 C.D. 2019**

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 460 CD 2019

Page 1 of 5

February 17, 2020



CAPTION

Mary Paul,
Petitioner

v.

Pennsylvania Public Utility Commission,
Respondent

CASE INFORMATION

Initiating Document: Pro Se / Defective Communication

Case Status: Active

Case Processing Status: November 7, 2019 Awaiting Consideration

Journal Number:

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

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Paul, Mary E.

Pro Se: No

IFP Status:

Attorney: Moore, Reizdan B.
Address: Reizdan B Moore LLC
3544 N Progress Ave Ste 108
Harrisburg, PA 17110
Phone No: (717) 409-8336 Fax No:

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:

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 460 CD 2019

Page 2 of 5

February 17, 2020



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:	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
03/15/2019	Pro Se Letter Received	90.25	04/22/2019	2019-CMW-H-000845	90.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From:	March 14, 2019	Notice of Appeal Filed:
Order Type:	Decision	
Documents Received:	April 16, 2019	

Court Below:	Public Utility Commission	Division:	Public Utility Commission
County:		OTN:	
Judge:		Judicial District:	
Docket Number:	C-2015-2475355		

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
Agency Record	May 29, 2019	

Date of Remand of Record:

BRIEFING SCHEDULE

Petitioner		Intervenor	
Paul, Mary E.		PECO Energy Company	
Brief		Brief	
Due: August 7, 2019	Filed: September 14, 2019	Due: November 7, 2019	Filed: November 6, 2019
Reply Brief		Respondent	

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 460 CD 2019

Page 3 of 5

February 17, 2020



BRIEFING SCHEDULE

Petitioner

Paul, Mary E.

Reply Brief

Due:

Filed: December 5, 2019

Respondent

Public Utility Commission

Brief

Due: November 7, 2019

Filed: November 7, 2019

Reproduced Record

Due: August 7, 2019

Filed: August 15, 2019

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
March 15, 2019	Pro Se Letter Received Paul, Mary E.		Petitioner	
March 19, 2019	Pro Se Letter on How to Appeal Exited Commonwealth Court Filing Office			03/19/2019
April 16, 2019	Ancillary Petition for Review Filed Paul, Mary E.		Petitioner	
April 22, 2019	Transferred Case Commonwealth Court Document Name: Case was transferred from 157 XX 2019 Comment: Case was transferred from 157 XX 2019			04/22/2019
April 23, 2019	Notice of Intervention Smith, Ward Lowell		Intervenor	
April 24, 2019	Notice Exited Commonwealth Court Filing Office			04/24/2019
May 20, 2019	Entry of Appearance Wiedt, Patricia Timmerman	Public Utility Commission	Respondent	
May 20, 2019	Entry of Appearance Young, Robert Frank	Public Utility Commission	Respondent	
May 29, 2019	Agency Record Received Public Utility Commission Document Name: Certified List.			
May 29, 2019	Briefing Schedule Issued Commonwealth Court Filing Office			
June 12, 2019	Application for Relief Wiedt, Patricia Timmerman Pankiw, Bohdan R. Young, Robert Frank	Public Utility Commission Public Utility Commission Public Utility Commission	Respondent Respondent Respondent	
	Document Name: Joint Application to Modify Briefing Schedule			

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 460 CD 2019

Page 4 of 5

February 17, 2020



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
June 14, 2019	Order Granting Application for Relief Fizzano Cannon, Christine			06/17/2019
	Document Name: upon consideration of the joint application to modify briefing schedule filed by Mary E. Paul			
	Comment: (Petitioner), the Pennsylvania Public Utility Commission (Respondent), and PECO Energy Company (Intervenor), the joint application is GRANTED and the briefing schedule issued May 29, 2019 is VACATED.			
	The briefing schedule shall be as follows:			
	1. Petitioner shall file and serve its brief (4 copies) and the reproduced record (4 copies) on or before August 7, 2019.			
	2. Respondent and Intervenor shall file and serve their briefs (4 copies) on or before October 7, 2019.			
	3. Petitioner's reply brief (4 copies), if any, shall be filed and served on or before November 6, 2019.			
	No further extensions will be granted absent extraordinary circumstances.			
August 7, 2019	Petitioner's Brief Filed Paul, Mary E.		Petitioner	
	Comment: Brief refiled with table auth. and exhibits			
August 15, 2019	Petitioner's Reproduced Record Filed Paul, Mary E.		Petitioner	
September 14, 2019	Entry of Appearance Moore, Reizdan B.	Paul, Mary E.	Petitioner	
September 14, 2019	Petitioner's Amended Brief Filed Moore, Reizdan B.	Paul, Mary E.	Petitioner	
September 14, 2019	Application to Amend Moore, Reizdan B.	Paul, Mary E.	Petitioner	
September 16, 2019	Entry of Appearance Lewis, Tracey Sneed	Paul, Mary E.	Petitioner	
September 17, 2019	Entry of Appearance Tran, Tiffany Loananh	Public Utility Commission	Respondent	
September 18, 2019	Entry of Appearance Tran, Tiffany Loananh	Public Utility Commission	Respondent	
	Document Name: Corrected			

Commonwealth Docket Sheet

Commonwealth Court of Pennsylvania

Docket Number: 460 CD 2019

Page 5 of 5

February 17, 2020



DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
September 18, 2019	Order Filed Brobson, P. Kevin			09/19/2019
	Document Name: upon consideration of Petitioner's Application for Leave to File Amended Brief, it appearing that			
	Comment: Petitioner filed a Brief pro se but now has counsel who have entered their appearances on behalf of Petitioner and have prepared an Amended Brief, the Application is granted. The Prothonotary shall accept Petitioner's Amended Brief (4 copies) for filing as docketed on September 14, 2019. The briefing schedule is modified such that Respondent and Intervenor shall file and serve their briefs (4 copies) on or before November 7, 2019. Petitioner shall file and serve a Reply Brief (4 copies), if any, on or before December 5, 2019.			
September 18, 2019	Order Filed Brobson, P. Kevin			09/19/2019
	Document Name: AND NOW, this 18th day of September, 2019, it appearing that the Petitioner			
	Comment: has failed to file and serve a docketing statement as required by Section 501 of the Commonwealth Court Internal Operating Procedures, 210 Pa. Code § 69.501, the Petitioner is hereby ordered to file and serve a complete docketing statement with all attachments and a certificate of service in accordance with the instructions on the docketing statement form within 14 days of entry of this order or the above captioned matter will be dismissed as of course.			
September 19, 2019	Entry of Appearance Hicks, Renardo Lee	Public Utility Commission	Respondent	
October 1, 2019	Docketing Statement Filed Lewis, Tracey Sneed	Paul, Mary E.	Petitioner	
November 6, 2019	Intervenor's Brief Smith, Ward Lowell	PECO Energy Company	Intervenor	
November 7, 2019	Respondent's Brief Filed Wiedt, Patricia Timmerman	Public Utility Commission	Respondent	
December 5, 2019	Petitioner's Reply Brief Filed Paul, Mary E.		Petitioner	
January 2, 2020	Praecipe for Withdrawal of Appearance Pankiw, Bohdan R.	Public Utility Commission	Respondent	
January 22, 2020	Tentative Session Date Kimmel, Michael			
	Document Name: April 2020 (Harrisburg)			
February 3, 2020	Praecipe for Withdrawal of Appearance Young, Robert Frank	Public Utility Commission	Respondent	

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

EUGENE J. BAZAN

v.

WEST PENN POWER COMPANY

:
:
:
:
:

Docket No. C-2017-2640338

CERTIFICATE OF SERVICE

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

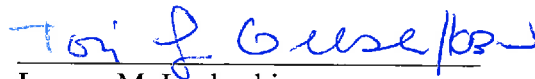
Service by electronic and First Class mail, postage prepaid, as follows:

Eugene J. Bazan
P.O. Box 24
Lemont, PA 16851
genebazan@aol.com

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

Tracey S. Lewis, Esquire
P.O. Box 60686
Harrisburg, PA 17106
tracey@tslewislaw.com

Dated: February 19, 2020



Lauren M. Lepkoski
Tori L. Giesler
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001
(610) 921-6203
(610) 921-6658
llepkoski@firstenergycorp.com
tgiesler@firstenergycorp.com

Counsel for West Penn Power Company