

200 Brook Hollow Road  
Mount Pleasant, PA 15666  
March 9, 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

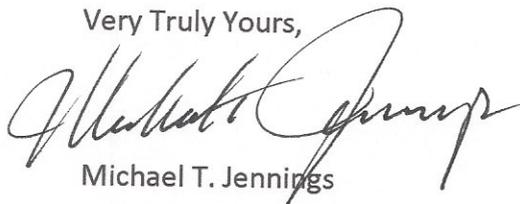
Re: Michael T. Jennings v. West Penn Power Company  
Docket No. C-2018-3006031

Dear Secretary Chiavetta,

Attached please find my **Motion to Compel Rebuttal Testimony of West Penn Power's Expert Witnesses** in the above-referenced matter. This document has been served on West Penn Power as shown in the Certificate of Service.

Please contact me if you have any questions.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Michael T. Jennings", written in a cursive style.

Michael T. Jennings

ssj  
Enclosures

CC: ALJ Watson  
Certificate of Service

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL T. JENNINGS

Complainant

v.

WEST PENN POWER COMPANY

Respondent

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Docket No. C-2018-3006031

**MOTION TO COMPEL  
REBUTTAL TESTIMONY FROM  
WEST PENN POWER'S EXPERTS**  
Filed on behalf of Complainant  
Michael T. Jennings, Pro Se

NOTICE TO PLEAD

To Respondent West Penn Power Company:

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that, if you do not file a written response to the enclosed **Motion to Compel Rebuttal Testimony of West Penn Power's Expert Witnesses** within 20 days of service of this notice, a decision may be rendered against you. Any Response to the Motion to Compel Rebuttal Testimony of West Penn Power's Experts must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to the Complainant and the Administrative Law Judge presiding over the issue.

Dated: March 9, 2020



Michael T. Jennings  
200 Brook Hollow Road  
Mount Pleasant, PA 15666  
724-613-4262  
[Lilmac2@zoominternet.net](mailto:Lilmac2@zoominternet.net)

**E-filed with:**

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

**E-filed and via first class mail:**

Administrative Law Judge Jeffrey A. Watson  
Pennsylvania Public Utility Commission  
301 5<sup>th</sup> Ave., Piatt Place, Suite 220  
Pittsburgh, PA 15222

**E-filed and e-mailed to:**

Lauren M. Lepkoski  
Tori Giesler  
FirstEnergy Service Company  
2800 Pottsville Pike, P.O. Box 16001  
Reading, Pennsylvania 19612-6001

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MICHAEL T. JENNINGS

v.

WEST PENN POWER COMPANY

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Docket No. C-2018-3006031

Motion to Compel Rebuttal Testimony from West Penn Power's Experts

March 9, 2020

**Pursuant to 52 Pa. Code § 5.103, Michael T. Jennings, Complainant, files this Motion to Compel Rebuttal Testimony from West Penn Power's Experts ("Motion to Compel"):**

1. In this Motion to Compel, Michael T. Jennings seeks an order requiring West Penn Power, Respondent, to pre-file rebuttal testimony its expert witnesses.
2. 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) to protect his 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.
3. On September 20, 2019, Complainant filed a Request for Entry of a Protective Order to ensure any medical information would be kept confidential.
4. 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.

5. On October 7, 2019, Complainant emailed and sent via first class mail a **second** copy of the Stipulated Protective Agreement to West Penn Power counsel for their review and signatures.
6. 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, as a last attempt to work this out. In the email, Complainant stated that if there were no response from WPP by November 17, 2019, Complainant would proceed with ALJ Watson's directions by submitting a request for a

protective order along with Complainant's Stipulated Protective Agreement for ALJ Watson to review. Neither Ms. Lepkoski nor Ms. Giesler had responded, acknowledged receipt, signed, or returned the agreement.

7. After sending my proposed Stipulated Protective Agreement for the third time, I finally received an email on October 17, 2019 from Kaitlyn B. Weidel containing a Petition for a Protective Order. The email also contained two erroneous statements, that, "*On October 4, 2019, in an effort to comply with ALJ Watson's directive in the Interim Order issued September 30, 2019, the Company sent a copy of the proposed protective order to the Complainant for his review...*" and that "*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...*"

8. The Complainant never received the proposed protective order that WPP stated it had sent on October 4 and therefore, had nothing upon which to comment.

9. The Complainant gave West Penn Power **three separate** opportunities to sign the Stipulated Protective Agreement, but they chose not to respond to the Complainant **at all**. West Penn Power chose to wait until the eleventh hour and file their Petition for Protective Order instead of conferring with Complainant.

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

11. On October 24, 2019, ALJ Watson entered a Protective Order in the above-referenced matter with an Acknowledgement form for both Parties to sign and file.

12. On November 4, 2019 Complainant received a letter from West Penn Power stating they would not be serving advance rebuttal testimony because Complainant had not filed his written direct testimonies. Clearly, Complainant was waiting on a signed protective agreement before sending medical information that Complainant wished to be kept confidential.

13. On November 5, 2019, Complainant filed his Signed Acknowledgement of Protective Order written by ALJ Watson, and also requested that WPP sign the same Acknowledgement.

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 A.**) 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, Complainant filed his testimony and the testimonies of his witnesses as there was a signed Protective Agreement in place.

**Please Note:** During this time, Complainant's 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, Complainant 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. Complainant and his wife 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. On December 29, 2019 Complainant entered his Status Report which was filed on December 30, 2019.

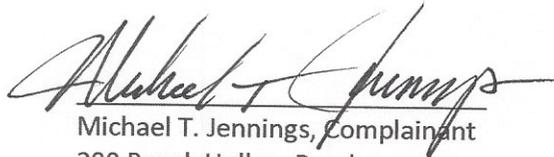
18. On December 31, 2019 I received an email from West Penn Power's Counsel containing their Status Report which was addressed to Secretary Chiavetta. Complainant suggests that West Penn Power finds themselves in this situation because they blatantly neglected to sign the Stipulated Protective Order Complainant 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.

19. At this time, the care required for my son is extremely intense (24/7) after being hospitalized for almost two weeks. This level of care is critical for his recovery and leaves little time for other things. My son's recovery is of utmost importance. The time I spend working with my son keeps me from focusing on my case as pro se. I am unsure of the length of time it will take for this rehabilitation process. Multiple therapies are scheduled each week for at least 60 days (and may continue after that time frame) and he will also have appointments outside the home.

**WHEREFORE**, Complainant, Michael T. Jennings, respectfully requests that the Presiding Administrative Law Judge grant his Motion to Compel Rebuttal Testimony from West Penn Power's Experts and require Respondent, West Penn Power, to provide said testimonies to Complainant, and that Complainant be granted **ample** time to work through the testimonies.

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

Respectfully Submitted,



Michael T. Jennings, Complainant  
200 Brook Hollow Road  
Mount Pleasant, PA 15666  
724-613-4262  
[Lilmac2@zoominternet.net](mailto:Lilmac2@zoominternet.net)

Dated: March 9, 2020

## APPENDIX A

**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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MICHAEL T. JENNINGS**

**v.**

**WEST PENN POWER COMPANY**

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**Docket No. C-2018-3006031**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of my **Motion to Compel Rebuttal Testimony of West Penn Power's Expert Witnesses** upon the individuals listed below, in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant.)

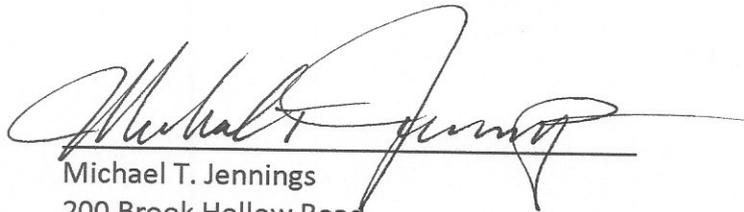
**Service by e-filing and email:**

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

Dated: March 9, 2020



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