

May 5, 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 to Honorable Mark A. Hoyer**

Dear Secretary Chiavetta:

Attached for filing, is the enclosed Letter of West Penn Power Company addressed to the Honorable Mark a. Hoyer in the above-captioned proceeding.

A copy of the Letter has been provided 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*  
Margaret A. Morris

MAM/mam  
Enclosure

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

**Re: Docket No. C-2019-3013785  
Bradley S. Tupi and Ann Marie Clyne v. West Penn Power Company  
Letter to Honorable Mark A. Hoyer**

**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 52 Pa. Code § 1.54 (relating to service by a participant).

**Via Electronic Mail**

Bradley S. Tupi  
Ann Marie Clyne  
[bradtupi@gmail.com](mailto:bradtupi@gmail.com)

Dated: May 5, 2020

Margaret A. Morris  
Margaret A. Morris, Esquire

May 5, 2020

**Via Electronic Mail**

The Honorable Mark A. Hoyer

[mhoyer@pa.gov](mailto:mhoyer@pa.gov)

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

Dear Judge Hoyer:

On May 2, 2020 at 12:15 p.m., I received an email from the Complainants advising that they had efiled with the Commission a document entitled "Reply to West Penn Power's Answer to Motion to Compel Discovery and Impose Sanctions (Reply)"<sup>1</sup>. The cover letter and Reply state that the filing was pursuant to 52 Pa. Code §§ 5.342(g), 5.349(d), 5.371 and 5.372.

A review of the Commission's regulations governing Formal Proceedings provides no provision that a moving party can file a "reply" to the answer to their motion. The cited regulations do not apply and certainly do not provide support for such a filing. I am unable to find any precedent where either the Commission or presiding judge has considered such a filing in ruling on a motion to compel.

West Penn respectfully request that similar treatment be given to the Reply. Please advise if a formal motion to strike should be filed. West Penn does not seek to create more filings that will necessitate an order being issued or which may delay the scheduled hearing in the matter.<sup>2</sup>

West Penn requests that if the Reply is considered, that it be provided the responsive timeframe to respond to the filing since no such timeframe for a "response/answer to the Reply" exists in Commission regulations.

A copy of this letter has been provided to the Complainants in the manner indicated on the enclosed Certificate of Service.

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<sup>1</sup> No receipt for the e filing was provided. The Complainants emailed documentation that the Reply was filed with the Commission on May 5, 2020..

<sup>2</sup> Pursuant to 52 Pa. Code § 5.103(c), a motion requires the necessary 20-day notice to plead.

The Hon. Mark A. Hoyer

**Re: Reply to Answer of West Penn to Complainants' Motion**

May 5, 2020

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If there are any questions, please feel free to contact me. Thank you in advance for any guidance you can provide.

Very truly yours,

Reger Rizzo & Darnall LLP

*Margaret A. Morris*

Margaret A. Morris

MAM/mam

cc: Teresa K. Harrold, Esquire, FirstEnergy Service Company  
Bradley S. Tupi and Ann Marie Clyne