

May 26, 2021

Via Electronic Filing

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

**Re: Docket No. C-2020-3023494
Gary and Deborah Reynolds v. West Penn Power Company
Unopposed Motion for Continuance of West Penn**

Dear Secretary Chiavetta:

Attached for filing is the Unopposed Motion of West Penn Power Company for a Continuance of the Initial Call-in Telephonic Hearing scheduled for Wednesday, June 2, 2021 at 10:00 am.

A copy of the Unopposed Motion for Continuance has been provided to the Complainants in the manner indicated on the enclosed Certificate of Service.

If there are any questions, please feel free to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/co
Enclosures

cc: The Hon. Katrina L. Dunderdale [w/encls.]
Tori Giesler, Esquire, FirstEnergy Service Company [w/encls.]
Gary and Deborah Reynolds [w/encls.]

**Re: Docket No. C-2020-3023494
Gary and Deborah Reynolds v. West Penn Power Company
Unopposed Motion for Continuance of West Penn**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following persons on the attached service list, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via Electronic Mail

Gary and Deborah Reynolds
greynold99@hotmail.com

Dated: May 26, 2021



Margaret A. Morris, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

GARY AND DEBORAH REYNOLDS	:	
	:	
v.	:	Docket No. C-2020-3023494
	:	
WEST PENN POWER COMPANY	:	

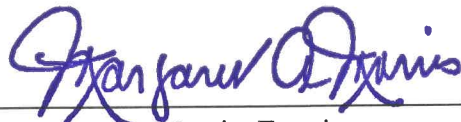
NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that if you do not file a written response answering the enclosed Motion for Continuance of West Penn Power Company within five (5) days from service of this notice, the facts set forth by West Penn Power Company in the Motion for Continuance may be deemed to be true, whereby requiring no other proof. All pleadings, such as a Reply to Motion for Continuance, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for West Penn Power Company, Margaret A. Morris, Esq., and the Honorable Katrina L. Dunderdale, the Administrative Law Judge presiding over the issue.

File with:
Rosemary Chiavetta, Esquire
Secretary
Pennsylvania Public Utility Commission
rchiavetta@pa.gov

With a copy to:
Margaret A. Morris, Esquire
Reger Rizzo & Darnall LLP
mmorris@regerlaw.com

The Hon. Katrina L. Dunderdale
kdunderdal@pa.gov



Date: May 26, 2021

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Counsel for West Penn Power Company

5. By Notice, dated May 4, 2021, a Call-In Telephonic Hearing was scheduled for Wednesday, June 2, 2021 before Judge Dunderdale.

6. 52 Pa. Code § 1.15 (b) states:

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least 5 days prior to the hearing date.

7. The necessity to investigate claims raised for the first time on May 26, 2021 and to secure the appropriate witnesses for hearing constitutes good cause consistent with Commission regulation.

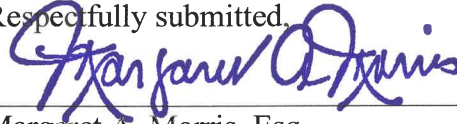
8. On May 26, 2021, the undersigned counsel contacted the Complainants to advise of the request for the continuance. The Complainants do not oppose the request for continuance.

9. The Company respectfully requests the Call-In Telephonic Hearing be rescheduled for a date after July 7, 2021.

WHEREFORE, for good cause shown, West Penn Power Company requests that Judge Dunderdale grant its Unopposed Motion for Continuance of the scheduled June 2, 2021 Call-In Telephonic Hearing.

Date: May 26, 2021

Respectfully submitted,



Margaret A. Morris, Esq.
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Counsel for West Penn Power Company

Docket No. C-2020-3023494
Gary and Deborah Reynolds v. West Penn Power Company

Attachment 1

Email from Complainants
Dated: May 26, 2021

Margaret A. Morris, Esquire

From: Gary Reynolds <greynold99@hotmail.com>
Sent: Wednesday, May 26, 2021 9:31 AM
To: nmiskanic@pa.gov; Margaret A. Morris, Esquire; Deborah Reynolds
Subject: RE: Gary and Deborah L. Reynolds v West Penn Power Docket No. C-2020-3023494

Gary and Deborah L. Reynolds v West Penn Power Docket No. C-2020-3023494

Since the decimation of native Ash trees by the Emerald Ash Borer, nearly complete by the beginning of 2016, we experienced West Penn Power implemented a policy of reducing and in some cases not responding at all to Right-of-Way (ROW) Maintenance requests by customers. Prior to 2016, I contacted West Penn Power licensed Forester's in three different years for evaluation of potential problem trees along the West Penn Power ROW for our primary service distribution line. I've always had good experiences with and was able to accompany the Foresters during the evaluations.

On May 18, 2016, I reported a standing-dead Ash tree definitely in the ROW to West Penn Power's Customer Service and was told I would be contacted later to have the tree evaluated. I was not.

In the Spring of 2018, I called again and reported additional Ash trees that were hazardous to the primary service distribution line along the ROW; I received no call back. I called again the following May 2019 and was able to meet with one of the Tree Service employees contracted to maintain WPP ROW's. This person confirmed the trees I pointed out needed cut down and indicated funds were going to be allocated in the Fall 2019 to do this and that I should call back then. I did call back twice; once on September 10, 2019 and once on September 19, 2019 and referred to the meeting earlier in the year with Tree Service employee but there was no action taken by West Penn Power.

Let me be clear in my belief that this lack of response from West Penn Power regarding our primary service distribution line gives a perspective of West Penn Power's change in policy for curtailing ROW Maintenance throughout the length of the Waynesburg South Circuit distribution line and specifically where it then runs in tandem with the 25kV Transmission electric line to the Franklin-Wayne Junction sub-station. A much more tenuous situation given the more extreme geographic conditions existing where this line travels on the Emerald Mine Resources property south to Wayne Township.

As further allegorical evidence that I witnessed; it was only after filing the Formal Complaint with the PUC for the October 12, 2020 Power Surge Incident and then the subsequent rebuttal to West Penn Power's Motion to Dismiss the Complaint by Judge Dunderdale, did a JAFLO Tree Service crew show up on our property in early January 2021 to remove all hazardous trees along the ROW. They spent three days on our property and then another couple of weeks apparently clearing the entire South Waynesburg circuit along Hill School House Road, Waynesburg, Pennsylvania. In fact, they cut down four trees up to 75 ft. outside of the designated 40 ft Right-of-Way (20 ft. on each side of the distribution line) along our primary service distribution line.

Later in March and April of 2021, we noticed the JAFLO crews working at different times near the Emerald Mine Resources property along state RT-21 as it passes through West Waynesburg; though it was not our intention to monitor the JAFLO company's work crews as it relates to our Formal Complaint.

Finally, we believe with the lack of response to the dangerous trees that needed removed from our primary service distribution line, West Penn Power was negligent in its management of the section of ROW Maintenance where the tree fell causing the October 12, 2020 power surge incident and by not considering the very steep slope where the Right-of-Way proceeds a distance of approximately 500 yards before turning directly South. Specifically, in the steeper the slope measured as Right-of-Way, there is a greater and greater loss of actual Horizontal distance or 'real' Right-of-Way distance separation for each degree of increasing inclination. (See Exhibit 5).

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