

Response to the “new matter” in Cramer vs West Penn Power

Docket No.C-2022-3033441

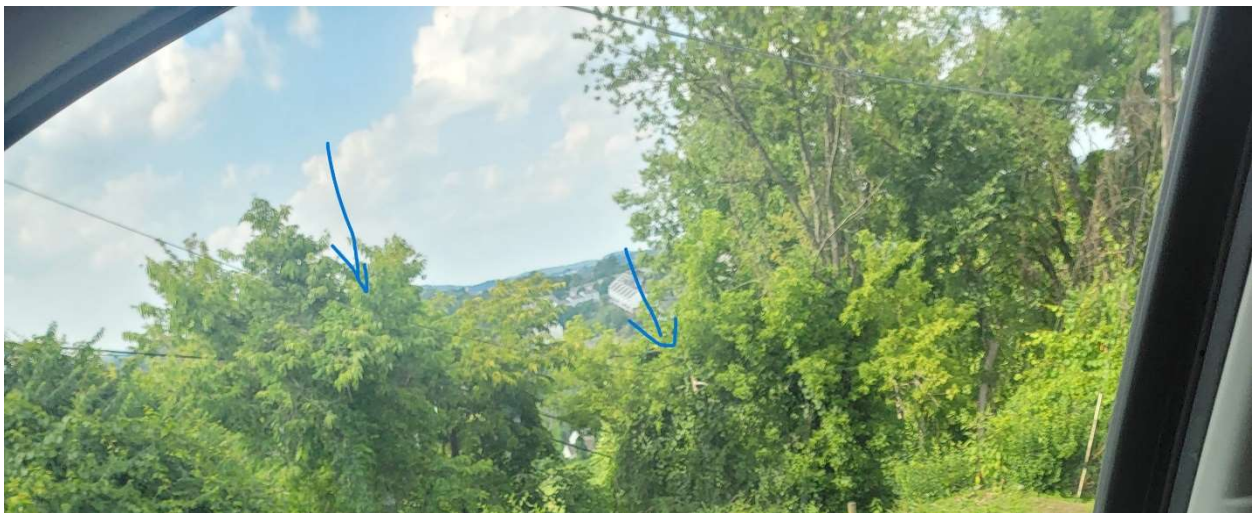
Dear Secretary of the Pennsylvania Public Utility Commission,

The below is an outline of explanation and rebuttal to West Penn’s response

Line maintenance and ROW:

Photos (taken 7/20/22 off of Lindley Road where the power service enters breaks from the main service to my neighborhood) to show the lack of maintenance that was supposedly performed. There are areas in this ROW where trees both dead and alive are laying on the wires. There are also other areas where the lines are embedded into trees directly off of Lindely.





Power outages reported:

I have no direct knowledge of how West Penn Power keeps or maintains records of outages nor customer concerns, What I can say is that there have been significantly more than 3 outages in two years that have been reported by myself (both on and off account), my wife, neighbors, and the like From outward appearances it seems West Penn Power is only using my reported outages by my signed in account for their reporting in their response

In July of 2022(just this month) we have had 2 reported outages alone. At least once a month if not bi weekly or more we have some sort of power issue that is either for a few seconds lasting up to 24-48 hrs. Not all outages are reported by myself if there is already a report or if I'm not home. When I return home, I have encountered numerous times where the clocks have all been reset and eltronics completely off which can only happen with a power outage.

These short power blips are very damaging to electronics for both under voltage and overvoltage as the power is off/ on. This happening a multitude of times since having West Penn service is what is most likely causing damage to my electronics, lights, and other household items.

Picture below of 120-volt line recorded at 125 volts (x2 for service entrance voltage). The recorded image (125V) is the absolute max allowable by utilities standards and higher voltages have been recorded previously in my domicile but I did not take a picture of those instances.

Again, I do not have access to how internal records are kept but when voltages were noticed exceeding the 125V single outlet last year a call was made and we were informed that the "area supervisor" did not find the issue a problem. When it was insisted that they look into it I was told it was a non-issue and nothing would be done.



Rate increase (First Energy and West Penn will be used interchangeably below):

In regards to the rate increase I personally have the amount direct deducted and do not look for the monthly inserts as we have been inundated with tree removal fliers from West Penn. Although potentially done by legal standards the PUC should not have afforded West Penn the amount of rate increase (44%) that they did.

In Ohio another First Energy settlement- Justice Melody Stewart wrote that PUCO failed to cite — “let alone explain” — why it would allow a utility to make this kind of self-serving calculation, which she said undermines the purpose of the earnings test.

Thus, saying it was done legally, does not mean it was done correctly to standards and needs another look.

A similar DMR Scheme where additional funds were not calculated properly for excessive profits: <https://ohiocapitaljournal.com/2021/11/03/firstenergy-to-pay-306-million-in-refunds-in-legal-settlement/>

From the 2021 fiscal year results released to the SEC and shareholders:

Operating (non-GAAP) earnings* were \$2.60 per share in 2021, compared to \$2.39 per share in 2020. This approximately 9% increase reflects continued earnings growth from FirstEnergy's customer-focused capital investment strategy in its regulated businesses.

"Throughout 2021, our board, leadership team and employees worked together to dramatically reshape FirstEnergy. We've taken important steps to optimize operations, deliver a superior customer experience, strengthen our financial position and – most importantly – instill trust and confidence in our company," said Steven E. Strah, FirstEnergy's president and chief executive officer. "As we continue building on this progress, I'm confident we will be a premier company, centered on our core values, that delivers an impeccable customer experience and is a leader in the energy transition."

FirstEnergy updated its full year 2022 GAAP earnings guidance range to \$1,375 million to \$1,490 million, or \$2.41 to \$2.61 per share, and affirmed its full-year 2022 operating (non-GAAP) earnings guidance range of \$1,315 million to \$1,430 million, or \$2.30 to \$2.50 per share based on 571 million shares outstanding, which reflects the comprehensive settlement in Ohio to refund over \$300 million to customers. For the first quarter of 2022, FirstEnergy expects GAAP earnings in the range of \$285 million to \$345 million, or \$0.50 to \$0.60 per share, and operating (non-GAAP) earnings of \$0.55 to \$0.65 per share.

"I am very excited about our company's future," Strah said. "Our strategic plan reflects sustainable investments in our regulated businesses to strengthen the grid and lead the energy transition. This includes a capital investment program of approximately \$3.3 billion in 2022 – a 15% increase compared to 2021 – with approximately 70% of those investments recovered through formula rates.

From this excerpt we can see that West Penn had increased Non gaap earnings Year over Year 2021 vs 2020 without the need of a rate increase. Further indicating there was not a need for a rate increase.

Part of the current bill is to pay for upgrades to the infrastructure, the reasoning of the last part for rate increases, as well as great profits for West Penn, make the section where they will use the rate increases for upgrades subject to further scrutiny.

With the prior mention of the settlement in Ohio in this EOY statement one could make the connection that due to First Energies unscrupulous activities, they were punished monetarily, and are now passing that down to the consumer instead of reducing expected revenues.

<https://www.reuters.com/legal/litigation/one-judge-approved-180-mln-settlement-with-firstenergy-another-wont-let-it-go-2022-06-03/>

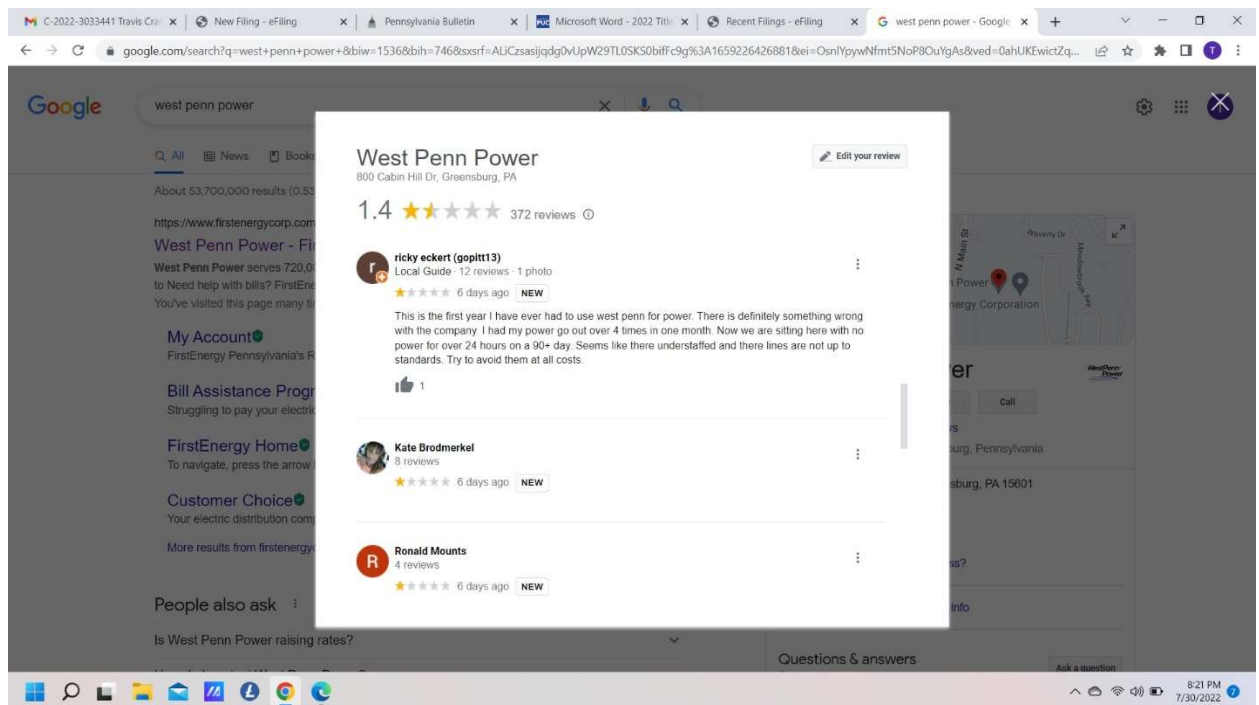
<https://www.beaconjournal.com/story/news/2020/10/29/householder-scandal-firstenergy-fires-ceo-chuck-jones-plead-guilty-briberary-scheme/6078931002/>

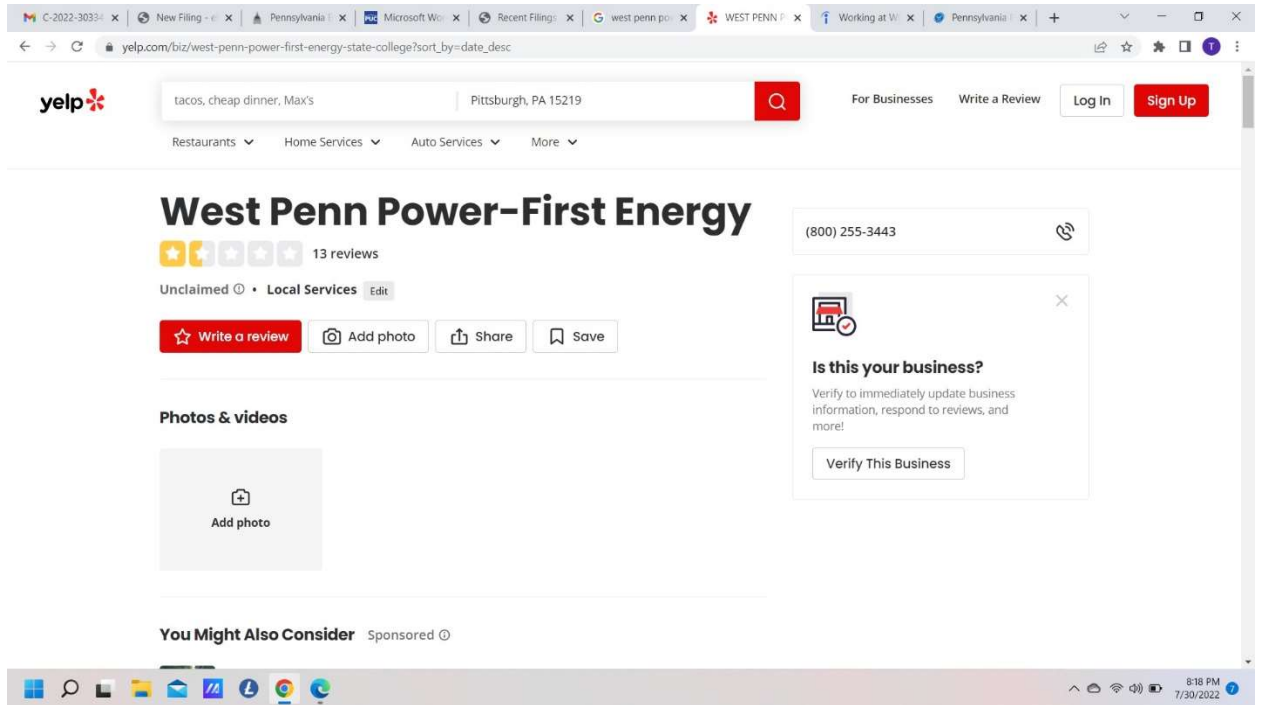
Given the costs of goods going up and inflation at 9%, that would have been an acceptable number. 44% was just greedy and the PUC should back track this prior to another lawsuit.

Company Review:

Reviews from online showing this is a pattern and not a one-off issue.

Google has 372 reviews with a total score of 1.4 for satisfaction. Not a successful approach.





In summary you can see that First Energy has not provided adequate service, nor have they made attempts to repair such service. Additional litigation and settlements have embroiled First Energy, they are not a company doing business in good faith, they are instead a company shirking legal responsibilities in the name of profiteering, holding no laws sacred and must be held accountable.