

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120**

Commissioners Present:

Gladys Brown Dutrieuille, Chairman  
Ralph V. Yanora

Amanda Polk Herr

C-2021-3028202

v.

West Penn Power Company

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reconsideration and/or Clarification (Petition) filed by Amanda Polk Herr on September 30, 2022, seeking reconsideration of the Opinion and Order entered on September 15, 2022, relative to the above-captioned proceeding.

Pursuant to Rule 1701 of the Pennsylvania Rules of Appellate Procedure, Pa. R.A.P. 1701, the Commission must act to grant a petition for reconsideration within thirty days of the date of entry of the order for which reconsideration is sought or otherwise lose jurisdiction to do so if a petition for review is timely filed.<sup>1</sup> The thirty-day period within which the Commission must act upon the Petition in order to preserve jurisdiction ends on October 17, 2022.<sup>2</sup>

Granting reconsideration pending review of, and consideration on, the merits of the Petition to preserve Commission jurisdiction and toll the thirty-day time period for filing a petition for appellate review does not automatically stay the Commission's underlying Opinion and Order.<sup>3</sup> Pursuant to 52 Pa. Code § 5.572, petitions seeking a stay or supersedeas must be filed with the Commission within fifteen (15) days after the underlying Opinion and Order becomes final.<sup>4</sup>

Accordingly, we shall grant reconsideration, within the meaning of Pa. R.A.P. 1701(b)(3), pending review of, and consideration on, the merits of the Petitions; **THEREFORE**,

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<sup>1</sup> Commission Rules of Practice and Procedure provide that a party may file an Answer to the Petition within ten (10) days of service. 52 Pa. Code § 5.571(c). As of the date of this Order no Answers have been received.

<sup>2</sup> The thirty-day period ends on October 15, 2022, which is a Saturday. Therefore, the next business day, October 17, 2022, is the deadline for the Commission to act on the Petition.

<sup>3</sup> 52 Pa. Code § 5.572; Pa. R.A.P. 1701.

<sup>4</sup> *See also* Pa. R.A.P. 1781.

**IT IS ORDERED:** That the Petition for Reconsideration and/or Clarification filed by Amanda Polk Herr on September 30, 2022, is hereby granted, pending further review of, and consideration on, the merits.

**BY THE COMMISSION,**

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is fluid and cursive, with a large initial "R" and a distinct "Chiavetta" at the end.

Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: October 13, 2022

ORDER ENTERED: October 13, 2022