

June 20, 2023

Via Electronic Filing

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

**Re: Docket No. C-2023-3038774
Melanie S. Kokenda v. West Penn Power Company
Motion of West Penn for Judgement on the Pleadings**

Dear Secretary Chiavetta:

Attached for filing is the Motion of West Penn Power Company for Judgement on the Pleadings (Motion) in the above-captioned proceeding.

A copy of the enclosed Motion has been forwarded to the Complainant 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, Esquire

MAM/co
Enclosures

cc: The Hon. Conrad A. Johnson, PA Public Utility Commission [w/encls.]
Tori Giesler, Esquire, West Penn Power Company [w/encls.]
Melanie S. Kokenda [w/encls.]

**Re: Docket No. C-2023-3038774
Melanie S. Kokenda v. West Penn Power Company
Motion of West Penn for Judgement on the Pleadings**

CERTIFICATE OF SERVICE

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

Via Electronic and First-Class Mail

Melanie S. Kokenda
317 West Street
New Kensington, PA 15068
kokenda.melanie@gmail.com

Dated: June 20, 2023



Margaret A. Morris, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MELANIE S. KOKENDA :
 : Docket No. C-2023-3038774
 v. :
 :
 WEST PENN POWER COMPANY :

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.102, you are hereby notified that if you do not file a written response answering the enclosed Motion for Judgement on the Pleadings 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 may be deemed to be true, whereby requiring no other proof. All pleadings, such as an Answer to the Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with an electronic copy served to counsel for West Penn Power Company, Margaret A. Morris, Esq., and to the Honorable Conrad A. Johnson, the Presiding Officer in the above-captioned proceeding.

File by Mail or e-filing with:

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

With a copy to:

Margaret A. Morris, Esquire
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

The Hon. Conrad A. Johnson
c/o nmiskanick@pa.gov

Date: June 20, 2023



Margaret A. Morris, Esquire
Attorney ID No. 75048
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2929 Arch Street
Philadelphia, PA 19104
(215) 495-6524 (tel.)
mmorris@regerlaw.com

Counsel for West Penn Power Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

MELANIE S. KOKENDA :
 :
 v. : Docket No. C-2023-3038774
 :
 WEST PENN POWER COMPANY :

**MOTION OF WEST PENN POWER COMPANY
FOR JUDGMENT ON THE PLEADINGS**

West Penn Power Company (Company or West Penn), by and through its attorneys, Reger Rizzo & Darnall LLP, and pursuant to 52 Pa. Code § 5.102, hereby submits its Motion for Judgement on the Pleadings to the Formal Complaint (2023 Formal) filed by Melanie S. Kokenda (Complainant) in the above-referenced proceeding. West Penn avers and represents as follows:

I. Relevant Procedural History

1. On January 14, 2019, the Complainant filed a Formal Complaint against West Penn at Docket No. C-2019-3007105, checking the following boxes on the formal complaint form: (1) West Penn was threatening to shut off her service or has already shut off her service; and (2) other, where she alleged that the “*area where the outside unit was installed for the meter*” was incorrect. She requested that the “*utility outside unit*” be moved “*at no charge...to the correct area.*” A copy of the 2019 Formal Complaint is provided as Attachment 1.

2. On February 13, 2019, the Complainant filed a Second Formal Complaint against West Penn, checking the following boxes on the formal complaint form: (1) she wants a payment agreement; (2) there were incorrect charges on her account; and (3) she was having a reliability,

safety or quality problem with her electric service. She requested that the “*outside meter moved at no charge to a different location.*” Both formal complaints were docketed at No. C-2019-3007105 (2019 Formal). A copy of the Second 2019 Formal Complaint is provided as Attachment 2.

3. On February 5, 2019, West Penn filed its Answer to the 2019 Formal denying that the Company has an active intent to terminate the electric service of the Complainant, noting that the Complainant’s termination notice in July 2017 was resolved with the Company through the establishment of a payment arrangement in August 2018. West Penn denied its actions had been unreasonable or in violation of the Commission’s regulations or orders. West Penn asserted the formal complaint was not a timely appeal of a decision issued by the Commission’s Bureau of Consumer Services (BCS) and demanded proof of all factual allegations in the formal complaints.

4. On May 17, 2019, a hearing was held to resolve matters, with the Honorable Katrina L. Dunderdale presiding. A Certificate of Satisfaction (CSAT) was efiled on May 21, 2019, stating that the 2019 Formal was amicably resolved and Docket No. C-2019-3007105 should be closed without further Commission action. The Complainant did not file any objection to the Certificate of Satisfaction. A copy of the Certificate of Satisfaction is provided as Attachment 3.

5. The Settlement Letter, dated May 21, 2019, set forth the agreed upon resolution of the 2019 Formal. The parties agreed that the Complainant, along with a qualified electrician of her choice, would work with the Company to select a new, suitable location for the meter and service connection. To move forward and complete the modifications to her home’s wiring required to move the service location, the Complainant needed to contact the Company to relocate the service

line and meter to the property's new connection point. Upon relocation of the service line and meter, the Company agreed to waive the disconnection and reconnection fees contained in the Company's tariff. A copy of the Settlement Letter is provided as Attachment 4.

6. No damage claim has ever been filed with the Company related to the settlement of the 2019 Formal.

7. On March 7, 2023, West Penn was served the 2023 Formal at Docket No. C-2023-3038774 filed by the Complainant, checking the following boxes on the formal complaint form: (1) West Penn was threatening to shut off her service or has already shut off her service; (2) she was having a reliability, safety or quality problem, regarding the "outside unit"; (3) and other, where she noted that "a tree fell on my home...The line should not have been reconnect," an event that happened in July 30, 2016. She requested that "qualify respectful person to advise and repair correct way...Qualified certified person to complete work," as the "original complaint was not resolved." A copy of the 2023 Formal is provided as Attachment 5.

8. On March 27, 2023, West Penn filed an Answer and New Matter specifically denying the Complainant's recitation of facts and timeline of events as it relates to the electric service provided. In its New Matter, West Penn averred that the Complainant is barred by 66 Pa.C.S. § 3314(a) from disputing the terms of the 2019 Formal settlement. A copy of the Company's Answer and New Matter to the 2023 Formal is provided as Attachment 6.

9. The Complainant filed a Response to the New Matter on April 17, 2023, stating that she “*Disagree to the three year request for this and all matters since the [sic] seemed to be a settlement for July 30th, 2016. The purposed settled [sic] with West Penn Power and any other parties to repair my home.*” A copy of the Response to New Matter is provided as Attachment 7.

10. An Initial Call-In Telephonic Hearing is scheduled for Wednesday, July 12, 2023, at 10:00 A.M., with the Honorable Conrad A. Johnson presiding.

11. In accordance with the Commission's regulations and well-established precedent, West Penn files the instant Motion for Judgment on the Pleadings because there is no genuine issue of material fact in dispute. A hearing is not necessary; the sole issue is a legal one. The 2023 Formal attempts to litigate the issues that were resolved through settlement in the 2019 Formal. The allegations in the 2023 Formal are also barred, without exception, by the three-year statute of limitations under Section 3314(a) of the Code.¹ West Penn is entitled to judgment as a matter of law.

II. Legal Standard

12. In accordance with the Commission’s regulations, after the pleadings are closed but within such time as to not delay a hearing, a party may move for judgment on the pleadings. 52 Pa. Code § 5.102(a).

¹ 66 Pa.C.S. § 3314(a).

13. A presiding officer should grant a motion for judgment on the pleadings “if the pleadings, depositions, answers to interrogatories and admissions, together with affidavits, if any, show that there is no genuine issue as to a material fact and that the moving participant is entitled to judgment as a matter of law.” 52 Pa. Code § 5.102 (d)(1). *Hammerstein v. Lindsay, M.D.*, 655 A.2d 597 (Pa. Super. 1995).

14. When deciding whether a motion for judgment on the pleadings should be granted the court must examine the record in the light most favorable to the non-moving party and all doubts as to the existence of a genuine issue of material fact must be resolved in favor of the non-moving party. *First Mortgage Co. of Pennsylvania v. McCall*, 459 A.2d 406 (Pa. Super. 1983).

15. The Commission’s regulations related to a motion for judgment on the pleadings serves judicial economy where no factual dispute exists. If no factual dispute exists, a hearing is wholly unnecessary. 66 Pa.C.S. § 703(b). *Lehigh Valley Power Committee v. Pennsylvania Public Utility Commission*, 563 A.2d 557 (Pa. Cmwlt. 1989).

16. Section 5.102 of the Commission regulations provides for the granting of a motion where there is no genuine issue as to a material fact and Respondent is entitled to a judgment as a matter of law. 52 Pa. Code § 5.102.

17. The Commission has discretion to dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary to the public interest. 66 Pa.C.S. § 703(b); 52 Pa. Code § 5.21(d). A hearing is necessary only to resolve the disputed questions of fact, and when the

question presented is one of law, the Commission need not hold a hearing. *Lehigh Valley Power Comm. v. Pa. Pub. Util. Comm'n.*, 563 A.2d 548 (Pa. Cmwlth. 1989); *Edan Transportation Corp. v. Pa. Pub. Util. Comm'n.*, 623 A.2d 6 (Pa. Cmwlth. 1993).

A. The allegations raised in the 2023 Formal were settled in the 2019 Formal, and the Complainant did not file any objections to the Certificate of Satisfaction.

18. In the 2019 Formal, the Complainant alleged the same issue as alleged in the 2023 Formal. The 2019 Formal was settled between parties, and the Complainant did not file any objection to the Certificate of Satisfaction.

19. 66 Pa. C.S. § 316 provides as follows:

Whenever the commission shall make any rule, regulation, finding, determination or order, the same shall be *prima facie* evidence of the facts found and shall remain conclusive upon all parties affected thereby, unless set aside or modified on judicial review.

20. As stated by the Complainant, the 2023 Formal raises the same issues that were addressed in the 2019 Formal. Commission precedent supports the dismissal of the allegations that were previously filed and resolved through an unobjected to Certificate of Satisfaction, conclusively determining that the issues had been resolved to the satisfaction of the Complainant. *Titus Wright v. Philadelphia Gas Works*, Docket No. C-2013-2368462, Final Order entered July 7, 2014; *James E. Creehan v. Duquesne Light Company*, Docket No. C-2012-2297124, Final Order entered May 23, 2013; *Lorrie Reynolds v. PPL Electric Utilities Corporation*, Docket No. C-2011-2255268, Final Order entered January 5, 2012.

B. The Code and Commission precedent unequivocally hold that the 2023 Complaint is barred by the applicable limitation on actions

21. The Commission, as a creation of the General Assembly, has only the powers and authority granted to it by the General Assembly contained in the Code. *Shedlosky v. Pennsylvania Electric Company*, Docket No. C-20066937 (Opinion and Order entered May 28, 2008); *Feingold v. Bell Tel. Co. of Pa.*, 383 A.2d 791 (Pa. 1977).

22. The Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. Pub. Util. Comm'n*, 43 A.2d 348 (Pa.Super 1945).

23. Jurisdiction may not be conferred by the parties where none exists. *Roberts v. Martorano*, 235 A.2d 602 (Pa. 1967).

24. Subject matter jurisdiction is a prerequisite to the exercise of power to decide a controversy. *Hughes v. Pennsylvania State Police*, 619 A.2d 390 (Pa.Cmwlt. 1992), alloc. denied 637 A.2d 293 (Pa. 1993).

25. Section 3314(a) of the Code provides as follows:

No action for the recovery of any penalties or forfeitures incurred under the provisions of this part, and no prosecutions on account of any matter or thing mentioned in this part, shall be maintained unless brought within three years from the date at which the liability therefore arose, except as otherwise provided in this part.

66 Pa.C.S. § 3314(a).

26. A statute of limitations is non-waivable if the time limitation contained in it terminates not just the remedy but the actual right to bring the action. *Reuben v. O'Brien*, 445 A.2d 801 (Pa.Super. 1982).

27. The statute of limitations at 66 Pa.C.S. § 3314 is non-waivable since it terminates the right to bring an action before the Commission as well as any remedy the Commission may order.

28. Complaints must be filed within three years from the date that the liability arose. 66 Pa.C.S. § 3314(a); *Duquesne Light Co. v. Pa. P.U.C.*, 611 A.2d 370 (Pa.Cmwlth. 1992).

29. Section 3314 of the Code divests the Commission of jurisdiction to hear an action brought more than three years from the date the liability arose. 66 Pa.C.S. § 3314(a).

30. Applying the three-year statute of limitations at 66 Pa.C.S. § 3314 to this case, the Complainant participated in the discussion that resolved the 2019 Formal. The Certificate of Satisfaction was served on May 21, 2019. The three-year statute of limitations therefore bars any claim that arose prior to May 21, 2022. The 2023 Formal was filed with the Commission on February 15, 2023, alleging the 2019 Formal was not resolved.

31. Since the three-year statute of limitations at 66 Pa.C.S. § 3314 bars the Complainant from continuing any prosecution against West Penn for events that occurred prior to May 21, 2022, the claims in the 2023 Complaint that occurred before that date are barred and should be stricken.

III. Conclusion

32. A utility may file a Certificate of Satisfaction in a case, indicating that a complaint has been satisfactorily resolved. A complainant then has ten (10) days in which to object to the Certificate, and if no objection is filed, the matter is closed. 52 Pa. Code § 5.24(b).

33. 66 Pa.C.S. § 316, operates to preclude litigants from pursuing the same claims that have been conclusively resolved before the Commission, through an unobjected to Certificate of Satisfaction. *Titus Wright v. Philadelphia Gas Works*, Docket No. C-2013-2368462, Final Order entered July 7, 2014; *James E. Creehan v. Duquesne Light Company*, Docket No. C-2012-2297124, Opinion and Order entered May 23, 2013; *Lorrie Reynolds v. PPL Electric Utilities Corporation*, Docket No. C-2011-2255268, Opinion and Order entered January 5, 2012.

34. Section 3314 of the Code divests the Commission of jurisdiction to hear an action brought more than three years from the date the liability arose. 66 Pa.C.S. § 3314(a). The requested relief cannot be granted. A hearing is not necessary; judgement on the pleadings is appropriate.

35. The public interest does not require a hearing in this case. A hearing on the sole legal issue would be a fruitless exercise and therefore not necessary or in the public interest.

WHEREFORE, Respondent, West Penn Power Company requests that the Honorable Conrad A. Johnson and the Commission grant this Motion for Judgment on the Pleadings and dismiss with prejudice, the 2023 Formal Complaint of Melanie S. Kokenda against West Penn Power Company in its entirety, without a hearing.

Respectfully submitted,



Date: June 20, 2023

Margaret A. Morris, Esq.
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(215) 495-6600 fax
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Counsel for West Penn Power Company

Docket No. C-2023-3038774
Melanie S. Kokenda v. West Penn Power Company

Attachment 1

2019 Formal Complaint

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an Informal Complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name MELANIE S. KOKENDIA
Street/P.O. Box 317 WEST ST Apt #
City NEW KENSINGTON State PA Zip 15068
County WESTMORELAND

Telephone Number(s) Where We Can Contact You During the Day:

() (home) (724) 671-0784 (mobile)

E-mail Address (optional): JTEAM4US@GMAIL.COM

Utility Account Number (from bill) 100 100 973-856

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name
Street/P.O. Box
City State Zip

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

WEST PENN POWER ALLEGHENY A FIRSTENERGY COMPANY

RECEIVED

JAN 14 2019

PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC
- GAS
- WATER
- STEAM HEAT
- WASTEWATER/SEWER
- TELEPHONE/TELECOMMUNICATIONS (local, long distance)
- MOTOR CARRIER (e.g. taxi, moving company, limousine)

OUR PRESIDENT NOW IT'S TRUMP: CAN HAVE THINGS DONE WRIGHT.

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- The utility is threatening to shut off my service or has already shut off my service. IN THE PAST PRIOR TO THIS CORRESPONDANCE (PROBLEMS COULD BE SOLVED WITH DEVELOPMENT MENT FOR INSIDE THE HOMES SO PEOPLE CAN KEEP THEIR HOMES. (2) (2))
- I would like a payment agreement.

- Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

- I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

- Other (explain) AREA WHERE OUTSIDE UNIT WAS INSTALLED FOR METER: (CURRENT CHECK DEVICE INSIDE (IF THAT AVAILABLE))

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

MOVE AT NO CHARGE THE UTILITY OUTSIDE UNIT TO THE CORRECT AREA.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. **Protection From Abuse (PFA)**

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. **Prior Utility Contact**

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES CORRECT

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. **Verification and Signature**

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must sign and date** this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

Verification:

I MELANIE S. KOKENDA, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Melanie S. Kokenda
(Signature of Complainant)

12-31-2018

(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. **Two Ways to File Your Formal Complaint**

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by **certified mail, first class mail, or overnight delivery** to this address:

Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Note: **Formal Complaints sent by fax or e-mail will not be accepted.**

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

317 WEST STREET
NEWKENSINGTON, PA
15068



Secretary
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH ST
2ND FLOOR
HARRISBURG, PA 17120

1712030093 0000



Docket No. C-2023-3038774
Melanie S. Kokenda v. West Penn Power Company

Attachment 2

Second 2019 Formal Complaint

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint

Filing this form begins a legal proceeding and you will be a party to the case. If you do not wish to be a party to the case, consider filing an Informal Complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name MELANIE S. KOKENOA
Street/P.O. Box 317 WEST STREET Apt # N/A
City NEWKENSINGTON State PA Zip 15068
County WESTMORELAND

Telephone Number(s) Where We Can Contact You During the Day:

() (home) (724) 671-0184 (mobile)

E-mail Address (optional): STAY INTUNE2@ICLOUD

Utility Account Number (from your bill) 100 100 973 856

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name
Street/P.O. Box
City State Zip

RECEIVED
2019 FEB 13 AM 10:00
PA P.U.S.
SECRETARY'S BUREAU

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

WEST PENN POWER: ONLY ABOUT PLACEMENT OUTSIDE

UPDATE ALL INSIDE EQUIPMENT WITH ALL G.P.I - NATION WIDE LOANS MADE AVAILABLE

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- ELECTRIC
- WASTEWATER/SEWER
- GAS
- TELEPHONE/TELECOMMUNICATIONS (local, long distance)
MOBILE ! SECURITY SYSTEMS
- WATER
- MOTOR CARRIER (e.g. taxi, moving company, limousine)
- STEAM HEAT

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

The utility is threatening to shut off my service or has already shut off my service.

I would like a payment agreement.

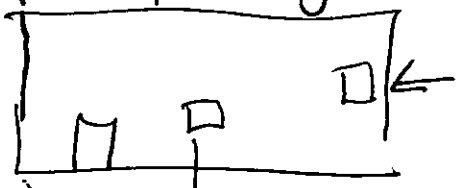
I DO NOT WANT THE BUDGET PLAN
EVEN A MAU THAT WORKS FOR WEST PENN POWER
STATED ITS BEST NOT TO STAY ON BUDGET PLAN.

Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them. GREEN MOUNTAIN RATE

I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

STAIRWAY
THE OUTSIDE UNIT IS IMPROPERLY INSTALLED
SHOULD BE ON FAR END

Other (explain)



PLACEMENT
IN CORRECT
HEIGHT ALRIGHT

ALL MOBILE PHONES SHOULD HAVE
SECURITY VPN INSTALLED WHEN PURCHASED.
December 2014

GAS. METER: POSSIBLE REPLACEMENT:

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

OUTSIDE METER MOVED AT NO CHARGE
TO A DIFFERENT LOCATION.

PLEASE . . .

Thank you.

GAS METER CHECKED

THEY THE GAS COMPANY CHECKED

THE YARD. STATED A RIGHT.

~~Q~~ ~~***~~ I AM CONCERNED ABOUT THE ~~***~~]
GAS HOUSE UNIT BESIDE 315 WEST STREET.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES
NO (enc)

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES
NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES (enc)
NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer **in this matter**, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. **Verification and Signature**

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must sign and date** this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

Verification:

I MELANIE S. KOKENDA, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).


(Signature of Complainant)

FEBRUARY 4TH - 2019
2-04-2019
(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. **Two Ways to File Your Formal Complaint**

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Note: **Formal Complaints sent by fax or e-mail will not be accepted.**

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

317 WEST STREET
NEW KENSINGTON, PA 15068



SECRETARY
PENNSYLVANIA PUBLIC UTILITY
COMMISSION
400 NORTH ST.
2ND FLOOR
HARRISBURG, PA 17120

Docket No. C-2023-3038774
Melanie S. Kokenda v. West Penn Power Company

Attachment 3

Certificate of Satisfaction

Aron J. Beatty, Esq.
(610) 921-6202
(330) 315-9263 (Fax)

May 21, 2019

VIA ELECTRONIC FILING

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

Re: Melanie S. Kokenda v. West Penn Power Company
Docket No. C-2019-3007105

Dear Secretary Chiavetta:

Enclosed please find a Certificate of Satisfaction to be filed in the above-referenced matter. A copy of the document has also been served upon the Complainant, as indicated by the Certificate of Service.

If you have any questions, please contact me.

Very truly yours,


Aron J. Beatty

kbw
Enclosures

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MELANIE S. KOKENDA

v.

WEST PENN POWER COMPANY

:
:
:
:
:

Docket No. C-2019-3007105

CERTIFICATE OF SATISFACTION

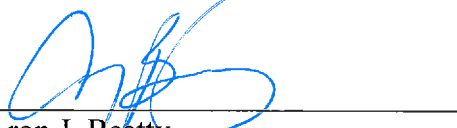
TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

NOW COMES, West Penn Power Company (“West Penn”), by and through its attorney, Aron J. Beatty, in accordance with 52 Pa. Code § 5.24, and certifies the following:

1. West Penn has satisfied the formal complaint of Melanie S. Kokenda (“Complainant”).
2. On or about May 17, 2019, the Complainant acknowledged satisfaction of the above-captioned formal complaint.
3. The Complainant has been informed she has ten days to object in writing.
4. A copy of this Certificate has been served upon the Complainant in accordance with the attached Certificate of Service.

Respectfully submitted,

Dated: May 21, 2019



Aron J. Beatty
Attorney No. 86625
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001
(610) 921-6202
ajbeatty@firstenergycorp.com

Counsel for West Penn Power Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MELANIE S. KOKENDA

v.

WEST PENN POWER COMPANY

:
:
:
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:

Docket No. C-2019-3007105

CERTIFICATE OF SERVICE

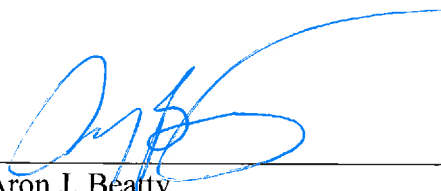
I hereby certify that I have this day served a true copy of the Certificate of Satisfaction of West Penn Power Company to the Complaint of Melanie S. Kokenda upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by First Class Mail, postage prepaid, as follows:

Melanie S. Kokenda
317 West Street
New Kensington, PA 15068

Administrative Law Katrina L. Dunderdale
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222

Dated: May 21, 2019



Aron J. Beatty
FirstEnergy Service Company
2800 Pottsville Pike
P.O. Box 16001
Reading, Pennsylvania 19612-6001
(610) 921-6202
ajbeatty@firstenergycorp.com

Counsel for West Penn Power Company

Docket No. C-2023-3038774
Melanie S. Kokenda v. West Penn Power Company

Attachment 4

2019 Settlement Letter

Aron J. Beatty, Esq.
(610) 921-6202
(330) 315-9263 (Fax)

May 21, 2019

Melanie S. Kokenda
317 West Street
New Kensington, PA 15068

Re: Melanie S. Kokenda v. West Penn Power Company
Docket No. C-2019-3007105

Dear Ms. Kokenda:

As a result of settlement negotiations held on the date of the hearing, Friday, May 17, 2019, you indicated satisfaction in resolving the above-referenced formal complaint. As discussed, you along with a qualified electrician of your choice, will work with the Company to select a new, suitable location for the meter and service connection. If you move forward and complete the modifications to your home's wiring required to move the service location, you will contact West Penn Power to relocate the service line and meter to the property's new connection point. Upon relocating the service line and meter, West Penn Power agrees to waive the disconnection and reconnection fees contained in the Company's tariff.

Based upon this information, I have enclosed a copy of the Certificate of Satisfaction that West Penn has filed with the Pennsylvania Public Utility Commission. This will terminate the matter against West Penn. **If you do not agree to this, you have ten days to object in writing.**

If you have any questions or concerns, please do not hesitate to give me a call.

Very truly yours,



Aron J. Beatty

kbw
Enclosures

Docket No. C-2023-3038774
Melanie S. Kokenda v. West Penn Power Company

Attachment 5

2023 Formal Complaint

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FEB 14 2023

Formal Complaint

PA Public Utility Commission
Secretary's Bureau

Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name MELANIE S. KOKENOA

Street/P.O. Box 317 WEST Apt #

City NEW KENSINGTON State PA Zip 15068

County WESTMORELAND

Telephone Number(s) Where We Can Contact You During the Day (required):

() (home) (724) 671-0784 (mobile)

E-mail Address (required): MELANIE KOKENOA @ GMAIL.COM

Utility Account Number (from your bill) 100 100 973 856

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

Allegheny First Energy PO BOX 3687
WEST PENN POWER AKRON OH 44309-3687

Confidential
4/8/888

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- | | |
|--|---|
| <input checked="" type="checkbox"/> ELECTRIC | <input type="checkbox"/> STORM WATER |
| <input type="checkbox"/> GAS | <input type="checkbox"/> WASTEWATER/SEWER |
| <input type="checkbox"/> WATER | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> STEAM HEAT | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

The utility is threatening to shut off my service or has already shut off my service.
2/13/2023 MIRA states they may not be able to give further assistance.

I would like a payment agreement.

Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.

I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.

THE OUTSIDE UNIT IS OVER STEPS TO UP STAIRS AND POSES A DANGER.

Other (explain).

A TREE FELL ON MY HOME

THE LINE SHOULD NOT HAVE

BEEN RECONNECTED
CONFIDENTIAL

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

A QUALIFY RESPECTFUL PERSON TO
ADVISE AND REPAIR CORRECT WAY.
INSIDE AND OUTSIDE.
QUALIFIED CERTIFIED PERSON TO
COMPLETE WORK.

THE ORIGINAL COMPLAINT WAS NOT
RESOLVED. THE ATTORNEY STATED
FALSELY THAT IT WAS SETTLE ON PHONE.
HE STATED HIS SON WAS VERY SICK,
I AGREED TO A POSTPONE.
AND THE INSURANCE COMPANY
STATED THEY WANTED ME TO BE
COMPLETELY SATISFIED THAT WAS TO COVER REPAIR

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

confidential

6. Protection From Abuse (PFA)/ Domestic Violence

Has a court granted you a "Protection From Abuse" order or any other order which provides clear evidence of domestic violence against you that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order or any other order for your personal safety or welfare?

YES

NO

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES

NO

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES

NO

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

confidential

c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC. 2/14/2023

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing. 2/19/2023

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, (all required contact information). Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You must sign your complaint: Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

Verification:

I MELANIE S. KOKENDA, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Melanie S. Kokenda
(Signature of Complainant)

2/15/2023
(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. How to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, priority mail, or overnight delivery to this address and retain the tracking information as proof of submission:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

If you are **appealing a BCS decision**: follow the directions in the cover letter you received from the Secretary's Bureau with the formal complaint form. **ONLY** Formal complaints appealing a BCS decision can be filed by fax, email or overnight delivery to meet filing deadlines. **All other formal complaints MUST be eFiled or mailed.**

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

Please know that your complaint form and the utility's answer will not be published to the PUC's website. Once your complaint case moves to the Office of Administrative Law Judge, any filings you make should be marked confidential if you do not want them published to the website.



Commonwealth of PA
P.O. Box 3265
Harrisburg, PA 17105-3265

C&A

Return Service Requested



RDC 99

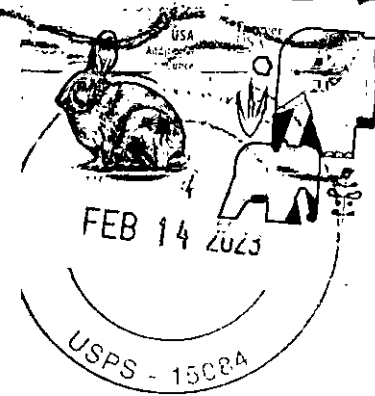


17120

U.S. POSTAGE PAID
FCM LETTER
TARENTUM, PA
15084
FEB 14, 23
AMOUNT

\$4.15

R2305M145403-10



RECEIVED

FEB 16 2023

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

SECRETARY
PA PUBLIC UTILITY COMMISSION
400 NORTH ST
HARRIBURG PA 17120

CERTIFIED MAIL



7019 0700 0001 8257 5402

17120-007999



Docket No. C-2023-3038774
Melanie S. Kokenda v. West Penn Power Company

Attachment 6

Company's Answer and New Matter to the
2023 Formal Complaint

March 27, 2023

Via Electronic Filing

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

**Re: Docket No. C-2023-3038774
Melanie S. Kokenda v. West Penn Power Company
Answer and New Matter of West Penn**

Dear Secretary Chiavetta:

Attached for filing is the Answer and New Matter of West Penn Power Company (Respondent) to the Complaint filed by Melanie S. Kokenda (Complainant) in the above-captioned proceeding. **Please note, Respondent requests this matter be referred to the OALJ, Mediation Unit.**

A copy of the Answer and New Matter has been provided to the Complainant 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

MAM/co
Enclosures

cc: OALJ, Mediation Unit, PA Public Utility Commission [w/encls.]
Tori Giesler, Esquire, FirstEnergy Service Company [w/encls.]
Melanie S. Kokenda [w/encls.]



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Harrisburg, PA 17105-3265
EFILING - FILING DETAIL

Date Created	Filing Number
3/27/2023	2464451

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

Docket Number: C-2023-3038774

Case Description: Melanie S. Kokenda v. West Penn Power Company

Transmission Date: 3/27/2023 12:59 PM

Filed On: 3/27/2023 12:59 PM

eFiling Confirmation Number: 2464451

File Name	Document Type	Upload Date
KokendaANM.pdf	Answer to Formal Complaint	3/27/2023 12:57:50 PM

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg PA 17120 a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

No paper submission is necessary for filings under 250 pages.

You can view a record of this filing and previous filings you have submitted to the PUC by using the links in the Filings menu at the top of the page. Filings that have been submitted within the last 30 days can be viewed by using the Recent Filings link. Older filings can be viewed by using the search options available in the Filing History link.

**Re: Docket No. C-2023-3038774
Melanie S. Kokenda v. West Penn Power Company
Answer and New Matter of West Penn**

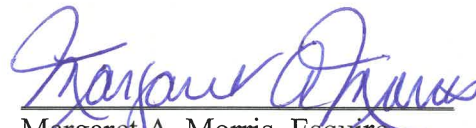
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following 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 and First-Class Mail

Melanie S. Kokenda
317 West Street
New Kensington, PA 15068
kokenda.melanie@gmail.com

Dated: March 27, 2023


Margaret A. Morris, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MELANIE S. KOKENDA	:	
	:	
v.	:	Docket No. C-2023-3038774
	:	
WEST PENN POWER COMPANY	:	

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.63, you are hereby notified that if you do not file a written response answering the enclosed New Matter of West Penn Power Company within twenty (20) days from service of this notice, the facts set forth by West Penn Power Company in the New Matter may be deemed to be true, whereby requiring no other proof. All pleadings, such as a Reply to New Matter, 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 where applicable the Administrative Law Judge presiding over the issue.

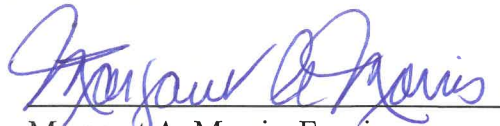
File by Mail or e-filing with:

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

With a copy to:

Margaret A. Morris, Esquire
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

Date: March 27, 2023



Margaret A. Morris, Esquire
Attorney ID No. 75048
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104
(215) 495-6524 (tel.)
mmorris@regerlaw.com

Counsel for West Penn Power Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MELANIE S. KOKENDA :
v. : Docket No. C-2023-3038774
WEST PENN POWER COMPANY :

**ANSWER AND NEW MATTER OF WEST PENN POWER COMPANY
TO THE COMPLAINT OF MELANIE S. KOKENDA**

West Penn Power Company (Respondent or Company), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code § 5.62, hereby submits its Answer and New Matter to the Complaint filed by Melanie S. Kokenda (Complainant). In response thereto, Respondent avers and represents as follows:

1. Admitted upon information supplied by Complainant.

2. Admitted that Respondent's name is West Penn Power Company.

3. Admitted that Respondent provides electric service in the Complainant's name to 317 West Street, New Kensington, Pennsylvania (Service Location) under Account No. 100100973856 (Account).

4. Denied that there is a pending termination. Denied that there is a reliability, safety or quality issue with the utility service provided. The Respondent specifically avers that at all

times relevant to this proceeding, its actions have been reasonable and performed in accordance with all applicable laws, as well as the Company's Commission-approved Tariff, the Pennsylvania Public Utility Code (Code), Commission regulations and orders.

By way of background, the Complainant established service effective November 1, 2012. The Account is enrolled in budget billing.¹ The current budget amount is \$176.00. The Complainant does not pay the monthly bills in full or by the due date. Late payment charges were lawfully billed. The Complainant entered into a Company payment arrangement on October 28, 2022. The Account has been properly billed and all bills are correct as rendered. The Account balance as of February 25, 2023, is \$1,393.50. A copy of the Account Statement is provided as Attachment 1.

Termination Notice

The Complainant checked this box on the formal complaint form and handwrote:

"2/13/2023 states they may not be able to give further assistance."

The Respondent specifically denies that there is a pending termination. The last 10-day termination notice was issued on October 17, 2022, and has since expired.

Reliability, safety, or quality issue

The Complainant check this box on the formal complaint form and handwrote:

¹The equal payment plan or budget program is for residential customers and designed to make their monthly payments consistent throughout an entire year, leveling out seasonal highs and lows. The budget amount is based on the average of the last 12 months and is reviewed quarterly and adjusted accordingly based on the customer's usage.

“The outside unit is over steps to ups stairs and poses a danger. A tree fell on my home. The line should not have been reconnect [sic].”

The Respondent specifically denies that there is a reliability, safety or quality issue with the service provided. The Complainant appears to be addressing the location of her electric meter. This issue was resolved in the 2019 Formal Complaint.² The 2019 Settlement Letter specifically stated:

“As a result of settlement negotiations held on the date of the hearing, Friday, May 17, 2019, you indicated satisfaction in resolving the above-referenced formal complaint. As discussed, you along with a qualified electrician of your choice, will work with the Company to select a new, suitable location for the meter and service connection. If you move forward and complete the modifications to your home's wiring required to move the service location, you will contact West Penn Power to relocate the service line and meter to the property's new connection point. Upon relocating the service line and meter, West Penn Power agrees to waive the disconnection and reconnection fees contained in the Company's tariff.”

The Company avers that the Complainant, or her representative/electrician, have never called to follow-up on the meter relocation.

By way of further response, the Company avers that the 2019 Settlement involved a tree that fell on July 30, 2016 and pulled wires from the Service Location. After repairs were completed by the Complainant and an inspection card received, Meter #5000481412 was installed and service was energized on August 1, 2016.

² A Certificate of Satisfaction was efiled on May 21, 2019 at Docket No. C-2019-3007105.

The Respondent specifically avers that the Complainant is barred from raising in February 2023, issues that were resolved on May 21, 2019. Section 3314 of the Code³ sets forth the general rule regarding the timeframe that action must be brought before the Commission. Specifically, Section 3314(a) requires that any action must be brought within three years from the date the liability arose. The date the liability arose was May 21, 2019 when the 2016 event was resolved. Therefore, the Complainant had until May 21, 2022 to challenge the 2019 Settlement. The Complainant's attempt to dispute the 2019 Settlement, is barred, without exception, by the three-year statute of limitations under Section 3314(a) of the Public Utility Code. 66 Pa.C.S. § 3314(a); *Duquesne Light Co. v. Pa. P.U.C.*, 611 A.2d 370 (Pa.Cmwlth. 1992).

5. To the extent the allegations contained within this paragraph are construed to purport allegations of fact, rather than requests for relief, any such allegation of fact is denied. This paragraph contains a prayer for relief to which no response is required. The Respondent specifically denies that Complainant is entitled to the relief requested.

6. No response required. The Complainant attached an order dated July 23, 2014 to her Formal Complaint, indicating that the temporary Protection from Abuse (PFA) order issued July 14, 2014 was vacated.

7a. Admitted that there is no underlying informal complaint.

7b. No response required.

³ 66 Pa. C.S. § 3314.

7c. No response required.

8. No response required.

9. No response required.

10. No response required.

NEW MATTER

11. The Code is clear: an action must be brought within 3 years of when the liability arose. 66 Pa.C.S. § 3314(a).

12. The Complainant is barred from disputing the measures taken on September 20, 2018 since the Formal Complaint was filed on October 27, 2021. 66 Pa.C.S. § 3314(a); *Duquesne Light Co., supra*.

13. The subject of the dispute lends itself to resolution through mediation.

14. The Commission's policy is to promote settlement. 52 Pa. Code § 5.231.

15. The Respondent requests that this matter be referred to the Office of Administrative Law Judge's Mediation Unit.

16. The time and resources of the Commission and the parties will be conserved if the matter is referred to the Office of Administrative Law Judge's Mediation Unit.

WHEREFORE, Respondent, West Penn Power Company, requests that the Complaint filed by Melanie S. Kokenda be dismissed with prejudice or denied in its entirety. **In the alternative, Respondent requests that this matter be referred to the Office of Administrative Law Judge's Mediation Unit.**

Respectfully submitted,

Date: March 27, 2023



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Counsel for West Penn Power Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MELANIE S. KOKENDA	:	
Complainant	:	
	:	
v.	:	Docket No. C-2023-3038774
	:	
WEST PENN POWER COMPANY	:	
Respondent	:	

VERIFICATION

I, Charles Howlett, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect West Penn Power Company to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904.

<u>3-27-23</u> Date		 _____
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Docket No. C-2023-3038774
Melanie S. Kokenda v. West Penn Power Company

Attachment 1

Account Statement



DETAILED STATEMENT OF ACCOUNT

Customer Name: MELANIE S KOKENDA

Account Number: 100100973856

Service Address:

317 WEST ST
NEW KENSINGTON PA 15068

Entry Date	Read Date	Cons Type	Meter Reading	Cons Usage	Nbr Days	Daily Average	Read Type	FE Billing Amt	Supplier Billing Amt	Total Billing Amt	Budget Billing Amt	Due Date	Payment Amt	Adj Amt	Adj Type	Account Balance
03/24/21													-100.00			181.50
03/29/21	03/28/21	KWH	75,578	1,743	31	56	Act	168.53		168.53		04/20/21				350.03
04/02/21													-81.50			268.53
04/07/21													-119.00			149.53
04/16/21													-149.53			0.00
04/28/21	04/27/21	KWH	76,736	1,158	30	39	Act	114.42		114.42	128.00	05/20/21				114.42
05/20/21													-128.00			-13.58
05/27/21	05/26/21	KWH	77,517	781	29	27		79.54		79.54	128.00	06/21/21				65.96
Bill reversed on 06/02/2021.																
06/02/21														-79.54	REV	-13.58
Reversal of 05/26/2021 bill.																
06/02/21	05/26/21	KWH	77,517	781	29	27	Act	79.54		79.54		06/22/21				65.96
06/18/21													-79.54			-13.58
06/28/21	06/27/21	KWH	78,175	658	32	21	Act	71.64		71.64		07/20/21				58.06
07/21/21													-58.06			0.00
07/28/21	07/27/21	KWH	78,780	605	30	20	Act	66.93		66.93		08/19/21				66.93
08/18/21													-66.93			0.00
08/26/21	08/25/21	KWH	79,262	482	29	17	Act	54.80		54.80		09/20/21				54.80
09/20/21													-54.80			0.00
09/27/21	09/26/21	KWH	79,805	543	32	17	Act	59.66		59.66		10/19/21				59.66
10/20/21													-59.66			0.00
10/26/21	10/25/21	KWH	80,356	551	29	19	Act	60.52		60.52		11/17/21				60.52
11/22/21													-60.52			0.00
11/24/21	11/23/21	KWH	81,746	1,390	29	48	Act	141.45		141.45		12/20/21				141.45
12/22/21													-141.45			0.00
12/27/21	12/22/21	KWH	83,610	1,864	29	64	Act	190.74		190.74		01/18/22				190.74
01/20/22													-90.74			100.00
01/24/22													-100.00			0.00
01/25/22	01/24/22	KWH	86,671	3,061	33	93	Act	312.47		312.47	132.00	02/16/22		1.50	LPC	313.97

Entry Date	Read Date	Cons Type	Meter Reading	Cons Usage	Nbr Days	Daily Average	Read Type	FE Billing Amt	Supplier Billing Amt	Total Billing Amt	Budget Billing Amt	Due Date	Payment Amt	Adj Amt	Adj Type	Account Balance
02/16/22													-133.50			180.47
02/23/22	02/22/22	KWH	89,849	3,178	29	110	Act	326.56		326.56	132.00	03/28/22				507.03
03/15/22													-100.00			407.03
03/23/22													-32.00			375.03
03/26/22	03/24/22	KWH	91,929	2,080	30	69	Act	215.67		215.67	132.00	04/28/22				590.70
04/26/22	04/25/22	KWH	93,811	1,882	32	59	Act	195.89		195.89	132.00	05/31/22				786.59
04/29/22													-135.00			651.59
05/23/22													-132.00			519.59
05/25/22	05/24/22	KWH	94,455	644	29	22	Act	71.72		71.72	132.00	06/27/22				591.31
06/25/22	06/23/22	KWH	94,904	449	30	15	Act	61.35		61.35	154.00	07/28/22				652.66
								Bill reversed on 06/27/2022.								
06/27/22	06/23/22	KWH	94,904	449	30	15	Act	61.35		61.35		07/27/22				714.01
06/27/22														-61.35	REV	652.66
								Reversal of 06/23/2022 bill.								
07/27/22													-140.00			512.66
07/27/22	07/26/22	KWH	95,308	404	33	12	Act	56.78		56.78		08/29/22				569.44
08/27/22	08/25/22	KWH	95,817	509	30	17	Act	69.83		69.83		09/29/22		7.69	LPC	646.96
08/29/22													-56.78			590.18
09/26/22													-61.35			528.83
09/27/22	09/26/22	KWH	96,296	479	32	15	Act	66.53		66.53		10/31/22		6.77	LPC	602.13
10/26/22	10/25/22	KWH	97,021	725	29	25	Act	97.82		97.82		11/28/22				699.95
								Installment plan started on 10/28/2022 for current + 58.00.								
11/22/22													-147.00			552.95
11/26/22	11/24/22	KWH	98,398	1,377	30	46	Act	179.81		179.81	150.00	12/29/22				732.76
12/27/22													-97.82			634.94
12/27/22	12/26/22	KWH	101,141	2,743	32	86	Act	356.28		356.28	150.00	01/30/23				991.22
01/25/23													-85.60			905.62
01/25/23	01/24/23	KWH	103,165	2,024	29	70	Act	275.57		275.57	176.00	02/27/23				1,181.19
02/23/23													-85.58			1,095.61
02/25/23	02/23/23	KWH	105,353	2,188	30	73	Act	297.89		297.89	176.00	03/30/23				1,393.50

Docket No. C-2023-3038774
Melanie S. Kokenda v. West Penn Power Company

Attachment 7

Response to New Matter

MELANIE S. KOKENAK
317 WEST SJ
NEWKENSINGTON,
PA
15068

ROSEMARY CHIQUETTA, ESQUIRE
SECRETARY
PA. PUBLIC UTILITY COMMISSION
P.O. BOX 3265
HARRISBURG, PA 17105-3265

DOCKET NO C-2023-3038174
ANSWER AND NEW MATTER
OF WEST PENN POWER

DEAR RESPONDENT,

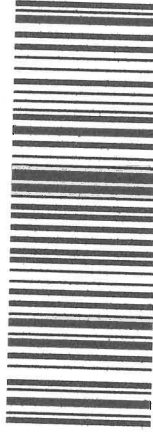
DISAGREE TO THE THREE YEAR
REQUEST FOR THIS AND ALL MATTERS IN THE
DOCKETS SINCE THE SEEMED TO BE
A SETTLEMENT FOR JULY 30TH, 2016.
THE PURPOSED SETTLED WITH WEST PENN
POWER AND ANY OTHER PARTIES TO
REPAIR MY HOME.

SINCERE REGARDS
Melanie S. Kokenak
MELANIE S. KOKENAK

CC. TONI GIESLER, ESQUIRE FIRST ENERGY SERVICE CO.
CC. REBER (RIZZO) DARNELL LLP
CC. AALT MEDIATION UNITS

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NEW KENSINGTON, PA
15008

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Roger Rizzo & Larnell LLP
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PHILADELPHIA PA 19104