

June 28, 2023

Via Electronic Filing

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

**Re: Docket No. C-2023-3041160
Lou Thorpe v. West Penn Power Company
Motion to File Answer Nunc Pro Tunc**

Dear Secretary Chiavetta:

Attached for filing is West Penn Power Company's Motion to File Answer *nunc pro tunc* with regard to the above-captioned proceeding.

As indicated on the certificate of service, a copy of the Motion has been provided to the Complainant in the manner indicated.

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: Tori Giesler, Esquire, FirstEnergy Service Company [w/encls.]
Lou Thorpe [w/encls.]

**Re: Docket No. C-2023-3041160
Lou Thorpe v. West Penn Power Company
Motion to File Answer Nunc Pro Tunc**

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

Lou Thorpe
34 Elm Street
P.O. Box 107
Ellsworth, PA 15331
lildarlin773@gmail.com

Dated: June 28, 2023


Margaret A. Morris, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LOU THORPE :
 :
 v. : Docket No. C-2023-3041160
 :
 WEST PENN POWER COMPANY :

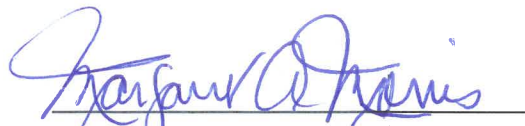
NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that if you do not file a written response denying or correcting the enclosed Motion of West Penn Power Company within twenty (20) days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to West Penn’s Motion, 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: June 28, 2023



Margaret A. Morris, Esquire
Attorney ID No. 75048
Reger Rizzo & Darnall LLP
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Counsel for West Penn Power Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

LOU THORPE	:	
	:	
v.	:	Docket No. C-2023-3041160
	:	
WEST PENN POWER COMPANY	:	

**WEST PENN POWER COMPANY’S MOTION
TO FILE ANSWER NUNC PRO TUNC**

Respondent, West Penn Power Company (West Penn), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code §§ 1.2 and 5.62, respectfully petitions this Honorable Commission to accept the attached Answer for filing *nunc pro tunc*.

1. On June 7, 2023, Lou Thorpe (Complainant) filed a Formal Complaint against West Penn with the Pennsylvania Public Utility Commission.

2. Pursuant to 52. Pa. Code § 5.61, West Penn’s Answer to the Formal Complaint was due for filing on or before June 27, 2023.

3. Due to an administrative-related oversight, West Penn is filing its Answer beyond the June 27, 2023, due date.

4. On June 28, 2023, the paralegal for the undersigning counsel attempted unsuccessfully to contact the Complainant to seek his position on the late filing. A voicemail message was left but, as of this filing, no response has been received.

5. West Penn respectfully requests that this Honorable Commission accept the filing of West Penn's Answer *nunc pro tunc*.

6. 52. Pa. Code § 1.1 *et seq.* govern that rules of administrative practice and procedure before the Public Utility Commission (PUC).

7. 52. Pa. Code § 1.2 states that the procedural rules of Chapter 52 shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable.

8. Furthermore, the Pennsylvania Commonwealth Court has held that the Commission has the authority to waive procedural defects when they do not affect the substantive rights of the parties. *Info. Connections, Inc. v. Pennsylvania Public Utility Commission*, 630 A. 2d 498 (Pa. Cmwlth. 1993).

9. West Penn respectfully submits that the late filing of its Answer was due to an administrative oversight.

10. More importantly, acceptance of the Answer *nunc pro tunc* does not affect the substantive rights of the Complainant in this matter. The Answer does not contain any information that was not already expressed to the Complainant.

11. Accordingly, West Penn respectfully requests that its Answer be accepted for filing *nunc pro tunc* so that this matter can be decided on the merits.

WHEREFORE, Respondent, West Penn Power Company, respectfully requests that its Answer be accepted for filing *nunc pro tunc*.

Respectfully submitted,



Date: June 28, 2023

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