

**Andrew and Theresa Sabatini**

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January 25, 2024

VIA E-FILE

Rosemary Chiavetta, Esq.  
Public Utility Commission

Re: Andrew and Theresa Sabatini v. West Penn Power Company  
Docket No. C-2018-3005177

Dear Ms. Chiavetta,

Please find enclosed our Complaint against ALJ Emily DeVoe, our Objection to Interim Order of January 10, 2024 and our re-asserted Motion for Extension of Briefing Schedule in the above referenced matter.

Respectfully,

          /s/            
Andrew Sabatini

          /s/            
Theresa Sabatini

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>ANDREW AND THERESA SABATINI</b>	:	
	:	
v	:	<b>Docket No. C-2018-3005177</b>
	:	
<b>WEST PENN POWER COMPANY</b>	:	

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On December 5th, 2023, ALJ Emily DeVoe entered an interim order setting a briefing schedule for our case before the PUC. Item number 5 in her order read: “That no extension to any of the deadlines set forth in this Order shall be granted absent good cause.”

On January 9th, 2024, we filed a Motion to Extend the Briefing Schedule and supplied the “good cause” of Theresa’s mother’s final illness, death, and funeral, which was occurring HERE IN OUR HOUSEHOLD during the ENTIRE time of our briefing schedule period from (December 5th, 2023 to January 12, 2024). That’s not to mention the other reasonable issues of Christmas and New Year’s holidays and our inability to afford our own copy of the transcript and our need to come to PUC offices in Pittsburgh to view our transcript: all reasonable and constituting “good cause”.

One day later, on January 10, 2024, ALJ Emily DeVoe entered an interim order entirely denying our Motion for Extension of Briefing Schedule filed on January 9, 2024 stating:

Complainant’s have known of their opportunity to file briefs since evidentiary hearing on February 20, 2020. The Commission offices have been open since August 9, 2021, over two years now. Although this matter was stayed until November 9, 2023, Complainants were served with notice the stay was lifted on November 14, 2023. At no point after August 9, 2020 (when Commission offices reopened), or after November 14, 2023 (when Complainants received notice the stay was lifted), or after December 5, 2023, (when I issued my Order setting the deadline of January 12, 2024), did Complainants make arrangements to come to the OALJ’s Pittsburgh office to review the transcript. It is only now, three days before the deadline, that Complainants seek an extension.

I have reviewed the transcript and admitted exhibits and find the record is complete. I am able to render an initial decision without the aid of briefs from the parties. The filing of briefs is optional, and whether a party chooses to file a brief will not affect my ultimate decision.

ALJ DeVoe apparently believes that we should have been working on our brief since our hearing in February 2020, right at the beginning of the worldwide Covid pandemic that completely shut down society.

ALJ DeVoe apparently believes that even during the two year period that the Commonwealth Court decision in Povacz et al stood and so-called “smart meter” installation was deemed not mandated by Act 129, we should have been working on our brief.

ALJ DeVoe apparently believes that even during the year from the overturning of that Commonwealth Court decision by the PA Supreme Court, during which time all the “smart meter” complaint cases were stayed by the PUC, that we should have been visiting the PUC offices to work on our brief.

And finally, ALJ DeVoe apparently believes that, nearly four years after our hearing, after the pandemic, after the subsequent shifting legal sands of decisions and over-turnings and stays, we should have jumped up immediately on November 14th, when the PUC announced that the stay was lifted on all smart meter cases, and run to the offices of the PUC an hour away in the city of Pittsburgh and started working on our brief.

ALJ DeVoe’s arrogant disregard for our due process rights and her callous dismissal of the realities of our family life in light the very recent death (December 28, 2023 - funeral January 5, 2024) of Theresa’s mother who we cared for in our home for the past six years, is truly egregious.

How any of this could have been done and dealt with while my (Theresa's) mother was ill and languishing in our home in the final weeks of her life, AND while we were dealing with family and friend visits and preparing for our mother's final Christmas with us, is beyond telling.

ALJ DeVoe's Interim Order is outrageous in its utter lack of human decency and disregard for the norms of legal courtesy. Any attorney in a situation such as ours (or even with just a scheduling conflict!) asking for an extension from any ALJ or judge would have certainly been given leniency and allowed an extension. We are being disrespected and dismissed without decency or due process by ALJ DeVoe in a two-tiered system of injustice.

THEREFORE, for all of these reasons and due to the myriad changes in the legal landscape which require additional legal research for our brief, we file this Complaint against ALJ DeVoe, we Object to her callous interim order, and we demand an Extension to do our necessary research and file our brief as was stated we would have the opportunity to do by ALJ Watson in our hearing of February 20, 2020.

We re-assert our need for a six month extension for the submission of our brief until July 12, 2024.

Respectfully submitted this 25th day of January 2024,

\_\_\_\_\_/s/

Andrew Sabatini

\_\_\_\_\_/s/

Theresa Sabatini

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**ANDREW AND THERESA SABATINI** :  
 :  
 v : **Docket No. C-2018-3005177**  
 :  
**WEST PENN POWER COMPANY** :

**CERTIFICATE OF SERVICE**

We hereby certify that we have this day served a true copy of this Complaint, Objection, and Motion for Extension of Briefing Schedule upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by email as follows:

CHIEF ADMINISTRATIVE LAW JUDGE, CHARLES E. RAINEY, JR.  
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ADMINISTRATIVE LAW JUDGE EMILY DEVOE  
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Dated: January 25, 2024