

**VIA E-FILE**

April 15, 2024

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

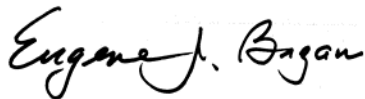
**Re: REPLY TO WPP OBJECTIONS  
TO MOTION FOR CONTINUANCE OF HEARING ON APRIL 25, 2024  
(Eugene J. Bazan v. West Penn Power Company, Docket # C-2017-2640338)**

Dear Secretary Chiavetta:

On April 11, West Penn Power (WPP) entered objections to our April 6 **MOTION FOR CONTINUANCE OF HEARING ON APRIL 25, 2024** to ALJ Mark Hoyer in the above referenced proceeding. In the appended Reply we counter these objections as without merit which we are submitting to file with the Pennsylvania Public Utility Commission. This document has been served by email on ALJ Mark Hoyer, presiding officer, and by email on Respondents Renner, Watson, Lepkoski and Giesler as shown in the Certificate of Service, in accordance with Commission regulations.

Thank you for your assistance.

Sincerely,



Eugene J. Bazan,  
Co-Complainant, pro se



Tania M. Slawecki,  
Co-Complainant , pro se

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Eugene Bazan

v.

West Penn Power Company

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C-2017-2640338

**VIA E-Serve**

**REPLY TO WPP OBJECTIONS  
TO MOTION FOR CONTINUANCE OF HEARING ON APRIL 25, 2024  
[*Eugene J. Bazan v West Penn Power, C-2017-2640338*]**

To the Honorable ALJ Mark A. Hoyer:

- 1) Ms. Giesler’s April 11 objection to our MOTION FOR CONTINUANCE of April 6 fails to clarify the items we called on the Court to address. She could have earlier sent a note alerting us to the death of one of her expert witnesses but did not despite the passage of time. She did not bother to address this matter in her present objection, asserting that “both parties have submitted their respective evidence in this proceeding.” As per 52 PA Code § 5.571, we will be filing a Petition to Reopen the current proceeding for the purpose of submitting additional evidence as it has been four years since our March 10, 2020 hearing, during which time more information of reasonably probative value is available as per 2 Pa. C.S. § 505, which states, “Commonwealth agencies shall not be bound by technical rules of evidence at agency hearings, and all relevant evidence of reasonably probative value may be received.”
- 2) In *Haines v. Kerner*, 404 U.S. 520 (1971) the U.S. Supreme Court wrote “that people as themselves (that are pro se, as we are) are not same as professional attorneys, and should not be treated and judged as such. Nor should we be judged to the same standard.” With this in mind, we are seeking clarification so that we can conduct ourselves properly in our upcoming hearing and to ensure we do not waste the Court’s time. It is in this spirit that we state below where we require clarification.
- 3) Near the conclusion of our March 10, 2020 hearing, Mr. Renner made numerous accusations against Dr. Tania M. Slawecki as our expert witness which, to the best of our understanding, were not ruled upon by ALJ Watson but were left hanging. Dr. Slawecki was not afforded the opportunity to defend herself against these accusations. We seek now the opportunity to do so.
- 4) We note that Ms. Giesler and WPP were apprised of Dr. Slawecki’s background and credentials as Complainant’s wife as early as February 5, 2018 with our filing of our Reply to West Penn Power’s Answer and New Matter. Ms. Giesler and WPP had Dr. Slawecki’s written testimony since April of 2019 and never raised any objections or questions either about Dr. Slawecki’s credentials or her written testimony until the time of the hearing of March 10, 2020, during which Complainants, acting pro se, were not afforded the

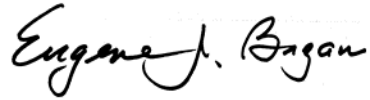
opportunity to address these objections as would be expected in a fair and impartial hearing.

- 5) WPP likewise made untimely objections during our hearing regarding our three Factual Witness Testimonies.
- 6) The attempts by West Penn Power to object and dismiss these testimonies, and ALJ Watson's sustaining these objections, we now realize with the passage of four years reflects a pattern other complainants have noticed of denying evidence so that it cannot enter the record, and therefore not be available on appeal. This indicates a concerted effort to deny due process of law. We trust this is not the case with the present Court and move the Court to correct these possible violations.
- 7) Ms. Giesler's comment that we had "years to prepare for the outstanding procedural steps in this case" adds nothing to her argument. First, it is the Court's responsibility to realign and update the Litigation Schedule based on the changes in the legal landscape over the passage of four years since the first half of our hearing. Second, it was not unreasonable for Complainants to take no action up until the time of the PA Supreme Court decision, anticipating that the PA Supreme Court would uphold the PA law, Act 129 of 2008, as had the Commonwealth Court. Third, six months before the release of the PA Supreme Court decision Dr. Slawewski found herself overwhelmed by her family's medical emergencies and role as power of attorney, and has been occupied out of town since that time on at least a half-time basis taking care of her parents and looking after their affairs, even when at home. This crisis derailed Complainants' life such that Complainants have not been in a position to consider the present legal proceedings in this intervening time period as have the paid counsel for WPP.
- 8) The one month time frame stated in Court's Order effectively boils down to two weeks, and we have spent 12 days wrangling over a simple and reasonable request for more time. Dr. Slawewski's availability are weekdays as follows, subject to any emergencies that may arise in caring for her parents:
  - June 24-June 28
  - July 15-July 19
  - Aug 5-Aug 9
  - Aug 26-Aug 30.
- 9) Summarizing, we, the Complainants, move the Court to resolve the following items:
  - a) Clarify the scope of the proposed hearing. Under the earlier litigation schedules the second half was to enable the complainants to cross examine WPP's expert witnesses. If there is some change from this schedule, we wish to be apprised. We require this continuance so we may receive and review the defendant's expert witness testimonies.
  - b) As per the above items, we seek clarification with regard to Dr. Slawewski's status as our Expert Witness and the status of her Expert Witness Testimony in the present proceedings, and the present status of our three Factual Witness Testimonies, including whether these have been entered into the record.
  - c) If there is some other or additional purpose for this hearing, please inform us what it is.
  - d) As we wish to reopen the record for admission of additional evidence as per 52 PA Code § 5.571, we imagine that opposing counsel may require time to review the new material and respond.

e) Therefore, for the aforesated reasons, we move the Court to grant our request for a continuance of at least two months as reflected in the above schedule of availability.

Thank you for your consideration.

Sincerely,



Eugene J. Bazan,  
Co-Complainant, pro se  
PO Box 24  
Lemont, PA 16851



Tania M. Slaweki,  
Co-Complainant, pro se

Dated: April 15, 2024

## CERTIFICATE OF SERVICE

I certify that I have this day served a true copy of our **REPLY TO WPP OBJECTIONS TO MOTION FOR CONTINUANCE OF HEARING ON APRIL 25, 2024** upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), by email, to the parties listed below.

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Dated: April 15, 2024



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Docket No. C-2017-2640338