

April 15, 2024
Reger Rizzo Darnall
Cira Centre 13th Floor
2929 Arch Street
Philadelphia, Pa. 19104
Attn. Margaret Morris, ESQ

DATE OF DEPOSIT

APR 15 2024

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Pa Public Utilities Commission
400 North Street
Harrisburg, Pa. 17120
Attn. Secretary, Rose Mary Chiavetta, Esquire

Docket No. C-2024-3047443
WP 288333
PCS Case 3961134

We have been more than patient with West Penn Power.
We have never been able to communicate with them with respect to the claim.
Thus we have went to Pa Public Utility Commission.

There was no tree cut on my property prior to the fire of November 6, 2023. I have witnesses. The right of way along Dunn Road has not been maintained for perhaps years which led to the fire. See enclosed photos.

After the fire, they dispersed Arbormetrics to clear the right of way along Dunn Road. Arbormetrics came on March 31 thru April 10. I don't know if they are done. Larger trees were cut off below the power line. They still stand as shown in the photos. It is obvious that they were against the power lines. We requested an onsite inspection. No response.

I am not sure what you mean by "new matter".

Enclosed are photo copies as well as communications to date.

1/3/2024 memo to West Penn Power to Akron (with my Feb bills) No response.
1/10/2024 Details to Pa Utilities Commission.
1/26/2024 up date to Pa Public Utilities Commission.
2/22/2024 to Pa Public Utilities Commission.
2/26/2024 formal complaint to Pa Public Utilities Commission
3/23/2024 Envelope from WP letter dated 12/29/23 mailed received 1/25/24
3/28/2024 update to PUC
4/15/2024 response to Reger Rizzo Darnall

Sincerely,



Gerald A. Sutherland

pappapi@yahoo.com

phone: 724-832-8018

REGER RIZZO
DARNALL LLP
ATTORNEYS AT LAW

Margaret A. Morris
Partner
mmorris@regerlaw.com

Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

Main: 215.495.6500
Direct: 215.495.6524

REC'D 4/8/24

April 4, 2024

Via Electronic Filing

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

**Re: Docket No. C-2024-3047443
Gerald A. Sutherland v. FirstEnergy Pennsylvania Electric Company
Answer and New Matter of FE PA (West Penn Rate District)**

Dear Secretary Chiavetta:

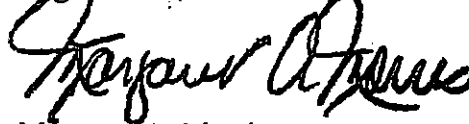
Attached for filing is the Answer and New Matter of FirstEnergy Pennsylvania Electric Company (West Penn Rate District) to the Complaint of Gerald A. Sutherland (Complainant) in the above-referenced proceeding. **Please note, Respondent requests this matter be referred to the OALJ, Mediation Unit.**

A copy of the enclosed Answer and New Matter 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

MAM/co
Enclosures

cc: OALJ, Mediation Unit, PA Public Utility Commission [w/encls.]
Tori Giesler, Esquire, FirstEnergy Service Company [w/encls.]
Gerald A. Sutherland [w/encls.]

MAILED PAUC
11:56 4/9

BY 4/23

**REGER RIZZO
DARNALL LLP**
ATTORNEYS AT LAW

Margaret A. Morris
Partner
mmorris@regerlaw.com

Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

Main: 215.495.6500
Direct: 215.495.6524

April 4, 2024

Via First-Class Mail

Gerald A. Sutherland
110 Pan Tree Lane
Greensburg, PA 15601

**Re: Docket No. C-2024-3047443
Gerald A. Sutherland v. FirstEnergy Pennsylvania Electric Company
Answer and New Matter of FE PA (West Penn Rate District)**

Dear Mr. Sutherland:

Please find attached the Answer and New Matter of FirstEnergy Pennsylvania Electric Company (West Penn Rate District) to your Formal Complaint filed with the PA Public Utility Commission (PUC). Please note this is not a decision on your Complaint. The Company's Answer includes a New Matter. You must reply to the New Matter within twenty (20) days or a decision may be entered against you. Should you reply to the New Matter, you must forward a copy to me, counsel for FirstEnergy Pennsylvania Electric Company, as set forth on the attached Notice to Plead.

The PUC will schedule either a settlement conference or a hearing on your complaint. The PUC will let you know, by mail, if there will be a settlement conference or a hearing and will include instructions on what to do next. If the matter is scheduled for hearing, the notice will provide you with information regarding the date, time and place of the hearing. If a hearing is scheduled, a judge will be at the hearing and make a decision on your complaint. If you have any questions about the hearing or you are unable to attend the hearing, you must contact the Public Utility Commission.

Very truly yours,

Reger Rizzo & Darnall LLP


Margaret A. Morris

MAM/co
Enclosure

cc: Tori Giesler, Esquire, FirstEnergy Service Company [w/o encl]



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

Date Created	Filing Number
4/4/2024	2564408

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-2024-3047443

Case Description: Gerald A. Sutherland v. FirstEnergy Pennsylvania Electric Company (West Penn Rate District)

Transmission Date: 4/4/2024 10:15 AM

Filed On: 4/4/2024 10:15 AM

eFiling Confirmation Number: 2564408

File Name	Document Type	Upload Date
SutherlandANM.pdf	Answer to Formal Complaint	4/4/2024 10:13:53 AM

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-2024-3047443
Gerald A. Sutherland v. FirstEnergy Pennsylvania Electric Company
Answer and New Matter of FE PA (West Penn Rate District)**

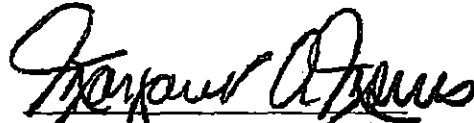
CERTIFICATE OF SERVICE

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 First-Class Mail

Gerald A. Sutherland
110 Pan Tree Lane
Greensburg, PA 15601

Dated: April 4, 2024


Margaret A. Morris, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GERALD A. SUTHERLAND

v.

FIRSTENERGY PENNSYLVANIA ELECTRIC
COMPANY

Docket No. C-2024-3047443

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 FirstEnergy Pennsylvania Electric Company within twenty (20) days from service of this notice, the facts set forth by FirstEnergy Pennsylvania Electric 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 FirstEnergy Pennsylvania Electric Company, Margaret A. Morris, Esq., and where applicable the Administrative Law Judge presiding over the issue.

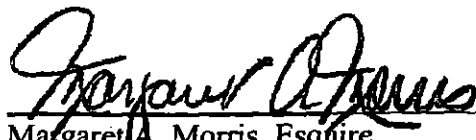
File by Mail or e-filing with:

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: April 4, 2024



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

*Counsel for FirstEnergy Pennsylvania Electric
Company (West Penn Rate District)*

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

GERALD A. SUTHERLAND

v.

FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY

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:
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:
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:

Docket No. C-2024-3047443

**ANSWER AND NEW MATTER OF FIRSTENERGY PENNSYLVANIA ELECTRIC
COMPANY TO THE COMPLAINT OF GERALD A. SUTHERLAND**

West Penn Power Company, now FirstEnergy Pennsylvania Electric Company,¹ (Respondent, FE PA, 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 Formal Complaint filed by Gerald A. Sutherland (Complainant). In response thereto, Respondent avers and represents as follows:

1. Admitted upon information supplied by the Complainant.

2. Admitted that Respondent is served by the West Penn Power Rate District.

3. Admitted that Respondent provides electric service in the Complainant's name to 110 Pan Tree Lane, Greensburg, Pennsylvania under Account No. 100093139192 (Account) and to 110 Pan Tree Lane, Rear, Greensburg, Pennsylvania under Account No. 100112923196 (Rear Account).

¹ On January 1, 2024, FirstEnergy's Pennsylvania operating companies (i.e., Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company) merged into FirstEnergy Pennsylvania Electric Company. Due to the merger transaction, the affected operating companies' tariffs were consolidated into a single tariff, with each former operating company's rates becoming its own rate district. As such, the customers of the former West Penn Power Company have their own separate and distinct rate district under FirstEnergy Pennsylvania Electric Company's tariff.

4. Denied that the Respondent is responsible for the alleged damage to personal property not covered by the insurance company. The Respondent specifically avers that at all times relevant to this proceeding, the Company's 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.

The Complainant checked the box "Other" on the formal complaint form and attached the Denial Letter and a 4-page typed letter detailing his allegations and requested relief. The Respondent specifically denies the Complainant's recitation of facts and events. Strict proof substantiating these allegations is demanded at hearing.

By way of background, the Account was established effective January 29, 1965; the Rear Account was established effective ~~March 5, 2015~~. The property is served by the Armbrust Circuit that runs from the Youngwood Substation. The Company avers that on November 6, 2023, it responded to a barn and grass fire at the property. On November 13, 2023, the Complainant filed a claim with the Respondent alleging the Company's equipment caused the fire and he was seeking reimbursement. *WAS A DEMAND METER 1985-1986 PERLUMFERIAL KITCHEN*

The Respondent avers that its business records reflect that an unknown person cut an off right-of-way (ROW) which fell into the Company's lines and stated a brush fire that damaged the Complainant's personal property. The tree was removed from the line. It should be noted that the ROW is roadside and in a fairly wooded area. There were several downed trees on

the ROW. By letter, dated December 29, 2023, the claim was denied since there was no evidence to suggest that the Company's actions were negligent or the cause of the fire.

The Respondent's Commission-approved tariff, Rule 21, clearly advises that the Company is not responsible for damages outside the Company's control. The Respondent did not cause the off ROW tree to fall into the Company's line causing the fire. The Respondent avers that the cause of the fire and resulting damage was due to the actions of the Company or its employees. The Company's Commission-approved tariff has the force and effect of law and is binding on both the public utility and its customers. 66 Pa.C.S. § 1301; *DiSanto v. Dauphin Consolidated Water Supply Company*, 436 A.2d 197 (Pa. Super. 1981); *Brockway Glass Co. v. Pa. PUC*, 437 A.2d 1967, 1070 (Pa. Cmwlth. 1981).

By way of further answer, Section 1501 of the Code, 66 Pa.C.S. § 1501, mandates that the Respondent provide reasonable and adequate service, not perfect service. *Elkin v. Bell Telephone Company*, 372 A.2d 1203 (Pa. Super. 1977). The Respondent avers that at all times, it has provided adequate and reasonable service to the Complainant consistent with the Code and Commission regulations and orders. In determining whether Respondent has violated the provisions of 66 Pa.C.S. § 1501, it must be understood that what is required is adequate, efficient, safe, and reasonable service and facilities, not "perfect service." *Manuel A. Biason v. Metropolitan Edison Company*, PUC Docket No. C-00004450 (Opinion and Order entered December 19, 2001). Likewise, service must only be *reasonably* continuous and without *unreasonable* interruptions or delay. The Code does not mandate perfect service, nor must a public utility provide the best possible service. Most certainly, a public utility is not a guarantor

of either perfect service or the best possible service. *Re Metropolitan Edison Company*, 80 Pa. PUC 662 (November 19, 1993).

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. By way of further response, 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, i.e., "reimbursement me."

It is well settled that the Commission has only the powers, and can only consider such matters, as are expressly, or by necessary implication given to it by the legislature. *Behrend v. Bell Telephone Co.*, 363 A.2d 1152 (Pa, Super 1976); *Brockway Glass Company, Inc. v. West Penn Power Co.*, 54 Pa P.U.C. 509 (1980); *Bones v. Bates Taxi, Inc.*, 51 Pa, P.U.C. 346 (1977). The Code gives the Commission supervisory and regulatory power over the rates, service and facilities of public utilities. *Brockway Glass* at 514. Pennsylvania courts have long held that the enforcement powers of the Commission do not include the power to award monetary damages. *Elkin v. Bell*, 491 Pa. 123, 420 A. 2d 371 (1980); *Feingold v. Bell of Pennsylvania*, 477 Pa. 1, 383 A.2d 791 (1978); see *Nagy v. Bell Tel. Co.*, 436 A.2d 701 (Pa, Super. 1981) Thus, the Code does not give the Commission jurisdiction over a claim for monetary damages. *Behrend, supra*; *Brockway Glass, supra*; *Bones v. Bates Taxi, Inc.*, 51 Pa. P.U.C. 346 (1977).

6. No response required.

7a. Denied that there is not a Decision issued by the Commission's Bureau of Consumer Services which dismissed the Informal Complaint noting there was no evidence to suggest negligence on behalf of the Company.

7b. No response required.

7c. No response required.

8. No response required.

9. No response required.

10. No response required.

11. No response required.

NEW MATTER

12. The Code mandates that the Respondent provide adequate, efficient, safe, and reasonable service and facilities, not "perfect service." 66 Pa.C.S. § 1501, *Biason supra*.

13. The Code does not mandate perfect service, nor must a public utility provide the best possible service. *Re: Metropolitan Edison, supra*.

14. Tariff Rule 21 clearly states that the Respondent is not responsible for damages that are outside of the Company's control.

15. The Company's Commission-approved tariff has the force and effect of law and is binding on both the public utility and its customers. 66 Pa.C.S. § 1301; *DiSanto, supra*.

16. The Code does not confer jurisdiction upon the Commission to award monetary damages. The Commission possesses no jurisdiction to consider any implied request to reimburse the Complainant's for the alleged damaged property. *See, DeFrancesco, supra; Elkin, supra; Feingold, supra*.

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

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

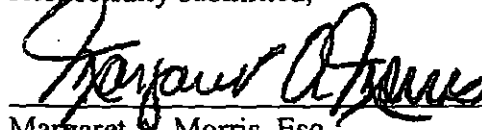
19. The Respondent requests that this matter be referred to the Office of Administrative Law Judge's Mediation Unit.

20. 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, FirstEnergy Pennsylvania Electric Company, requests that the Complaint filed by Gerald A. Sutherland 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.**

Date: April 4, 2024

Respectfully submitted,



Margaret A. Morris, Esq.

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 FirstEnergy Pennsylvania Electric
Company (West Penn Rate District)*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

GERALD A. SUTHERLAND
Complainant

v.

FIRSTENERGY PENNSYLVANIA ELECTRIC
COMPANY
Respondent

Docket No. C-2024-3047443

VERIFICATION

I, Raymond Yackovich, 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 FirstEnergy Pennsylvania Electric Company on behalf of its West Penn Rate District 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.

4/3/2024

Date

Raymond Yackovich

Raymond Yackovich

**March 28, 2024
Pa Public Utility Commission
400 North Street
Harrisburg, Pa. 17120**

Attn. Secretary,

**WP 288333
PCS Case 3961134**

This is to be considered an update of the formal complaint I sent you February 26, 2024.

I have consulted with three attorneys. First, shortly after the fire occurred . He told me, in his opinion, I would not likely result with anything from West Penn Power – that all my efforts would not result in anything. I recently talked to another in Greensburg who has dealt with “fire” cases. He has suggested that the \$110,000+ estimate by Donegal Insurance probably should be \$150,000 or more. He also indicated that it would not be worth his attention unless it would be valued at \$400k, \$500k or more. Apparently West Penn Power (First Energy) simply ignore what they consider as smaller claims. This is their reputation in the professional community. For us, this is devastating and we want it to be addressed.

We have witnesses as to the origin of the fire. Perhaps the “crew” would jeopardize their jobs if they did not comply with “Caroline’s” statement. Or maybe they were not actually contacted. This was an outright lie. Prior to the fire there was no trees cut on my property. We still have not been contacted by West Penn Power nor have they made an onsite inspection.

This has been devastating for us. We not only lost two mowers, extension ladders but the history of our life business and personal belongings as well as the destroyed building (over 400 items as recorded by Donegal insurance.) Donegal Insurance was required to send \$5,170.14 to Hempfield Township fire department (Westmoreland County) After three months they just sent a check

and deducted \$100 for their expense. The destroyed building was remove the end of December – three tandem loads at a cost of \$6000.

We have purchased a new zero turn mower as well as a used riding mower.

We have gone for months without any storage for autos & equipment . Some covered with tarps. We replaced the destroyed building , slightly smaller and only one floor. Much else is needed.

Where do we go from here? Will you be having a hearing to put pressure on West Penn Power?

Sincerely,

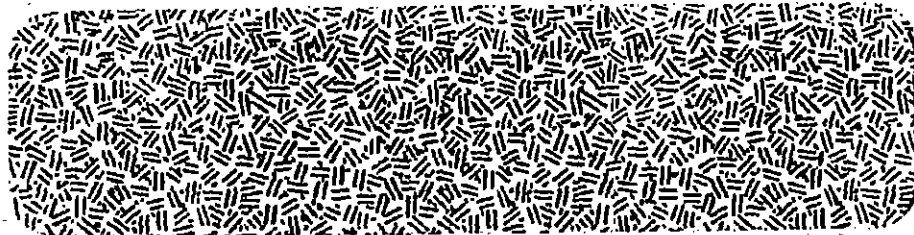
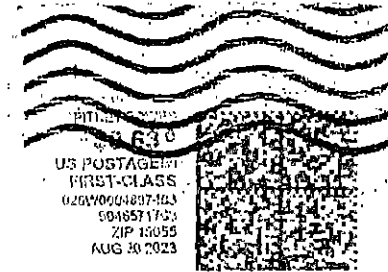
**Gerald A. Sutherland
110 Pan Tree Lane
Greensburg, Pa. 15601
Phone: 724-832-8018**

**WestPenn™
Power**
A FirstEnergy Company

105 Commerce Blvd.
P.O. Box 588
Lawrence, PA 15055-0588

PITTSBURGH PA 150

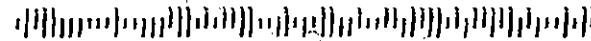
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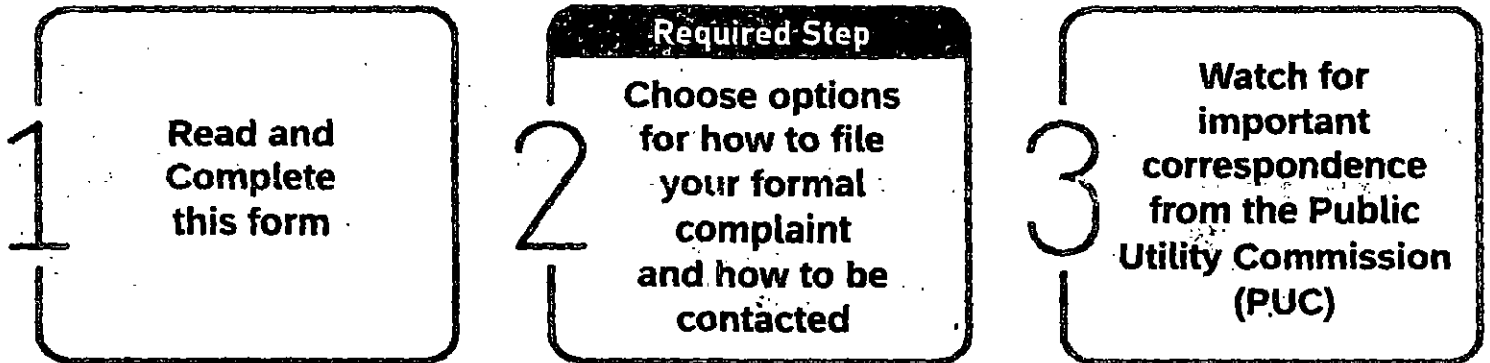


SENT
2/24/07

PAPUC PENNSYLVANIA PUBLIC UTILITY COMMISSION

FORMAL COMPLAINT - PRINTABLE FORM

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.



Please legibly complete this form in ink.

I. CUSTOMER (COMPLAINANT) INFORMATION

Provide your contact information and utility account number. It is your responsibility to update the PUC with any changes to your address and to where you want documents sent to you.

Name GERALD A. SUTHERLAND

Street/P.O. Box 110 PAN TREE LANE Apt# _____

City GREENSBURG State PA Zip 15201

County WESTMORELAND

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

Home: (724) 832-8018 Mobile: (724) 989-9302

Email Address PAPER@LE7ANCO.COM

Utility Account Number (from your bill) 100098139192 AND 100 ~~075~~ 923192

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 _____ Apt# _____

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

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"/> Steam Heat |
| <input type="checkbox"/> Water | <input type="checkbox"/> Motor Carrier (taxi, moving company, limo) |
| <input type="checkbox"/> Wastewater/Sewer | <input type="checkbox"/> Telephone/Telecommunications (local, long distance) |

Note: The PUC does not regulate high-speed internet service, cell phones or cable TV.

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.
- 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 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) PROPERTY FIRE NOVEMBER 6, 2023 - 2:00 AM
I HAVE BEEN UNABLE TO CONTACT ANY ONE AT WEST PENN TO FILL OUT
A COMPLAINT. I COULD ONLY GET AN AUTO ANSWERING VOICEMAIL MESSAGE
FOR "CAROLINE" WHO NEVER CALLED BACK. SEE BRIDE LETTER FROM
"CAROLINE" DTD 10/29/23 - IT WAS MAILED TO ME JANUARY 23 2024.
THERE WAS NO OUT TROUBLE SHED CLAIMS. PLEASE DETAILS
ATTACHED. FILED COPY OF "CAROLINE" LETTER.

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.

AS EXPLAINED IN ATTACHED, I WANT FERN # 570,127 ASSUME RESPONSIBILITY AND REIMBURSE ME.

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.

Has a court granted you a PFA 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.

Has a court granted a PFA order or any other order for your personal safety or welfare?

Yes If your answer is "yes," attach a copy of the current PFA order to this Formal Complaint form. Due to the confidential nature of the PFA, you cannot eFile your Formal Complaint. You will need to print out this form and mail it to the Secretary of the Commission.

No

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.

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

*WE CANNOT GET IN CONTACT WITH CLAIMS DEPT.
(CALLED AKRON MORE THAN ONCE)*

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.

SEE ATTACHED EXPLANATION

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.

TWO OPTIONS TO FILE YOUR FORMAL COMPLAINT — CHOOSE ONE

OPTION 1

Electronically by eFile

One option is to create an account on the PUC's eFiling system, or, use your existing eFiling account. This is the quickest and easiest way to receive, file and submit documents.

eFiling permits consumers, utilities and attorneys to file certain documents electronically with the PUC without filing paper copies, serve documents electronically on other parties if they agree to such service, and to receive electronic service of documents from the PUC.

You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method, you will electronically receive documents.

Visit <https://efiling.puc.pa.gov/> to learn more and create an eFiling account.

You will automatically receive eService with your eFiling account.

OPTION 2

Mail

Mail the completed form with your original signature and any attachments 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 select the option to mail your formal complaint, you are required to select the method by which you would like the PUC to communicate with you. You must choose one of the three options on the next page for ways you would like to receive documents.

THREE OPTIONS TO RECEIVE DOCUMENTS — CHOOSE ONE

It is REQUIRED to select ONE of the following options for receiving all hearing notices, orders and related documents from the PUC:

OPTION 1

eFILING: This is the quickest and easiest way to receive all documents. You agree to open and use an eFiling account - free of charge through the PUC's website. By selecting this method you will electronically receive documents. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

You will automatically receive eService with your eFiling account.

OPTION 2

FIRST CLASS MAIL: You agree to receive all documents by First Class Mail (using the address you provided on Page 1).

Check the box and initial here ADD if you are selecting **FIRST CLASS MAIL** service.

OPTION 3

EMAIL: You agree to receive all documents by email (using the email address you provided on page 1). Keep in mind, you will only be able to receive documents by email from the PUC. You will not be able to email documents to the Commission.

To file documents, you must submit them through an eFiling account or mail them. To create an eFiling account, visit <https://efiling.puc.pa.gov/>.

Check the box and initial here _____ if you are selecting **EMAIL** service.

Important: It is important to select ONE of the three options above.
IF AN OPTION IS NOT SELECTED, THIS MAY DELAY THE PROCESSING OF YOUR COMPLAINT.

LEGAL REPRESENTATION

If you are filing a Formal Complaint as an individual on your own behalf, you are 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 contact information, which is required. 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 _____ Apt# _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

Email Address _____

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.

[Faint, illegible text]

You MUST sign and date your complaint. If you file by mail, you must sign your name in ink on the line provided below. Date the form. If you do not sign with your original signature and date, the PUC will not accept your complaint.

Verification:

I, GERALD A. SUTHERLAND, 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).

GERALD A. SUTHERLAND
(Signature of Complainant)

2/26/24
(Date)

Gerald A. Sutherland

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

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 filed on behalf of a political subdivision, the title of the authorized employee or officer must be provided.

REC'D 1/25/24

December 29, 2023
Claim # WP288333

Gerald Sutherland
110 Pan Tree Lane
Greensburg, PA 15601

Dear Mr. Sutherland:

Your claim for damage has been referred to this office for investigation.

I spoke with the crew who responded and was advised that someone cut a tree down, which caused it to fall onto our lines and start a fire.

Our crew removed the tree from the line, they did not have to cut the tree down.

We recognize the seriousness of any customer's loss and we genuinely regret the occurrence; however, based upon the investigation, there is no evidence to suggest negligence on behalf of West Penn Power.

Payment of your claim is respectfully declined.

Sincerely,



Caroline
Claims Representative V

**Pa Public Utilities Commission]
400 North Street
Harrisburg, Pa 17120**

February 22, 2024

**Property fire November 6, 2023 @ 2:00 pm 110 Pan Tree Lane, Greensburg, Pa.
15601 (Dunn Road & State Route 819.**

Claim No. 3555454171 (Donegal insurance: 1138054)

West Penn claim No. 338333

BCS case No. 3961134

Fire companies responded immediately from a 911 call.

Mid Way VFD was closest. Probably 7 or 8 companies came.

I was at home. My son arrived from his job around 2:00 PM. When he called 911, someone had already called. One truck shot water up from Dunn Road, while another came in my driveway, while others were on Route 819.

Burning leaves & brush quickly spread: There may have been a slight breeze but nothing out of the ordinary.

During the fire, Jeff Falco, Supervisor, from West Penn arrived & took my son, Blaine, down Dunn Road to observe the origin of the fire – under a utility pole. There was no mention of any cut tree. He called to dispatch two others to clear around the pole. The crew did some clearing (disconnecting the power to our building fed from Dunn Road) and then reconnected it.

The fire completely destroyed my storage building (two floors) – 18' x 24' plus a 12' x 12' shed behind.

There is also damage to the 20' x 40' (two floors) storage building which is repairable. In addition, probably the best part of an acre was cleared by the fire.

During the fire, Keith Todd (724-953-8506) contacted me representing the Bureau of Forestry regarding the source of the fire (at the utility pole).

I stayed up most of the night suspecting a rekindle possible!

Keith Todd called me later that night telling me that an investigation would be forthcoming from Brian Kinsey (724-838-1200) Bureau of Forestry.

On November 7 I called my insurance agent Varian Slavin (724-527-2802) to file a claim on Donegal Insurance. There was no auto damage, as my son quickly moved our auto from the second building and our other auto was parked up front. As far as I know West Penn never came and checked on the outcome.

Donegal, my insurance, responded reasonably quickly. They sent two separate investigators one for the destroyed building and one for contents. Claims contact: Amanda Hernandez 712-546-2669 Claim No.138054.

**Solera Enslavio – personal property- Ken Patrick (508) 745 9358
Pladin Adjustments - (610)420-6052**

I received two checks from Donegal Insurance. Their total assessment was for \$110,810.41 but due to policy limits & depreciation they paid only a reduced amount. They were also required to send \$5170.14 to Hempfield Fire Company (township) so we would remove the remains of the destroyed building within a certain time. The total from Donegal only represented 69% of their evaluation. This estimate is very conservative as there was much that was melted & destroyed beyond recognition. I have a list of contents recorded materials includes – 25 pages and 410 items.

On December 4 I was contacted by Arbormetrics (representing First Energy) who said they will be clearing the right of way on Dunn Road in April! Dan M. 724-351-2334. Was this a cover up after thought?

On January 4 I received a call from their “Dry Tavern” maintenance location toward Washington Pa from my area. How did they find out about the fire and how do they fit in the picture? Any ways, they told me that I would receive a response from “Caroyln”.

I have repeatably tried to contact West Penn to file a claim. First I went to Cabin Hill apparently a previous headquarters prior to the take over by First Energy. I was told by a guard to call Fairmont West Virginia. He gave me a phone number

but I couldn't make contact. Finally, I called the phone number on my bill in Akron Ohio. The auto response said they would call me back in 121 minutes. That never happened. Several more messages – no response. The next day I called Akron at 8:05 AM and finally got a live voice "Nick". He said they are having phone line problems and that I would have a response with in 10 days. That was January 2nd. He said they couldn't give me a phone number as it was internal – to leave a voice message. I did – several of them! No response from apparently "Carolyn". Also, I had no address to send a claim to.

By January 10 after leaving many messages, I called the Pa Utilities Commission in Harrisburg. I sent particulars as requested.

On January 25 I received a brief letter from "Carolyn" denying any liability by West Penn. This was an obvious lie. I think she made this up to justify for West Penn. This letter was dated December 29; mailed January 23 to me. I sent the envelope to the utility commission noting the date with a copy of the envelope which has a different address than the letter head. I ask where are they? The same day I had already sent my previous letter prepared for West Penn to the Akron address. To date, no response! I do not accept this determination.

We live in a rural area (6-1/2 acres) along Pa state route 819 & Township Dunn Road. My property, which is adjacent to Dunn Road has a very steep bank to the power lines (North). No one would have climbed up there from the road to cut a tree. The other way is to enter my drive way and bare left near the building that got destroyed. The power line is then behind the building is at least 60 or 100 feet beyond the building. Who would cut a tree near a power line on my property? We had no power interruption. No one came in my driveway until the fire trucks arrived other than my son returning from work. Again, there was no tree cut prior to fire company arrival. My son happens to know the supervisor for West Penn, Jeff Falco. Contact him to see what actually happened. Also, Keith Todd representing the Bureau of Forestry and would know what he witnessed.

I think West Penn owes it to us to make an on site inspection.

My insurance, as you can see, didn't cover my loss. I don't know if West Penn has an insurance company or they are self insured. It doesn't matter to me. They are entirely liable because they haven't maintained their power lines. My insurance company billed me another \$486 on my home owners policy for 2024 because I filed this incident. My insurance company should not have to bear the burden for this incident.

Gerald A. Sutherland
724-832-8018

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT <i>Domestic Mail Only</i>	
For delivery information, visit our website at www.usps.com	
Harrisburg, PA 17120	
Certified Mail Fee \$4.40 \$	0697 12 Postmark Here 02/26/2024
Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$0.00 <input type="checkbox"/> Return Receipt (electronic) \$0.00 <input type="checkbox"/> Certified Mail Restricted Delivery \$0.00 <input type="checkbox"/> Adult Signature Required \$0.00 <input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.92 \$	
Total Postage and Fees \$5.32 \$	
Sent To Utility Commission Street and Apt. No., or PO Box No. 400 North St. City, State, ZIP+4 Harrisburg Pa 17120	
PS Form 3800, Apr. 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

Total
 Grand Total: \$4.11
 Cash \$5.00
 Change -\$0.89

EAST 94E2 T000 0490 0207
 ATTACHED AMOUNT: \$0.68
 \$4.64

724-832-8018 (019495)

West Penn Power

SENT WITH MY
PERIODIC BILLS
TO ARBUN

What does it take to get a response from West Penn Power?

I always pay my bills on time.

I do not have a phone number or address for "Carolyn" I was told she would call. I have left voice messages . This is serious!

See enclosed documents

Gerald A. Sutherland

724-832-8018

**January 10, 2024
Public Utility Commission
400 North Street
Harrisburg, Pa; 17120**

Claim against West Penn Power – Case No. 3961134

Following my conservation of January 20¹⁰, enclosed is detailed information.

This concerns a fire on my property – 110 Pan Tree Lane, Greensburg Pa. 1560 on November 6.

Also note my summary dtd. January 3rd 2024.

As you can see, I have had much difficulty contacting west Penn Power.

On January 9th I called West Penn Power again – Three times to get a “live” voice. They never could nor would give me a direct phone number for “Carolyn” who handles claims. They said it was an internal number. Again (third time) I left a voice message requesting a call back. – nothing as of January 10, 2024. I understand West Penn some notation on December 11th. We have heard nothing! I need an actual address that I may send details with a formal complaint.

Sincerely,

**Gerald A. Sutherland
Patricia J. Sutherland**

Phone: 724-832-8018

Email: pappapj@yahoo.com

**January 3, 2024
West Penn Power
Claims Department**

Ref. Property fire November 2nd, 2:00 PM at 110 Pan Tree Lane, Greensburg, Pa

Claim No. 3555454171

This was reported to "911" apparently by a neighbor; Son Blaine called "911" and was told it was already reported. Fire trucks showed up immediately. Mid-Way St. Clair is our nearest jurisdiction. At least 7 fire trucks showed up. One shot water up over bank from Dunn Road (North). Another was in our driveway near the burning leaves and next to our storage building which caught fire.

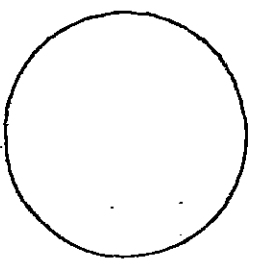
During the fire a West Penn truck came and cut down trees/branches from the power lines. During the fire in progress we were contacted by a fireman from the Bureau of Forestry. Then that evening, he called again to explain that they would determine the source of the fire. It obviously started below one of the line poles going from Route 819 West along Dunn Road. My property runs from Route 819 along Dunn Road West approximately 550 ft.

West Penn never returned to check on us.

Damage, in addition burning of leaves and under brush (which we never pursued) probably destroyed nearly an acre around two of our storage buildings. Our building 18' x 24' plus a 12' x 12' addition on the back were completely destroyed. The larger structure had a second floor and a copula on the roof. The other building a 20' x 40' pole building has slight damage & can be repaired. The sheeting boards were removed by firemen across the back in order to extinguish the starting fire and the heat destroyed the soffit.

The Bureau of Forestry made a follow up call and confirmed the origin of the fire. Between Solera Enservio and Paladin Adjustments the damages totaled \$110,810.54. due to faulty West Penn equipment. This was a very conservative

DH52



8422 Route 819

FirstEnergy

Ohio Edison • The Illuminating Company • Toledo Edison
Met-Ed • PennState • Penn Power • Jersey Central Power & Light
West Penn Power • Mont Power • Potomac Edison

PLEASE COMPLETE AND SIGN THE REVERSE SIDE OF THIS FORM AND HANG IT ON YOUR DOOR FOR PICK UP TOMORROW

Some of the trees on your property have grown near the electric line(s) and require removal and/or pruning.

Arbor Metrics is attempting to notify you about performing vegetation clearance on the power line right-of-way. This work is being scheduled to help prevent electric service interruptions to you and the rest of our customers supplied by these facilities. This work will be performed at no expense to you and will be completed by professional tree contractors using proper arboricultural practices.

The maintenance work intended for your property is indicated below.

Remove Trees. (Large wood remains on site) _____

Clear Right-of-Way. (Selectively clear tall-growing, woody plant species within the right-of-way and the occasional off right-of-way tree which threatens service.)

Incompatible vegetation

Brush Disposal Method. _____

Chipped

Apply Herbicides. (Selectively apply EPA registered and approved herbicides to control tall-growing, woody plant species on the right-of-way.)

Low volume application (summer)

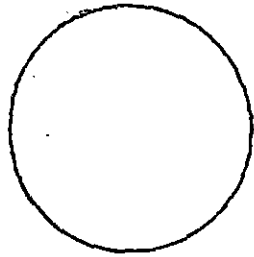
Prune Trees. _____

Along 819

Other. Fran yellow ribbon going down the hill.

Work is scheduled to start after: 04/2024





Yes, I am the property owner and have read your notice about right-of-way maintenance.

X _____ (Signature)

X _____ (Date)

No, I am not the property owner. Please contact:

_____ (Owner's Name)

_____ (Phone No.)

I would like to discuss the work indicated on the reverse side, before it is performed. Please contact me

at () _____ at the following day(s) and time(s):

Remarks: For questions call

Dan M.

724-351-2234

CONTACT INFORMATION

Name
X _____
Phone No.
X _____

Q. How will the trees be pruned?

A. When tree pruning is prescribed a method called "Natural Directional Pruning" is used. This method is recommended by the International Society of Arboriculture and the National Arborists Association as the most desirable method. The amount pruned from the powerline depends upon the species of tree. Fast-growing trees such as maples, sycamores, willows and locusts must be pruned to achieve greater clearance distances that slower-growing species like spruce.

HERROSS RUNN ROAD



DUMM ROAD



DUMM ROAD



DUMM ROAD



Dund Road



Dund Road



Robert's
Drew Road ↗





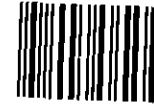






7020 0440 0001 7346 1917

Retail



17120

U.S. POSTAGE PAID
FCM LG ENV
YOUNGWOOD, PA 15
APR 15, 2024

\$11.12

R2305E125661-12

RDC 99



CMPC

717-705-1952

To: PUC MASTER

RECEIVED

Agency: PUC

Floor:

APR 18 2024

External Carrier: PRIORITY

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



70200640000173461917

RECEIVED

APR 18 2024

UTILITY COMMISSION
SECRETARY'S BUREAU

on

d A. Sutherland
Free Ln
g, PA 15601

ion Requested
Guaranteed

PA PUBLIC UTILITIES COMMISSION
400 NORTH STREET
HARRISBURG, PA 17120