

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                         |   |                |
|-------------------------|---|----------------|
| Michael T. Jennings     | : |                |
|                         | : |                |
| v.                      | : | C-2018-3006031 |
|                         | : |                |
| West Penn Power Company | : |                |

**ORDER  
PERMITTING THE FILING OF REPLY BRIEFS**

On March 20, 2024, a post evidentiary hearing conference was held pursuant to Notice and Order dated December 12, 2023.<sup>1</sup> At this conference the Complainant, Mr. Michael T. Jennings, represented himself. The Company, West Penn Power Company, was represented by Daniel A. Garcia, Esq. Both parties at that time indicated that they requested an opportunity to file Reply Briefs, which requested was granted.<sup>2</sup>

On March 21, 2024, an Order was issued following the post hearing conference which formalized, *inter alia*, my ruling that the parties are permitted to file Reply Briefs. This Order also stated that the deadline for filing Reply Briefs would be determined following a review of a status report from the Complainant indicating whether he wished to reopen the evidentiary record to present expert testimony in light of the Pennsylvania Supreme Court’s decision in *Povacz v. Pa. PUC*, 280 A.3d 975 (Pa. 2022) (*Povacz II*).

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<sup>1</sup> This case was initiated by the filing of a Formal Complaint in November 2018 and an evidentiary hearing was held before Administrative Law Judge Jeffrey A. Watson on July 23-24, 2020. See the Order dated December 12, 2023, for a more detailed procedural history of this case.

<sup>2</sup> On October 9, 2020, both parties filed Main Briefs. On October 12, 2020, the Complainant filed a Corrected Brief. The Complainant’s Main Brief is 238 pages, inclusive of appendices, proposed findings of facts, conclusions of law, and ordering paragraphs. The Complainant’s Corrected Brief amends one sentence on p. 58 of this Brief. The Respondent’s Main Brief is 32 pages, also inclusive of proposed findings of facts, conclusions of law, and ordering paragraphs.

Although the parties were permitted to file Reply Briefs on or before November 10, 2020, this matter was stayed prior to that date. This Stay was lifted on November 14, 2023.

On April 12, 2024, in accordance with March 21, 2024, Order, the Complainant filed a status report stating he would not be pursuing expert testimony.

On May 17, 2024, the Complainant filed a Motion for a Continuance in which he Requested that this proceeding be continued for six months, or until November 30, 2024, due to his recovery from a medical event, among other reasons.

Upon consideration of the Motion for Continuance, other matters of record, and the discussions at the post hearing conference held on March 20, 2024, the parties will be permitted to file Reply Briefs, and will be required to do so, by November 15, 2024.

THEREFORE,

IT IS ORDERED:

1. That the Motion for Continuance filed by the Complainant on May 17, 2024, is hereby formally granted to the extent that either party may file, but is not required to file, a **Reply Brief** on or before **November 15, 2024**.

2. That a Reply Brief, if filed, shall be served on the other party and the undersigned Administrative Law Judge via email at [gchiodo@pa.gov](mailto:gchiodo@pa.gov) no later than 4:30 p.m., on the date due—i.e., November 15, 2024.

3. That it shall NOT be a requirement that a Reply Brief includes proposed findings of fact, conclusions of law or proposed ordering paragraphs; and it is also NOT a requirement that exhibits admitted at trial be reproduced in the Brief or as an attachment or appendix to the Reply Brief.

4. That the Reply Brief shall not include as an attachment or appendix a copy of any legal authority (including cases) relied upon, but should include a citation to such legal authority.

5. That a Reply Brief must be as concise as possible and shall not exceed thirty (30) pages, except by special permission.

6. That any Reply Brief not filed and served on or before the date set forth above will not be accepted except by special permission.

Date: October 1, 2024

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/s/  
Gail M. Chiodo  
Administrative Law Judge

**C-2018-3006031 - MICHAEL JENNINGS v. WEST PENN POWER CO**

*Revised 3.21.2024*

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