



76 South Main Street
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November 20, 2024

VIA ELECTRONIC FILING

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

Re: Joshua E. Dahman v. FirstEnergy Pennsylvania Electric Company
Docket No. C-2024-3051287

Dear Secretary Chiavetta:

Enclosed please find the Motion to File the Answer and New Matter of FirstEnergy Pennsylvania Electric Company, on behalf of the Penn Power Rate District, *nunc pro tunc* to the Formal Complaint of Joshua E. Dahman. This document has been served on the Complainant as shown in the Certificate of Service.

Please contact me if you have any questions regarding this matter.

Very truly yours,

Timothy K. McHugh

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Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOSHUA E. DAHMAN

v.

**FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY**

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Docket No. C-2024-3051287

NOTICE TO PLEAD

TO: Joshua E. Dahman

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion 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 Motion may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for FirstEnergy Pennsylvania Electric Company, and where applicable, the Administrative Law Judge presiding over the case.

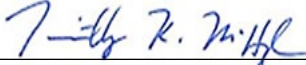
File with:

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

With a copy to:

Timothy K. McHugh
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308

Date: November 20, 2024



Timothy K. McHugh, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOSHUA E. DAHMAN

v.

**FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY**

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Docket No. C-2024-3051287

**MOTION OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY
TO FILE ANSWER AND NEW MATTER NUNC PRO TUNC**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”) by and through Timothy K. McHugh, respectfully petitions the Pennsylvania Public Utility Commission's (“Commission”) to accept the Answer and New Matter to the Formal Complaint of Joshua E. Dahman being electronically filed contemporaneously with this Motion pursuant to 52 Pa. Code §§ 1.2, 5.62 and 5.103, as follows:

1. On September 19, 2024, Joshua E. Dahman (“Complainant”) filed a Formal Complaint against the Company with the Commission, which was electronically served upon the Company on September 20, 2024.
2. Pursuant to 52 Pa. Code § 5.61, the Company’s Answer to the Formal Complaint was due for filing on or before October 10, 2024.
3. On October 10, 2024, the Company electronically filed Preliminary Objections as well as an Answer and New Matter to the Formal Complaint.
4. On October 10, 2024, the Complainant was electronically served with the Company’s Answer and New Matter and Preliminary Objections.

5. On October 11, 2024, the Company's Answer and New Matter was rejected by the Secretary's Bureau of the Commission due to an incorrect docket number on the the filing.

The Company's Preliminary Objections were accepted by the Commission as filed.

6. Due to an administrative oversight, a corrected Answer and New Matter was not re-filed upon notice of rejection from the Commission's Secretary's Bureau.

7. The Company respectfully requests that this Honorable Commission accept the filing of its Answer and New Matter *nunc pro tunc*.

8. 52. Pa. Code § 1.1 et seq. governs rules of administrative practice and procedure before the Public Utility Commission.

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

10. Furthermore, the Pennsylvania Commonwealth Court has held that the Commission has authority to waive procedural defects when they do not affect the substantive rights of the parties.¹

11. The Company respectfully submits that the late filing of its Answer and New Matter was due to an administrative oversight.

12. More importantly, acceptance of the Answer and New Matter *nunc pro tunc* does not affect the substantive rights of the Complainant in this matter. The Complainant was timely served with the Company's Answer and New Matter on October 10, 2024.

13. Other than correcting the docket number on the Answer and New Matter, updating the dates of filing and service to the Complainant and reflecting the undersigned as

¹ *Info. Connections, Inc. v. Pennsylvania Public Utility Commission*, 630 A. 2d 498 (Pa. Cmwlth. 1993).

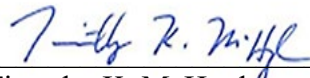
Counsel for the Company, the Company's Answer and New Matter is substantively identical to what the Complainant previously received from the Company.

14. Accordingly, the Company respectfully requests that its Answer and New Matter be accepted for filing *nunc pro tunc* so that this matter can be decided on the merits.

WHEREFORE, FirstEnergy Pennsylvania Electric Company hereby requests that its Answer and New Matter be accepted for filing *nunc pro tunc*.

Respectfully submitted,

Dated: November 20, 2024



Timothy K. McHugh
Attorney No. 317906
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
(610) 301-9072
tmchugh@firstenergycorp.com

Counsel for FirstEnergy Pennsylvania Electric Company, on behalf of the Penn Power Rate District

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOSHUA E. DAHMAN

v.

**FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY**

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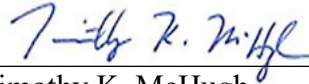
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Answer of FirstEnergy Pennsylvania Electric Company, on behalf of the Penn Power Rate District, to the Formal Complaint of Joshua E. Dahman upon the individual listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by electronic mail as follows:

Joshua E. Dahman
jed7718@gmail.com

Dated: November 20, 2024



Timothy K. McHugh
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
(610) 301-9072
tmchugh@firstenergycorp.com

Counsel for FirstEnergy Pennsylvania Electric Company, on behalf of the Penn Power Rate District