

Andrew and Theresa Sabatini

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November 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 Motion to Strike First Energy West Penn Power's Reply to Exceptions that was not filed timely.

Respectfully,

 /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	:	

MOTION TO STRIKE WEST PENN POWER’S REPLY EXCEPTIONS

On June 24, 2024 we filed our Exceptions to ALJ DeVoe’s Initial Decision. We correctly e-filed on the PUC e-filing website and received confirmation on June 25, 2024 that the e-filing was accepted and posted on June 24, 2024. We provided proper and correct Certificate of Service and we E-Served via email all parties including EDeVoe@pa.gov, Lauren Lepkoski (llepkoski@firstenergycorp.com), Tori Giesler (tgiesler@firstenergycorp.com), and r-osa@pa.gov.

On November 7, 2024, we received an email communication sent by Ms. Christine Hodge on behalf of Secretary Rosemary Chiavetta, stating that “Upon receiving exception and a Certificate of Service from the Complainant in the above captioned complaint case, there is **an indication leading the Commission to suspect** (emphasis ours) that while Complainant filed exception and a Certificate of Service with the Commission, the Complainant failed to actually send a copy of the exceptions to the Respondent Utility.” No explanation is given in the letter as to what “indication” existed that would lead the Commission to “suspect” that Respondents had not received a copy.

In fact, Respondents DID receive a copy, and we have electronic proof of such delivery. It was sent to the four above referenced names and email addresses in one email with the PDF document of our Exceptions attached at 3:08 PM on June 24, 2024. I have attached a copy of that email to this filing (Exhibit 1) and a copy of the Source Data which shows the full email addresses for each recipient (Exhibit 2).

Therefore:

- 1) Since West Penn Power failed to submit its Reply Exceptions within the 10 day window set by Title 52 Section 5.535, we move the Commission to strike their Reply from the record.
- 2) The November 7th, 2024 Secretarial Letter has the appearance of an attempt to reopen the window of time for West Penn Power to reply far beyond the 10 days permitted by Title 52 Section 5.535, which is a violation of the Public Utility Commission's own code.
- 3) On November 19th, 2024 at 3:30 PM, I, Theresa Sabatini, called and spoke with Ms. Hodge who forwarded my call on to Secretary Chiavetta. In a brief exchange with Secretary Chiavetta on the phone, she requested that I email her with the relevant docket number and information I was enquiring about. She said she would be back at her desk in about 20 minutes and would return my call. I emailed her immediately with our docket number and attached a copy of the Secretarial letter to my email. I have never heard back from Secretary Chiavetta regarding this matter, leaving my questions unanswered. This lack of transparency and response amplifies our sense that the PUC is colluding with West Penn Power to violate the law and strip Complainants of their due process rights.

We thereby move the Commission to strike West Penn Power's Reply Exceptions from the record.

Respectfully submitted this 25th day of November 2024,

_____/s/

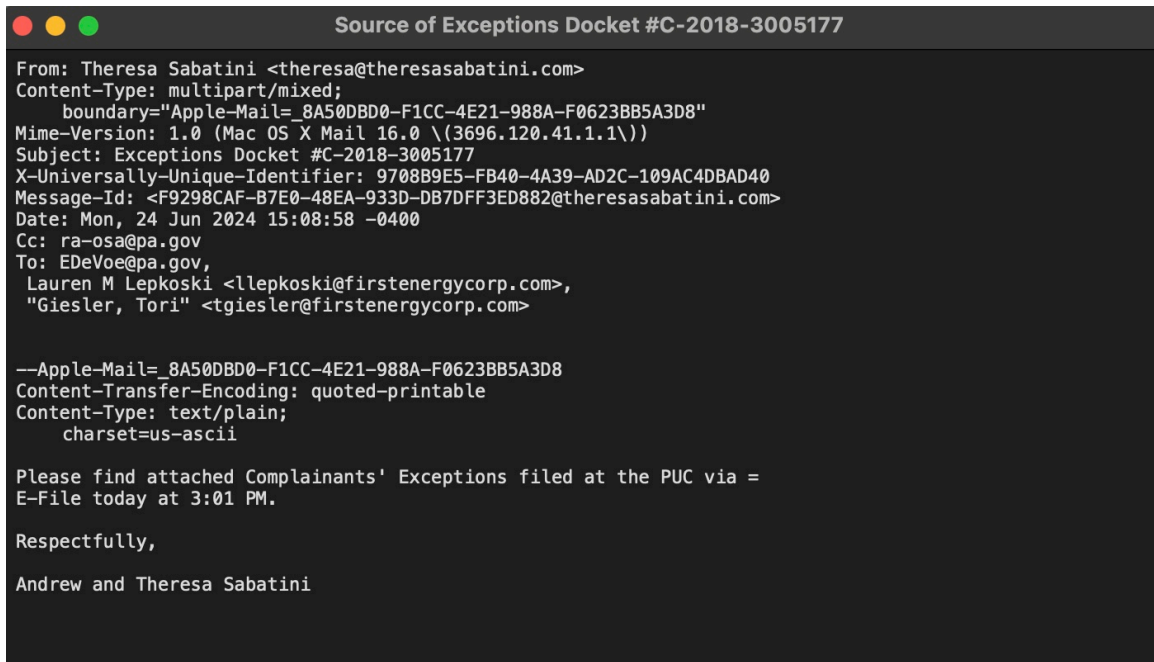
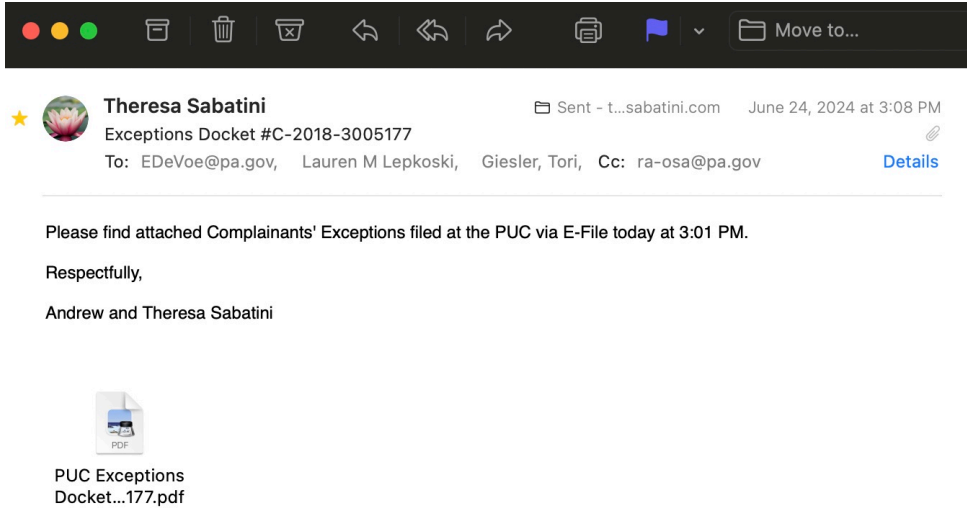
Andrew Sabatini

_____/s/

Theresa Sabatini

Exhibit 1) Email sent from Complainants to ALJ DeVoe, Lauren M. Lepkoski, Tori Geisler, and ra-OSA.pa.gov on June 24, 2024 at 3:08 PM with our PUC Exceptions PDF file attached.

Exhibit 2) Email Source Data showing the full email addresses of all recipients of Complainants' email with PUC Exceptions PDF file attached.



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 *Motion to Strike West Penn Power's Reply Exceptions* 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:

Lauren M Lepkoski Esquire
Tori L Giesler Esquire
FirstEnergy Pennsylvania Electric Company (West Penn Rate District)
FirstEnergy Services Co
2800 Pottsville Pike Po Box 16001
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Accepts E-Service
LLepkoski@Firstenergycorp.Com
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Administrative Law Judge Emily DeVoe
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
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Edevoe@Pa.Gov

Commission's Office of Special Assistants
ra-OSA@pa.gov

Dated: November 25, 2024