

Jeannette and Craig Pavlick
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November 27, 2024

VIA ELECTRONIC FILING

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

In Re: Jeannette and Craig Pavlick v. West Penn Power Company
Docket No. C-2018-3002723

Secretary Chiavetta:

Enclosed you will find our Motion to Strike First Energy West Penn Power's Reply to Exceptions that were not filed timely.

Respectfully submitted,

/s/

Jeannette Pavlick

/s/

Craig Pavlick

CC: Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JEANNETTE PAVLICK AND CRAIG PAVLICK :
 :
 v. : Docket No. C-2018-3002723
 :
 WEST PENN POWER COMPANY :

CERTIFICATE OF SERVICE

We hereby certify that we have this day served a true and correct copy of our Motion to Strike First Energy West Penn Power's Reply to Exceptions upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54.

Service by Electronic Mail as follows:

Judge Mary D. Long
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
301 5th Avenue, Suite 220
Pittsburgh, PA 15222
malong@pa.gov

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120
rchiavetta@pa.gov

Lauren M. Lepkoski, Tori L. Giesler
FirstEnergy Service Company
2800 Pottsville Pike
Reading, PA 19612-6001
tgiesler@firstenergycorp.com
llepkoski@firstenergycorp.com

Office of Special Assistants (OSA)
ra-OSA@pa.gov

Dated: November 27, 2024

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JEANNETTE PAVLICK AND CRAIG PAVLICK :
 :
 v. : Docket No. C-2018-3002723
 :
 WEST PENN POWER COMPANY :

MOTION TO STRIKE WEST PENN POWER’S REPLY EXCEPTIONS

On June 26, 2024, we filed our Exceptions to ALJ Long’s Initial Decision. We provided proper and correct Certificate of Service and we E-Served via email all parties including Judge Mary D. Long (malong@pa.gov), Lauren Lepkoski (llepkoski@firstenergycorp.com), Tori Giesler (tgiesler@firstenergycorp.com), and ra-osa@pa.gov. (Exhibit 1)

On June 27, 2024, we received from Secretary Rosemary Chiavetta a reply email from our June 26, 2024, email regarding filing exceptions through an efilng account. Chiavetta again replied that our exceptions were received by OSA’s office. As these emails were a reply email the list of all parties were visible at the bottom of Chiavetta’s email of the 5 email addresses as stated above.

On November 7, 2024, we received an email from the Secretary’s Bureau and sent by Christine Hodge, stating “Pleased see attached to cure service.” The only attachment was our Exceptions that we sent on June 26, 2025. **No other explanation was provided.** This email was also sent to Lauren Lepkoski and Tori Giesler of First Energy Corporation. Only today did we see that there was a letter on our docket dated November 7, 2024, that was not sent in the email from Christine Hodge and the Bureau. The letter states that “Upon receiving exceptions 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. Our Exceptions were sent on June 26, 2024, to 4 named above as well as Secretary Rosemary Chiavetta in one email attached as a PDF file. Exhibit 1 shows the email with the email addresses and the attached document.

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 25th, 2024, I, Jeannette Pavlick, called and spoke with 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 return my call the next day. I emailed her with our docket number, the letter from her office on November 7th, and a copy of my email sent on June 26, 2025 (Exhibit 1). I have not 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 27th day of November 2024,

_____/s/____

Jeannette Pavlick

_____/s/____

Craig Pavlick

Exhibit 1: Email sent from Complainants to ALJ Long, Secretary Chiavetta, Lauren M. Lepkoski, Tori Giesler, and ra-OSA@pa.gov on June 26, 2024, at 4:36 PM with our Exceptions PDF file attached.

Exhibit 1

• PUC Docket # C-2018-3002723

Yahoo/Sent ☆



Jeannette Pavlick

From: nettpav@yahoo.com

To: malong@pa.gov, rchiavetta@pa.gov, tgiesler@firstenergycorp.com, llepkoski@firstenergycorp.com, ra-OSA@pa.gov



Wed, Jun 26 at 4:36 PM ☆

Our Exception are attached.

Jeannette and Craig Pavlick



Craig and J....docx
127.5kB

