

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

David B. Phillips	:	
	:	
v.	:	Docket No. C-2024-3047550
	:	
FirstEnergy Pennsylvania Electric Company	:	

PREHEARING ORDER FOR TELEPHONE HEARING

AND NOW this 15th day of January 2025, it is hereby ORDERED:

1. DATE AND TIME OF HEARING. An initial telephonic hearing will be held in this case on:

DATE: **Wednesday, March 5, 2025**
TIME: **10:00 a.m.**

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

Toll-Free Telephone Number: **866-759-6860**
PIN Number: **71568747**

2. FAILURE TO APPEAR: You must attend the hearing and present evidence on the issues raised in the pleadings. You may lose the case if you do not take part in this hearing and present evidence on the issues raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

3. CONTINUANCES. You may request a continuance (postponement) of the hearing if you have a good reason. Continuances will be granted only for good cause. To request a continuance, you must send a written request to me and every other party (a “motion”) at least five (5) days before the hearing. Your motion should be served pursuant to paragraph 5.B below. Please include:

- (1) The case name, case number, and hearing date;
- (2) The reason you are requesting a continuance; and
- (3) State whether the other party(ies) agrees to the request. If you do not know whether the other party(ies) agrees to the request, state that you do not know.

4. PRESENTING EXHIBITS. If you intend to present any documents or exhibits at the hearing, you must email or mail one (1) copy to me and one (1) copy to every other party pursuant to paragraph 5.B below (“SERVING DOCUMENTS”). All copies must be received at least five (5) days before the hearing. Do not file your proposed documents or exhibits with the PUC’s Secretary’s Bureau. However, you should file a Certificate of Service with the Secretary indicating you sent the proposed documents or exhibits to every other party.

Proposed exhibits should be properly pre-marked for identification purposes. **Do not include account numbers, social security numbers, or any other personally identifiable information (PII) in your documents or exhibits.** It is the parties’ responsibility to redact any PII contained within a document or exhibit before submitting it into the record.

Note that attachments to your Complaint or Answer are not admitted into the record unless submitted separately. Please have all pre-served exhibits with you at the time of the hearing. This hearing may be your only opportunity to present evidence in support of your complaint.

After the hearing, it is the parties’ responsibility to provide their admitted exhibits to the court reporter for addition to the record. Failure to timely submit your exhibits to the court reporter may result in your exhibits being excluded from the record. Exclusion of exhibits from the record means that I cannot rely on the exhibits as part of my determination on the merits and *may result in you losing your case.*

5. FILING AND SERVING DOCUMENTS. When you file a document, you must provide the original to the PUC **and** serve a copy to the other party or parties. Instructions on how to file with the PUC and serve other parties are provided below.

A. FILING DOCUMENTS

(1) E-FILING. To file with the PUC, the PUC offers a free e-Filing Subscription Service. This service allows a user to file documents electronically and receive an automatic email notification whenever a document is added, removed, or changed on the PUC website in a specific case. For information and to subscribe to this service, visit the PUC's website at: <https://www.puc.pa.gov/filing-resources/efiling>.

(2) PAPER FILING. If you do not have the capability to open and use an e-Filing account, you may file paper documents with the PUC's Secretary's Bureau by hand delivering or sending them to:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

(3) CONFIDENTIAL MATERIAL. If a filing contains confidential or proprietary material, the filing should be submitted by overnight delivery to ensure arrival. Large filings containing confidential or proprietary material may also be submitted through the PUC's Share Point File system. These filings should be followed by a hard copy with a flash drive or CD for the PUC's file. Filers should contact the PUC's Secretary in advance to set up a Share Point File before submitting the filing.

B. SERVING DOCUMENTS

(1) SERVING OTHER PARTIES. When you file documents with the PUC, you must also serve a copy on the other party or parties. You may serve a copy by U.S. First-Class Mail or by hand. You may also serve a copy by eService or email, if the other party has agreed to electronic service. For your convenience, a copy of the PUC's current service list of all parties to this proceeding is attached at the end of this Order.

(2) **SERVING THE ADMINISTRATIVE LAW JUDGE.** Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. You must email a copy to me at egannon@pa.gov. If you do not have access to email, you must mail me one (1) copy, addressed to:

Erin L. Gannon
Administrative Law Judge
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

If you send me any correspondence or document, you must also send a copy of that correspondence or document to every other party pursuant to paragraph 5 of this Order.

6. **DOMESTIC VIOLENCE VICTIM.** If you are a domestic violence victim and you want to be considered for protections that may be available to domestic violence victims, you must submit a copy of your Protection from Abuse (PFA) Order or other Court Order issued by a Pennsylvania court, which provides evidence that you are a domestic violence victim. You should mark this Order as “CONFIDENTIAL.” In the case of these Orders, we will take precautions to ensure that your address is not made public.

7. **REPRESENTATION.** If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*.¹ And, unless you are an attorney, you may not represent someone else.

8. **BURDEN OF PROOF.** The Complainant (the one filing the Complaint) bears the burden of proof and must present evidence sufficient to demonstrate that the utility has violated the Public Utility Code, or a regulation or order of the PUC.²

¹ 52 Pa. Code §§ 1.21, 1.22.

² 66 Pa.C.S. § 332(a).

9. ACCOMMODATION. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Please call the PUC scheduling office at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearing, we will have an interpreter present. Please call the PUC’s scheduling office at least ten (10) business days before your hearing to submit your request.

Scheduling Office: (717) 787-1399
The AT&T Relay Service number for persons who are deaf or hearing-impaired is:
1-800-654-5988

10. CONTACT INFORMATION. If your email address or telephone number changes during the proceeding, you must immediately update the Office of Administrative Law Judge by calling 717-787-1399 or sending an email to egannon@pa.gov.

11. SETTLEMENT. The PUC’s policy is to encourage settlements.³ The utility shall contact the Complainant at least one (1) week before the scheduled hearing to talk over a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached on all the issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

12. PAYMENT ARRANGEMENT CASES. If you have requested a payment arrangement, Chapter 14 of the Public Utility Code will be applied.⁴ You must be prepared to

³ 52 Pa. Code § 5.231(a).

⁴ 66 Pa.C.S. §§ 1401-1419. Effective December 31, 2024, Chapter 14 is no longer in effect; however, the Commission has clarified that its regulations codified at 52 Pa. Code Chapter 56 shall remain in effect until amended and that the Commission will apply its Statement of Policy regarding Chapter 14 in all proceedings related to issues in Chapter 14 until further direction is provided. *See Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024). Specifically, the Commission has stated “[t]he principles of Section 1405 and definitions of Section 1403 will continue after the expiration of Chapter 14 on December 31, 2024.” *Id.* at 5. Further, the Commission has found legal authority to support the continuation of payment arrangements under Sections 308.1, 501, 504-06, 701, 1301, 1304, 1305, 1501-04, and 1509 of the Public Utility Code. *Id.*

testify about the total gross monthly income of the household. A household includes all adults living at the service address and benefiting from the utility service. The “total gross monthly household income” includes but is not limited to: (1) “before taxes or other deductions” pay from salaries, wages, tips or other compensation; (2) pension, retirement or social security benefits; (3) Supplemental Security Income (SSI); (4) unemployment compensation benefits; (5) workers’ compensation benefits; (6) alimony; and (7) any other source(s) of income.

The utility must prepare and submit the following documents at least five (5) business days before the hearing: (1) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less; (2) a copy of the most recent Bureau of Consumers Services (BCS) decision, if any; and (3) a brief summary of any payment arrangement(s) made between the utility and the customer.

The customer must make monthly payments for current usage on or before the billing due date while this complaint is pending. Failure to make payments may result in the utility terminating your service.

13. BILLING COMPLAINT. If you are claiming that there are incorrect charges on your utility bill, then you must be prepared to provide the dates that are important and an explanation about any amounts or charges that you believe are not correct.

14. VIOLATIONS. A finding of a violation of a PUC Order, regulation, or statute, by the public utility may result in the imposition of a civil penalty on the public utility, consistent with 66 Pa.C.S. § 3301 or other provisions of the Public Utility Code.

15. HEARING PROCEDURES. Although the hearing is being held telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the PUC’s Rules of Practice and Procedure at 52 Pa. Code Chapters 1, 3, and 5.

Please be sure to participate from a location, and using a phone, where background noise will be minimized and the reception is clear.

16. FURTHER INFORMATION. A guide to participating in a Formal Complaint proceeding is available on the PUC's website at: <https://www.puc.pa.gov/complaints/formal-complaints>.

Date: January 15, 2025

_____/s/
Erin L. Gannon
Administrative Law Judge

C-2024-3047550 - DAVID B PHILLIPS v. FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY - WEST PENN RATE DISTRICT

DAVID B PHILLIPS
633 CLINTON ROAD
NORMALVILLE PA 15469
724.455.2207

richtermichael1976@yahoo.com

Accepts eService and USPS First-Class Mail on January 15, 2025

ANGELINA UMSTEAD ESQUIRE
FIRSTENERGY
76 SOUTH MAIN STREET
AKRON OH 44308
610.921.6202

aumstead@firstenergycorp.com

Served via eService on January 15, 2025

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