

February 21, 2025

**VIA ELECTRONIC FILING**

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

**Re: Pennsylvania Public Utility Commission, Bureau of Investigation & Enforcement v. FirstEnergy Pennsylvania Electric Company; Docket No. C-2024-3052650**

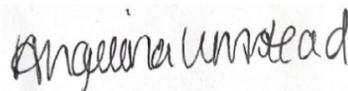
Dear Secretary Chiavetta:

Enclosed for filing please find the Prehearing Conference Memorandum of FirstEnergy Pennsylvania Electric Company the in the above-referenced matter.

As indicated on the attached Certificate of Service, copies have been served on the parties in the manner indicated.

Please contact me with any questions regarding this matter.

Very truly yours,



Angelina Umstead

krak/AU

Enclosures

c: As Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>PENNSYLVANIA PUBLIC UTILITY</b>	:	
<b>COMMISSION, BUREAU OF</b>	:	
<b>INVESTIGATION &amp; ENFORCEMENT</b>	:	
	:	<b>Docket No. C-2024-3052650</b>
<b>v.</b>	:	
	:	
<b>FIRSTENERGY PENNSYLVANIA</b>	:	
<b>ELECTRIC COMPANY</b>	:	

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**PREHEARING CONFERENCE MEMORANDUM  
OF  
FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY**

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FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”) hereby submits its Prehearing Conference Memorandum in the above-captioned proceeding pursuant to the Prehearing Conference Order issued by Administrative Law Judge Erin L. Gannon (“ALJ Gannon”) on February 10, 2025 and the Pennsylvania Public Utility Commission’s (“Commission”) regulations at 52 Pa. Code § 5.222(d), and states as follows:

**I. PROCEDURAL HISTORY**

This proceeding was initiated on December 20, 2024, when the Bureau of Investigation and Enforcement (“I&E”) of the Commission filed the above-captioned Formal Complaint against FE PA. The Formal Complaint, among other things, alleges that FE PA violated the Commission’s regulations, 52 Pa. Code §§ 56.100, 56.97, when it terminated a customer between December 1 and March 1 without first determining whether the household income was at or below 250% of the Federal poverty level; and when it failed to fully explain information about FE PA’s universal service program, refer the customer to the universal service program to determine eligibility, and fully explain medical emergency procedures. Additionally, the Complaint alleges that FE PA

violated Sections 505 and 506 of the Public Utility Code, 66 Pa.C.S. §§ 505, 506, when it failed to timely respond to I&E's request for information and documentation in its Data Request – Set II.

FE PA timely filed its Answer and New Matter responding to the Formal Complaint on January 13, 2025. FE PA denied the material allegations of the Formal Complaint, and argued that: (a) the violation of 52 Pa. Code § 56.100 was a legal conclusion to which no response was necessary. To the extent a response was deemed necessary, the Company denied the allegation and will respond to such throughout litigation; and (b) 52 Pa. Code § 56.97 is not applicable to the November 15, 2021 telephone call because the customer contacted the Company with regards to a billing question. With respect to the violations of Sections 505 and 506 of the Public Utility Code, FE PA admits that due to administrative oversight, the responses to Data Requests Set II were not timely provided.

On January 24, 2025, an Initial Telephonic Prehearing Conference Notice was issued, which scheduled a telephonic Prehearing Conference for February 25, 2025, and assigned ALJ Gannon to this proceeding.

On February 10, 2025, ALJ Gannon issued a Prehearing Conference Order.

## **II. SERVICE OF DOCUMENTS**

FE PA requests that all documents be served on:

Angelina Umstead (ID # 309615)  
Timothy K. McHugh (ID # 317906)  
FirstEnergy Service Company  
76 South Main Street  
Akron, OH 44308  
610-921-6202  
(610) 301-9072  
[aumstead@firstenergycorp.com](mailto:aumstead@firstenergycorp.com)  
[tmchugh@firstenergycorp.com](mailto:tmchugh@firstenergycorp.com)

FE PA agrees to receive service of documents electronically in this proceeding.

### **III. ISSUES**

FE PA intends to demonstrate that I&E has failed to carry its burden of proof that FE PA has violated the Commission's regulations. While FE PA has preliminarily identified the following issues, it reserves the right to raise and/or respond to further issues asserted by I&E in any testimony presented in this proceeding.

Importantly, FE PA intends to demonstrate that I&E's Formal Complaint should be dismissed as a matter of law for several reasons, including that: 52 Pa. Code § 56.97 is not applicable to the November 15, 2021 telephone call with the customer since the nature of the phone call was related to a billing question and not to discuss termination. The obligations set forth in Section 56.97 are triggered, "[i]f, after the issuance of the initial termination notice and prior to the actual termination of service, a customer or occupant contacts the public utility concerning a proposed termination..."<sup>1</sup> In its Formal Complaint, I&E contends that FE PA violated Section 56.97 when it failed to fully explain the universal service programs and medical emergency procedures to the customer during the November 15, 2021 telephone call. However, FE PA intends to show that the November 15, 2021 phone call with the customer was to discuss a billing question that the customer had.

With respect to the alleged violations of Sections 505 and 506 of the Public Utility Code, FE PA admits that due to administrative oversight, responses to I&E's Data Requests – Set II were not timely provided. However, responses to these requests have since been provided to I&E.

Finally, FE PA intends to show that I&E's requested relief in the form of a civil penalty of \$60,000.00 should be denied.

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<sup>1</sup> 52 Pa. Code § 56.97(a).

**IV. WITNESSES**

FE PA is still evaluating the witnesses it intends to call in order to rebut I&E's allegations and intends to preliminarily identify its witness(es) by no later than April 30, 2025.

FE PA also reserves the right to call and present additional witnesses to address any issues that may arise during the course of the proceeding.

**V. PROCEDURAL SCHEDULE**

FE PA and I&E have worked together to develop an agreed-upon procedural schedule, which they propose as follows:

Direct Testimony	May 21, 2025
Rebuttal Testimony	June 20, 2025
Surrebuttal Testimony	July 18, 2025
Oral Rejoinder Testimony	August 6, 2025
Evidentiary Hearings	August 6-7, 2025

This schedule is intended to allow the parties time to engage in meaningful settlement discussions prior to the submission of testimony. Under this proposed schedule, it is contemplated that discovery may run through the start of hearings. Also, note that all dates are considered to be in-hand service, and that the Parties have agreed to the receipt of electronic service only for purposes of this proceeding.

**VI. DISCOVERY**

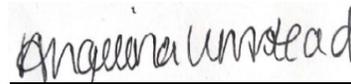
FE PA does not propose any modifications to the Commission's discovery regulations at this time. FE PA reserves its rights to propose modifications if the schedule adopted in this proceeding differs from that proposed and contains abbreviated periods between rounds of testimony.

**VII. SETTLEMENT**

The Parties have not yet initiated settlement discussions but remain optimistic that a negotiated resolution of this matter may be possible, given additional time. As such, they plan to actively discuss such potential resolution.

Dated: February 21, 2024

Respectfully submitted,



Angelina Umstead  
Attorney No. 309615  
Timothy K. McHugh  
Attorney No. 317906  
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Akron, OH 44308  
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[tmchugh@firstenergycorp.com](mailto:tmchugh@firstenergycorp.com)

*Counsel for FirstEnergy Pennsylvania  
Electric Company*

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PENNSYLVANIA PUBLIC UTILITY** :  
**COMMISSION, BUREAU OF** :  
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 : **Docket No. C-2024-3052650**  
v. :  
 :  
**FIRSTENERGY PENNSYLVANIA** :  
**ELECTRIC COMPANY** :

**CERTIFICATE OF SERVICE**

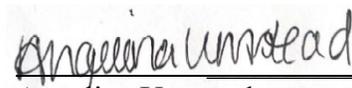
I hereby certify that I have this day served a true and correct copy of the Prehearing Conference Memorandum of FirstEnergy Pennsylvania Electric Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by electronic mail only as follows:

Erin L. Gannon, Administrative Law Judge  
Pennsylvania Public Utility Commission  
Office of Administrative Law Judge  
[egannon@pa.gov](mailto:egannon@pa.gov)

Lindsay Dearing Szymanski  
Michael L. Swindler  
Pennsylvania Public Utility Commission  
Bureau of Investigation & Enforcement  
[liszymansk@pa.gov](mailto:liszymansk@pa.gov)  
[mwindler@pa.gov](mailto:mwindler@pa.gov)

Dated: February 21, 2025



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*Counsel for FirstEnergy Pennsylvania  
Electric Company*