



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

February 21, 2025

Via Electronic Filing

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

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
FirstEnergy Pennsylvania Electric Company – West Penn Power Rate District
Docket No. C-2024-3052650
I&E Prehearing Conference Memorandum

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Prehearing Conference Memorandum of the Bureau of Investigation and Enforcement in the above-referenced matter.

Copies are being served on the parties of record in accordance with the attached Certificate of Service. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Lindsay Dearing Szymanski'.

Lindsay Dearing Szymanski
Prosecutor
Bureau of Investigation & Enforcement
PA Attorney ID No. 317073
(717) 787-3663
liszymansk@pa.gov

LDS/jfm
Enclosures

cc: Administrative Law Judge Erin L. Gannon (*via e-mail only*)
Michael L. Swindler, Deputy Chief Prosecutor, I&E-Enforcement (*via e-mail only*)
As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3052650
	:	
FirstEnergy Pennsylvania Electric Company –	:	
West Penn Rate District,	:	
Respondent	:	

**PREHEARING CONFERENCE MEMORANDUM
OF THE
BUREAU OF INVESTIGATION AND ENFORCEMENT**

TO ADMINISTRATIVE LAW JUDGE ERIN L. GANNON:

Pursuant to the Prehearing Conference Order that was issued on February 10, 2025, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) files this Prehearing Conference Memorandum in accordance with Section 5.222(d)(1) of the Commission’s regulations, 52 Pa. Code § 5.222(d)(1), in advance of the prehearing conference scheduled for February 25, 2025.

I. HISTORY OF THE PROCEEDING

On December 20, 2024, I&E filed a Formal Complaint against FirstEnergy Pennsylvania Electric Company – West Penn Rate District (“West Penn”), at Docket No. C-2024-3052650 in connection with West Penn’s violations of winter termination procedures and procedures upon customer contact prior to termination. If proven, this conduct would constitute violations of 52 Pa. Code §§ 56.100(b) and 56.97. In its Formal Complaint, I&E requested a total administrative penalty of Sixty Thousand Dollars (\$60,000.00) for the violations¹.

¹ I&E initially pleaded a violation for West Penn’s failure to respond to I&E’s Data Request – Set II with a civil penalty request of \$10,000. I&E received West Penn’s Responses to Data Request – Set II on February 19, 2025; therefore, I&E will not pursue such an alleged violation in further hearing proceedings.

On January 13, 2025, PECO filed an Answer to the Complaint. The Answer denied the violations and requested that I&E's request for relief be denied.

On January 24, 2025, a Notice of a Telephonic Prehearing Conference was issued.

On February 10, 2025, a Prehearing Conference Order was issued, directing the parties to file a Prehearing Memorandum.

On January 14, 2025, the pre-hearing conference was cancelled and rescheduled for February 21, 2025, through an updated Prehearing Conference Order.

On January 15, 2025, a new Prehearing Conference Order was issued, directing the parties to file a Prehearing Memorandum.

II. I&E PREHEARING CONFERENCE MEMORANDUM

A. Presently Identified Issues

The issues present in I&E's complaint include West Penn's termination of service to a customer during the period between December 1 through March 31 without first determining whether the customer had a household income at or below 250% of the Federal poverty level. West Penn failed to fully explain information about the public utility's universal service program, including the customer assistance program; failed to refer the customer to the universal service program of the public utility to determine eligibility for the program and to apply for enrollment in the program; and failed to fully explain the medical emergency procedures. Ancillary issues include the potential imposition of a civil penalty and ordered turnover of the requested documents.

B. I&E Witnesses

I&E expects to present the testimony of the following witnesses:

Matthew Hrivnak
Chief, Policy Division
Bureau of Consumer Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

I&E anticipates that Mr. Hrivnak will testify to the report of a death of a residential customer where utility service had been previously terminated, as well as West Penn's responses to data requests. I&E expects that Mr. Hrivnak's testimony will lend support to the violations alleged, the number of violations alleged, and the civil penalty and corrective actions sought.

I&E reserves the right to call other witnesses as necessary to address any issues that have been or are later raised during the course of this proceeding and will identify such additional witnesses within a reasonable period of time prior to the commencement of hearings. I&E's witness(es) may testify to additional matters based upon the issues identified by the parties.

C. List of Exhibits

At the present time, I&E proposes to introduce the following exhibits to be admitted into evidence:

1. West Penn's Response to I&E Data Request – Set I
2. I&E's Data Request – Set II
3. West Penn's Response to I&E Data Request – Set II

I&E reserves the right to supplement its list of exhibits and introduce additional exhibits as necessary to address any issues that have been or are later raised during the course of this proceeding and will identify such additional exhibits within a reasonable period of time prior to the commencement of hearings. Additionally, I&E reserves the right to supplement its list of exhibits and introduce additional exhibits as necessary to include any pertinent evidence that may be obtained throughout any discovery process that may occur.

D. Proposed Orders with Respect to Discovery

I&E does not expect to deviate from the rules governing discovery at 52 Pa. Code § 5.321 *et seq.*

E. Proposed Litigation Schedule

I&E proposes that preparation of a litigation schedule be stayed in order to provide the parties an opportunity to discuss the possibility of settlement of this matter. In the alternative, I&E proposes the following litigation schedule:

1. Written direct testimony due on May 21, 2025;
2. Written rebuttal testimony due on June 20, 2025;
3. Witness schedule due 3 business days before hearing;
4. Hearing to occur the week of August 6-7; and
5. Briefing schedule to be established at hearing.

Respectfully submitted,



Lindsay Dearing Szymanski
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Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
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Date: February 21, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

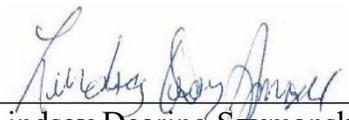
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3052650
	:	
FirstEnergy Pennsylvania Electric Company	:	
– West Penn Rate District,	:	
Respondent	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by Electronic Mail

Angelina Umstead, Esquire
Timothy K. McHugh, Esquire
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
aumstead@firstenergycorp.com
tmchugh@firstenergycorp.com



Lindsay Dearing Szymanski
Prosecutor
PA Attorney ID No. 317073

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Dated: February 21, 2025