

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17120

**PA Public Utility Commission,
Bureau of Investigation & Enforcement
v.
FirstEnergy Pennsylvania Electric Co.**

**Public Meeting held March 27, 2025
3030738-OSA
Docket No. M-2024-3030738**

**JOINT MOTION OF CHAIRMAN STEPHEN M. DeFRANK AND
VICE CHAIR KIMBERLY BARROW**

Before us for consideration is the Joint Petition for Approval of Settlement (Joint Settlement) filed by the Commission's Bureau of Investigation and Enforcement (I&E) and FirstEnergy Pennsylvania Electric Company (West Penn). I&E instituted an informal investigation of West Penn after a windstorm caused significant damage to trees and power lines in June 2021.

During the June 14, 2021 storm, an energized 7200-volt primary line fell across a carport roof at a residence on Arden Road in Washington County. The customer residing at the address called 911 for immediate help and then West Penn for assistance. The customer was waiting for West Penn to come to the home to remediate the dangerous situation caused by the energized line, and to advise when he and his girlfriend could safely evacuate the home. West Penn did not come to his assistance, and the customers were unable to leave their home due to the inherent dangers and risk of death resulting from a live wire laying on the carport.

Notably, West Penn line crews were in the area responding to four locations with downed wires, but the crews were not aware of this downed energized line on Arden Road. After completing some work on the local pole and re-energizing the circuit on June 15, 2021, West Penn personnel heard a bang.

Through the instant Joint Settlement, West Penn agrees to pay a civil penalty of \$12,500 and complete three remedial measures: oversee the wire down reporting process and follow-up; supervisors should verify reports of downed wires and follow FirstEnergy procedures; and FirstEnergy shall provide better initial and continued training.

We note this is not the first case involving downed wires at a FirstEnergy utility. On June 2, 2009, a West Penn energized line fell from its pole and onto a customer's property. The energized line came into contact with the customer, killing her and injuring the customer's mother-in-law who tried to render assistance.¹ On January 9, 2014, the Commission approved a settlement in which West Penn paid a civil penalty amount of \$86,000 and agreed to complete ten remedial measures.

¹ *Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. West Penn Power Company*, Docket No. C-2012-2307244 (Order entered January 9, 2014).

On July 26, 2016, a Metropolitan Edison Company (Met-Ed) conductor fell to the ground and remained energized.² The energized facility caused the fatal electrocution of a customer and property damage. On February 4, 2021, the Commission approved a settlement in which Met-Ed paid a civil penalty amount of \$1,000,000, made a contribution to its Hardship Fund in the amount of \$150,000, and agreed to complete a list of remedial measures.

On March 18, 2024, the Commission upheld a complaint against Met-Ed when one of its electrical lines experienced an equipment failure and fell onto a public road.³ The energized line damaged an occupied vehicle.

Before us again is another downed wire, settlement, civil penalty, and remedial measures. Upon review of the Joint Settlement, the Statements in Support, and the limited record before us, we believe that the record is insufficient to complete the analysis of whether the Joint Settlement is in the public interest. Of note, the record is lacking important factual details which would permit us to determine whether the settlement terms are sufficient to protect the public interest. Missing facts include, but are not limited to:

1. What caused the energized wire to fail?
2. Does West Penn have a record of any call received to report a down wire on the McGovern Circuit?
3. At the time of the incident, what was West Penn's documented procedure related to handling a call of a downed wire or downed energized wire? Was this procedure followed?
4. Has the process or procedure in question number 3, changed since the June 2021 incident?
5. What was the timeline of the incident, from the time the call for help was placed to the time the residence was made safe?
6. What was the extent of any property damage at the Arden Road residence?
7. How many down wires on the McGovern Circuit were West Penn's responders aware of before they started to repair the circuit?
8. Any other additional information pertinent to these events which can assist the Commission in making a determination in this matter.

Accordingly, we will keep this matter open to allow the parties the opportunity to supplement the record with additional statements in support and/or stipulated facts responsive to the inquiries posed above.

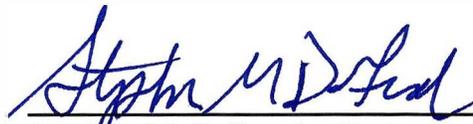
² *Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. Metropolitan Edison Company*, Docket No. C-2019- 3011675 (Order entered February 4, 2021).

³ *Keith Hartman and Rebecca Hartman v. Metropolitan Edison Company*, Docket No. C-2023-3038465 (Order entered March 18, 2024).

THEREFORE, WE MOVE THAT:

1. The Joint Petition for Approval of Settlement filed by the Commission's Bureau of Investigation and Enforcement and FirstEnergy Pennsylvania Electric Company on March 26, 2024, is stayed.
2. The Commission's Bureau of Investigation and Enforcement and FirstEnergy Pennsylvania Electric Company shall, within thirty (30) days of the entry of an Opinion and Order, file supplemental statements in support and/or stipulated facts in support of the proposed Joint Petition for Approval of Settlement, consistent with this Joint Motion.
3. The Office of Special Assistants shall prepare an Order consistent with this Joint Motion.

March 27, 2025



Stephen M. DeFrank, Chairman



Kimberly Barrow, Vice Chair