

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Gregory and Donna Kollmar	:	
	:	
v.	:	C-2019-3014650
	:	
West Penn Power Company	:	

**INTERIM ORDER
RESCHEDULING HEARING**

Please read this Order in its entirety. It contains important information regarding this case. This case has extensive procedural history. This Order includes an abbreviated synopsis.

Procedural History

On May 24, 2025, I issued an Initial Decision dismissing Complainants’ Formal Complaint (Complaint) they filed with the Pennsylvania Public Utility Commission (Commission) against West Penn Power (WPP, Company, or Respondent), granting the Company’s Motion to Dismiss and dismissing their Complaint seeking relief from the installation of a smart meter at their home.

On March 18, 2025, the Commission entered an Opinion and Order vacating my Initial Decision and remanding the matter to the Office of Administrative Law Judge (OALJ) for further proceedings.

On March 24, 2025, the Commission issued an Initial Telephonic Hearing on Remand Notice (Notice), scheduling an evidentiary hearing for April 30, 2025. This Notice was eServed on Complainants, consistent with their registration of an eService account with the Commission.

On March 25, 2025, I issued a Prehearing Order which provided detailed information regarding the hearing procedures, including how to request a continuance and how to submit proposed exhibits. This Prehearing Order was eServed on Complainants, consistent with their registration of an eService account with the Commission.

On April 30, 2025, the morning of the hearing, Ms. Kollmar called the Harrisburg office of the OALJ, requesting the hearing be cancelled. I directed my administrative staff to call her and direct her to call into the hearing as scheduled so she could make her request to continue on the record. My legal assistant subsequently confirmed she was able to contact Ms. Kollmar and relay my instructions.

I then emailed counsel for the Company and Ms. Kollmar reiterating my instructions to appear at the hearing at 10:00 a.m., and advising that the Kollmars would have an opportunity to make their motion on the record and the Company would have an opportunity to respond. When entering Complainants' email address for the email, I used the email address listed for Complainants in the Commission's records, which is the address they used to register their eService account (dlkollmar77@gmail.com). After sending the email, I received an automated message that the email box was full and unable to receive additional messages.

The evidentiary hearing convened as scheduled. The Complainants reported they were both ill and unable to participate in the hearing. Further, they requested the hearing be scheduled for later in the day, rather than 10:00 a.m. The Company objected to the continuance, arguing this matter is several years old and the Company had invested time and resources to prepare for the hearing to occur on April 30, 2025. I granted the request to continue but made clear that I would not be granting further continuances for Complainants absent good cause *and* documentation from a third party.

Complainants also expressed they were unaware of the procedures for requesting a continuance or how to submit proposed exhibits. I directed them to my Prehearing Order issued on March 25, 2025, which they admitted they had received, but not read. I stressed the importance of reading all correspondence issued by the Commission. I reminded them that any

proposed exhibits must be received by me and counsel for the Company at least 5 days prior to the hearing.

Complainants further questioned whether Pennsylvania provides for an opt-out for customers with regard to smart meter installation. I referred them to the Supreme Court's ruling in *Povacz, et al. v. Pa. Public Utility Commission*, 280 A.3d 975 (Pa. 2022) (*Povacz II*), as well as my discussion of the same in my Initial Decision.

Complainants questioned why, if Pennsylvania did not provide an opt-out, we were going through the motions of an evidentiary hearing. I explained that their filing of a Formal Complaint required the Commission to follow certain procedures to adjudicate their Complaint. I advised the parties to confer either by telephone or by email to see if they could come to some sort of settlement prior to the hearing on May 12, 2025.

Complainants indicated that their computer has been broken for some time and they were having difficulty accessing their email. I informed them of the automated message I received April 30, 2025, indicating their email box was full. I encourage them to delete some emails to make sure they received correspondence from the Commission. I informed Complainants that I would update the Commissions' records regarding service so they would receive service via eService *and* First-Class Mail. I directed the Company to do likewise.

THEREFORE,

IT IS ORDERED;

1. That an evidentiary hearing be held on May 12, 2025, at 1:00 p.m.
2. That the parties appear for and be prepared to proceed with an evidentiary hearing on May 12, 2025, at 1:00 pm.

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Revised April 30, 2025

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