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May 2, 2025

**VIA ELECTRONIC FILING**

Matt Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor  
Harrisburg, PA 17120

**Re: Terry and Betty Bente v. FirstEnergy Pennsylvania Electric Company  
Docket No. C-2025-3054387**

Dear Secretary Homsher:

Enclosed please find Complainants' responses to the "Preliminary Objections of FirstEnergy Pennsylvania Electric Company on behalf of its Met-Ed Rate District to the Formal Complaint of Terry and Betty Bente" dated April 23, 2025, to be filed in the above-referenced matter. A copy of the document has also been served upon FirstEnergy Pennsylvania Electric Company (Met-Ed), as indicated by the Certificate of Service.

If you have any questions, please contact us.

Respectfully submitted,

*Terry Bente*

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Terry Bente, pro se

*Betty Bente*

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Betty Bente, pro se

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Terry and Betty Bente	:	
	:	
v.	:	Docket No. C-2025-3054387
	:	
FirstEnergy Pennsylvania Electric	:	
Company	:	
	:	
	:	
	:	

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**COMPLAINANTS’ RESPONSE TO THE  
PRELIMINARY OBJECTIONS OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY  
ON BEHALF OF ITS  
MET-ED RATE DISTRICT TO THE  
NEW FORMAL COMPLAINT OF TERRY AND BETTY BENTE**

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**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

We, the Complainants, first invoke *pro se* leniency: As *pro se* litigants, we wish to invoke leniency in this Court as per 207 Pa. Code 33a, Rule 2.2, Impartiality and Fairness: “It is not a violation of this Rule for a judge to make reasonable accommodations to ensure *pro se* litigants the opportunity to have their matters heard fairly and impartially. Also, as per *Erickson v. Pardus*, 551 U.S. 89, 94 (2007): “A document filed *pro se* is to be liberally construed, and a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers; and also *Haines v. Kerner*, 404 U.S. 520 (1971): “...[W]e hold a *pro se* complaint...to less stringent standards than formal pleadings drafted by lawyers...”

We address the main issues raised by FirstEnergy Pennsylvania Electric Company on behalf of its Met-Ed Rate District (hereafter “Met-Ed”).

1) Met-Ed alleges our 2017 Complaint (Docket No. C-2017-2614219 ) was dismissed with prejudice. We have examined these orders and have found no such language present. By contrast, we find other smart meter cases made clear when the final order was made with prejudice. See, for example,

- a) PUC Docket No. C-2019-3006923:  
IT IS ORDERED:

1. That the Amended Complaint of Noreen McCarthy against Metropolitan Edison Company at Docket No. C-2019-3006923 is dismissed with prejudice.

b) PUC Docket No. C-2019-3007622

IT IS ORDERED:

5. That, the Formal Complaint of John M. Chenosky, PE, filed on January 25, 2019, at this docket, is dismissed, with prejudice, barring the Complainant from filing another formal complaint with the Public Utility Commission raising the same issues or claims as raised in the Formal Complaint.

Lacking such explicit language in both the initial decision and the final order of Complainants' case, we have submitted this new Formal Complaint in good faith with completely different arguments than those which were heard, ruled on and dismissed previously. To paraphrase the language in the Chenosky example above, we are not filing another formal complaint which raises the same issues or claims as our 2017 Formal Complaint.

Presently, our Docket No. C-2025-3054387 Formal Complaint raises new issues and claims that have not been previously discuss or ruled upon, and are different from the issues raised and ruled upon in the PA Supreme Court's ruling in the Povacz, et. al. case (*Povacz II*).

2) Met-Ed's citing of 66 Pa Code Section 316 merely substantiates that our arguments regarding harm to our health and requesting accommodation under Section 1501 of the Public Utility Code in our 2017 Formal Complaint (Docket No. C-2017-2614219) have been dismissed for good. Had we been able to continue on to the Commonwealth Court, we would have, but at that time, due to a family crisis situation, we could not pursue it further. Since that time, we realized that our 2017 case fell far short of the detailed medical evidence provided in the case of the McKnights (No. 1253 C.D. 2019 in the Commonwealth Court). Since the McKnights were not successful in their pursuit of an accommodation, clearly we would not have had sufficient grounds for succeeding either.

3) Met-Ed's claims (#29) that "The Second Complaint's requested relief cannot be granted by the Commission because the Company's customers are not permitted to opt-out of smart meter installation at their Service Location" and, as per (#36) regarding the PA "Supreme Court in *Povacz*", are disputed by Complainants. First, *Povacz II* does not prevent the Commission from hearing our case or granting relief because the facts presented in *Povacz II* differ from the facts presented in our new Formal Complaint (Docket No. C-2025-3054387), which opens up the possibility of a different legal conclusion. Second, Complainants are not requesting an opt-out. Complainants did not OPT-IN to the advanced metering program as per the PA codes and Act 129 of 2008 as written, as documented historically in the House and Senate Journals and as stated in the Yewcic testimony. Met-Ed's following of the PUC Implementation Orders is

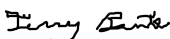
incongruous with the law, Act 129 of 2008, as well as with other PA Codes, as stated in our 2025 Formal Complaint. These matters were not addressed by the *Povacz* Court.

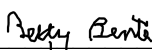
4) When we submitted our 2017 Formal Complaint, we knew nothing about codes or the law except for what we had learned about section 1501 of the Public Utility Code. In 2017 and for the next several years, we assumed that the PA law, Act 129 of 2008, would be properly upheld. However *Povacz II* inferred the intent of the General Assembly from various factors rather than from the as-written plain language of the law and from the historical record – the latter which made clear the ACTUAL intent of the General Assembly (hence, no inferring was needed). Thus for Met-Ed to allege we could have brought up these matters in our 2017 Formal Complaint is unreasonable. It was only in the aftermath of *Povacz II* and the decisions made against us by the PUC’s administrative law court and Commission that it was clear that Act 129 of 2008 was not being upheld as per its true “opt-in” nature. Consequently, we maintain that it is legitimate for us to raise this issue as the core of our present dispute which obviates Met-Ed’s “opt-out” language and necessity to install a smart meter on our home but, rather, honors our right to not opt-in to the advance metering program (or smart meters) but to keep our electromechanical analog meter: hence the basis of our 2025 Formal Complaint.

5) When Met-Ed states, "For these reasons, the Second Complaint should be dismissed because the claims and issues raised therein are already subject to a prior Commission Order that remains conclusive and binding upon the Complainants," we reiterate that the claims and issues raised in our 2025 Formal Complaint have no bearing on the claims and issues presented and ruled upon in our 2017 Formal Complaint. The violations cited in our 2025 Formal Complaint have not been presented, discussed, or ruled upon in the previous initial decision or final Commission Order.

For the foregoing reasons, we request that our new Formal Complaint (Docket No. C-2025-3054387) be sustained and permitted to move forward.

Respectfully submitted,

  
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Terry Bente, pro se

  
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Betty Bente, pro se

Dated: May 2, 2025

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Terry and Betty Bente	:	
	:	
v.	:	Docket No. C-2025-3054387
	:	
FirstEnergy Pennsylvania Electric Company	:	

**CERTIFICATE OF SERVICE**

We hereby certify that we have this day served a true copy of the Complainants' Response to the Preliminary Objections of FirstEnergy Pennsylvania Electric Company on behalf of its Met-Ed Rate District to the Complaint of Terry and Betty Bente, upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service electronic mail, as follows:

James Austin Meehan  
Tori L. Giesler  
FirstEnergy Service Company (Met-Ed)  
341 White Pond Drive Akron, OH 44320  
(610)-921-6783  
(610) 921-6658  
[jameehan@firstenergycorp.com](mailto:jameehan@firstenergycorp.com)  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)

Respectfully submitted,

*Terry Bente*  
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Terry Bente, pro se

*Betty Bente*  
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Betty Bente, pro se

Dated: May 2, 2025