

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Clark O'Donnell	:	
	:	
v.	:	F-2025-3054625
	:	
FirstEnergy Pennsylvania Electric Company	:	

**INTERIM ORDER
PERMITTING THE PARTIES TO SUBMIT
WRITTEN TESTIMONY IN LIEU OF A HEARING**

Please read this Order in its entirety. It contains important information regarding this case.

On April 14, 2025, Clark O'Donnell (Complainant) filed a formal complaint against FirstEnergy Pennsylvania Electric Company (FirstEnergy or Respondent) alleging that the company is threatening to terminate his service and holding him responsible for charges in the name of Jean O'Donnell. He also alleged that FirstEnergy refused to provide reasonable accommodation for his disability by ensuring that all communication with him is conducted by email. He contends that phone communication is not accessible to him. The Complainant also requests that any hearings or interactions related to his complaint be conducted through email correspondence or written documentation. By order entered on June 9, 2025, I directed the Complainant to provide documentation substantiating his disability. That order also directed the Parties to confer and attempt to agree upon any reasonable accommodation for the hearing process.

By email dated June 16, 2025, the Complainant provided documentation in support of his request for accommodation. On June 17, 2025, the counsel for FirstEnergy reported that she had consulted with Complainant and that the Parties agreed to submit written testimony of factual witnesses in lieu of participating in a telephonic hearing. Respondent also advised that the Parties have agreed to waive any cross-examination of those witnesses,

obviating the need for a telephonic hearing to be scheduled and that the Parties agree that under this arrangement, any objections would be handled through written objections or motions to strike testimony.

THEREFORE,

IT IS ORDERED:

1. That the telephone hearing scheduled for July 29, 2025, be cancelled.
2. That the Parties have voluntarily agreed to the following terms in lieu of a customary telephonic evidentiary hearing in this proceeding.
3. That the Parties have voluntarily agreed to and have requested the opportunity for the Parties to submit written testimony of factual witnesses in lieu of participating in a telephonic hearing.
4. That the Parties have voluntarily agreed to waive their right to a full evidentiary hearing in this proceeding and the right to present verbal testimony and to cross examine and otherwise verbally examine witnesses in this proceeding.
5. That the Parties have voluntarily agreed to waive all cross-examination of any witnesses in this proceeding, thereby obviating the need for a telephonic hearing to be scheduled.
6. That the Parties have voluntarily agreed that any objections to any written testimony, exhibits or any other evidence of any kind shall be handled through written objections or motions to strike testimony, subject to any deadlines or procedures established or to be established by the undersigned presiding officer.

7. **ON OR BEFORE July 1, 2025**, the Complainant shall submit all written direct testimony of Complainant and Complainant's witnesses supporting his case, **with properly executed verifications, and with all exhibits being sponsored by each such witness attached to the written testimony**, consistent with Commission practice and the Commission's rules and regulations. Complainant shall serve all written testimony and exhibits supporting his case upon the undersigned presiding officer and FirstEnergy consistent with these ordering paragraphs.

8. **ON OR BEFORE July 21, 2025**, Respondent shall submit all written testimony in response to the testimony submitted by Complainant and supporting its case, **with properly executed verifications, and with all exhibits being sponsored by each such witness attached to the written testimony**, consistent with Commission practice and the Commission's rules and regulations. Respondent shall serve all written testimony and exhibits supporting its case upon the undersigned presiding officer and Complainant consistent with these ordering paragraphs.

9. **ON OR BEFORE August 11, 2025**, the Complainant shall submit all of his responsive written testimony, **with properly executed verifications, and with all exhibits being sponsored by each such witness attached to the written testimony**, consistent with Commission practice and the Commission's rules and regulations. Complainant shall serve all written testimony and exhibits supporting his case upon the undersigned presiding officer and FirstEnergy consistent with these ordering paragraphs.

10. This order is being entered to approve the agreement reached by the Parties to this proceeding. In the event that either party does not fully and totally agree to all of the terms and provisions set forth in this order, either such party may file a written statement or objection to the terms set forth in this order on or before **June 25, 2025** by filing the written objection or statement with the Commission Secretary and serving a copy upon the undersigned presiding officer and the opposing party by email. In the event that either Party files and serves an objection or statement indicating that the Party is not in agreement with these terms, a telephonic evidentiary hearing shall promptly be scheduled in this proceeding.

11. Nothing contained in this order shall be construed to modify or alter the responsibility of the Complainant to bear the burden of proof and the obligation to demonstrate by a preponderance of the evidence that Respondent violated its tariff, the Public Utility Code or a Commission order or regulation, and that they are entitled to the relief requested in the Complaint.

12. **This order shall not be construed as a ruling or otherwise as to the admission or admissibility of any written testimony or proposed evidence submitted by either Party.**

a. Any objections or motions regarding the admissibility of any proposed written testimony shall be filed and served no later than **August 18, 2025**.

b. Responses to any objections or motions regarding the admissibility of written testimony shall be filed and served no later than **August 25, 2025**.

c. The admissibility of any and all testimony and evidence will be determined by the undersigned presiding officer after consideration of any motions and responses to motions filed by the Parties to this proceeding after submission of the proposed testimony and proposed exhibits. An order shall be issued with a ruling on the admissibility of all proposed written testimony and the record shall close thereafter.

13. The Parties are reminded that Commission policy encourages settlement. The Parties are directed to remain in communication and attempt to resolve their dispute. If settlement is not feasible, the Parties are encouraged to stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all Parties and conserve precious administrative hearing resources. 52 Pa. Code §§ 5.232 and 5.234. All stipulations entered into by the Parties must be reduced to writing, signed by the Parties to be bound thereby, and moved into the record.

14. Any provisions of this order may be modified upon motion and good cause shown.

Date: June 18, 2025

/s/
Mary D. Long
Administrative Law Judge

**F-2025-3054625 - CLARK O'DONNELL v. FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY**

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