



341 White Pond Drive
Akron, OH 44320

James Austin Meehan, Esq.
(610) 921-6783

June 27, 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 the Answer of FirstEnergy Pennsylvania Electric Company, Met-Ed Rate District to the Motion of Terry and Betty Bente to Open Discovery in the above-referenced matter. This document has been served on the Complainants as shown in the Certificate of Service.

Please contact me if you have any questions regarding this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "James Austin Meehan".

James Austin Meehan

cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**ANSWER OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY
TO THE MOTION OF TERRY AND BETTY BENTE TO OPEN DISCOVERY**

TO ADMINISTRATIVE LAW JUDGE ERIN L. GANNON:

Pursuant to Section 5.61 of the Pennsylvania Public Utility Commission’s regulations, 52 Pa. Code § 5.61, FirstEnergy Pennsylvania Electric Company (“FirstEnergy” or “Company”) respectfully files this Answer to the Motion of Terry and Betty Bente (“Complainants”) to Open Discovery in this proceeding. As set forth in this Answer, the Complainants’ Motion to Open Discovery should be denied because engaging in discovery while the Company’s Preliminary Objections are pending is unnecessary and likely would be waste of time and resources. In support thereof, FirstEnergy responds to the Complainants’ Motion as follows:

I. BACKGROUND

1. FirstEnergy Pennsylvania Electric Company is a “public utility” and an “electric distribution company” as those terms are defined under the Public Utility Code 66 Pa.C.S. §§ 102 and 2803, subject to the regulatory jurisdiction of the Commission.

2. On February 3, 2025, the Company was served with the above-captioned Second Complaint, which challenges the Company's planned installation of a smart meter at the service location. (*See* Complaint ¶¶ 4-5).

3. Both the Answer and Preliminary Objections were served on the Complainant on April 23, 2025, via electronic mail.

4. On April 28, 2025, the Complainants filed a request for extension of time to reply to FirstEnergy's Answer and New Matter and Preliminary Objections. FirstEnergy did not file a response or objection to the request.

5. On May 2, 2025, the Complainants filed a response to the Preliminary Objections of FirstEnergy. On May 12, 2025, the Complainants filed an amended response.

6. On May 13, 2025, Complainants filed a response to the Answer and New Matter of FirstEnergy.

7. On May 16, 2025, the Commission issued an Initial Telephonic Hearing Notice scheduling an evidentiary hearing for July 23, 2025 and assigning Administrative Law Judge Erin L. Gannon ("the ALJ") to the matter.

8. On May 28, 2025, the Complainants filed a Motion to Open Discovery, which did not contain a notice to plead as required by 52 Pa. Code § 5.103(b).

9. On June 17, 2025, the ALJ issued an Interim Order ordering (1) the Complainant's response to the Preliminary Objections is considered timely, (2) that FirstEnergy may file a response to the Motion to Open Discovery within 10 days of service of the interim order, by June 27, 2025, (3) that the telephonic hearing be canceled, and (4) that a ruling on the Preliminary Objections will be prepared.

II. ANSWER TO COMPLAINANT'S MOTION

10. The Complainant's Motion to Open Discovery should be denied because FirstEnergy's Preliminary Objections, which seek to dismiss the Second Complaint in its entirety, are still pending before the Commission for disposition.

11. If the Company's Preliminary Objections are granted and the Second Complaint is dismissed in its entirety, the discovery requests would be moot. Therefore, forcing FirstEnergy to prepare responses to these discovery requests would be a waste of resources.

12. Even if the Company's Preliminary Objections are denied or otherwise only granted in part, the outcome of the Preliminary Objections will directly impact the proper scope of the issues to be addressed, which, in turn, will directly define the scope of permissible discovery requests that are relevant to the issues that survive the Preliminary Objections, if any.

13. Further, if the Complainants' motion is granted before the outcome of the Preliminary Objections, the parties and the Commission will be required to address and resolve any discovery disputes that may ultimately become moot following the disposition of the Preliminary Objections.

14. FirstEnergy notes that the Commission has granted motions to stay discovery when parties have filed preliminary objections. *See Joint Application of Columbia Water Co. and Marietta Gravity Water Co.*, Docket Nos. A-2012-2282219, A-2012-2282221 (Mar. 16, 2012) (Melillo, J.) ("*Columbia Water*").

15. In *Columbia Water*, Judge Melillo granted the water companies' motion to stay discovery because they had filed preliminary objections to dismiss the City of Lancaster's protest. *Id.* at 4-6. Although the City contended that parties should engage in discovery early in a proceeding, Judge Melillo concluded that "the time and expense in requiring responses when the

party status of the propounding party is uncertain outweighs the City's stated concerns." *Id.* at 5. Therefore, discovery was stayed pending a ruling on the water companies' preliminary objections. *Id.* at 6. Moreover, Judge Melillo ordered that the time periods for answering the outstanding discovery would start anew on the date of the ruling on the preliminary objections and other dispositive motions. *Id.* at 6.

16. Likewise, the Complainants' Motion to Open Discovery should be denied in this proceeding as the Company filed Preliminary Objections seeking to dismiss the Second Complaint in its entirety.

17. Again, if the Company's Preliminary Objections are granted, the Second Complaint would be dismissed, and the Complainant's discovery requests would be moot. Thus, FirstEnergy submits that it would be unnecessary and a waste of the parties' and the Commission's resources for the parties to engage in discovery now.

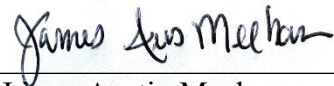
18. In addition, no party would be prejudiced by the denial of the Complainants' Motion. If the Company's Preliminary Objections were ultimately denied, the Complainant would still have ample opportunity to engage in further permissible and relevant discovery. The above-captioned proceeding was initiated on March 17, 2025. While an evidentiary hearing was initially set, it was later canceled by Interim Order.

19. For these reasons, FirstEnergy respectfully requests that the Commission deny the Complainants' Motion to Open Discovery.

III. CONCLUSION

WHEREFORE, FirstEnergy Pennsylvania Electric Company respectfully requests that the Motion of Terry and Betty Bente to Open Discovery be denied.

Respectfully submitted,



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

Date: June 27, 2025

Counsel for FirstEnergy Pennsylvania
Electric Company (Met-Ed Rate District)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TERRY AND BETTE BENTE

v.

**FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY**

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Docket No. C-2025-3054387

CERTIFICATE OF SERVICE

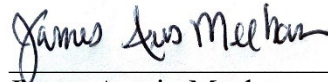
I hereby certify that I have this day served a true copy of the Answer of FirstEnergy Pennsylvania Electric Company, Met-Ed Rate District to the Motion of Terry and Betty Bente to Open Discovery, upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by electronic mail only, as follows:

Terry and Betty Bente
[Sidi Ala Bahr@yahoo.com](mailto:Sidi_Ala_Bahr@yahoo.com)

Administrative Law Judge Erin L. Gannon
egannon@pa.gov

Dated: June 27, 2025



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

Counsel for FirstEnergy Pennsylvania Electric
Company (Met-Ed Rate District)