

865 Hilltown Road
Biglerville, PA 17307
717-372-3275

July 1, 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:

Appended, please find our **ANSWER TO MET-ED'S ANSWER OPPOSING COMPLAINANT'S MOTION TO OPEN DISCOVERY AND REQUEST FOR JUDICIAL CLARIFICATION** to ALJ Erin Gannon in the above referenced proceeding to file with the Pennsylvania Public Utility Commission and Presiding Officer ALJ Erin Gannon. This document has been served by email on Respondents James A. Meehan and Tori L. Giesler of FirstEnergy Pennsylvania Electric Company (Met-Ed) as shown in the Certificate of Service, in accordance with Commission regulations.

Thank you for your assistance.

Respectfully submitted,

Terry Bente
Terry Bente, pro se

Betty Bente
Betty Bente, pro se

865 Hilltown Road
Biglerville, PA 17307
717-372-3275

July 1, 2025

VIA ELECTRONIC FILING

Erin Gannon, Administrative Law Judge
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**

**ANSWER TO MET-ED'S ANSWER OPPOSING COMPLAINANT'S MOTION TO
OPEN DISCOVERY AND REQUEST FOR JUDICIAL CLARIFICATION**

To the Honorable ALJ Erin Gannon:

INTRODUCTION

Complainants Terry and Betty Bente respectfully submit this Answer in response to Respondent's June 27, 2025 filing, which opposes Complainants' Motion to Open Discovery. Complainants also request judicial clarification regarding the current procedural status and next steps in this matter.

BACKGROUND

On March 17, 2025, Complainants filed a Formal Complaint (2025 Complaint).

On April 23, 2025, Met-Ed filed Preliminary Objections and Answer and New Matter.

On April 28, 2025, Complainants requested an extension of time due to illness.

On May 2, 2025, Complainants filed their Response to the Preliminary Objections.

On May 10, 2025, Complainants filed an Amended Response to the Preliminary Objections.

On May 13, 2025, Complainants filed their Response to Answer and New Matter.

On May 16, 2025, Administrative Law Judge Erin Gannon issued an order for an evidentiary hearing to be held Wednesday, July 23, 2025, at 10 am. The order did not mention discovery nor a litigation schedule. The order also did not rule on Respondent's Preliminary Objections.

On May 28, 2025, Complainants filed a Motion to Open Discovery and requested a litigation schedule.

On June 17, 2025, Administrative Law Judge Erin Gannon issued an Interim Order that acknowledged Complainants' Motion to Open Discovery and granted Respondent ten days to respond given that (a) Complainants (being pro se) omitted the notice to plead and (b) Met-Ed had not responded in the normal 20 day timeframe. The order cancelled the hearing schedule for July and stated that rulings on Respondent's Preliminary Objections and Complainants' Motion to Open Discovery would be "issued in due course" –that is, after permitting responses from both parties on the present issues to be filed.

On June 20, 2025, Administrative Law Judge Erin Gannon issued a Cancellation Notice for the July 23, 2025 telephonic hearing.

On June 27, 2025, Met-Ed filed their Answer to Complainants' Motion to Open Discovery, largely reasserting their arguments in their Preliminary Objections and the fact that no ruling had been made on their Preliminary Objections – hence their request that discovery be denied.

ARGUMENT

Several facets of this situation warrant elucidation as follows.

1. Lack of Ruling on Preliminary Objections Creates Ambiguity

The present situation arises due to the fact that no ruling was made on Met-Ed's Preliminary Objections and Complainant's Response to these Preliminary Objections. Instead, an evidentiary hearing was scheduled for July 23, 2025 -- the focus of which was not elucidated. Complainants assumed that they would have to present evidence regarding the merits of their case for which discovery is a proper legal venue. Complainants were also led to believe that their case had NOT been dismissed and was moving forward by virtue of the scheduling of an evidentiary hearing.

The failure to rule on Preliminary Objections before setting the July 23, 2025 hearing created procedural uncertainty. The Commission's own practice favors clarity and procedural fairness, particularly for **pro se litigants**. See **1 Pa. Code § 35.123** (providing for ruling on preliminary motions prior to substantive proceedings).

Complainants reasonably assumed the case was proceeding on the merits, as evidenced by the scheduled evidentiary hearing.

2. Discovery Is Permitted by Law and Procedure

Under **52 Pa. Code § 5.321(c)**, discovery is allowed regarding “any matter, not privileged, which is relevant to the subject matter involved in the pending action.” Discovery is routine in PUC proceedings unless otherwise limited by protective order or a ruling on preliminary objections, the latter which is germane to the present situation.

Respondent has not shown good cause under **52 Pa. Code § 5.362(a)** to preclude or deny discovery. Instead, Respondent’s opposition appears based on procedural timing — not on substance, scope, or burden.

3. Request for Judicial Clarification and Fair Litigation Schedule

Complainants seek clarification to avoid procedural prejudice. The absence of a ruling on the Preliminary Objections and our Response to the Preliminary Objections has led to certain ambiguity in proceeding. With the cancellation of the July hearing and our Motion to Open Discovery on the table, Complainants seek judicial guidance and a **clear litigation schedule**, including a period for discovery under 231 PA Code Section 4003.

4. Response to Met-Ed’s Answer to Complainants’ Motion to Open Discovery

In response to Met-Ed’s Answer to Complainants’ Motion to Open Discovery, we reassert and incorporate herein our arguments filed in our May 10, 2025 Amended Response to the Preliminary Objections. We agree that it is proper for the preliminary documents to be ruled upon before proceeding with discovery and a new litigation schedule.

5. Pro Se Considerations and Good Faith

This filing is made in good faith, without intent to delay, and in accordance with the leniency afforded pro se litigants. Complainants respectfully invoke:

- **207 Pa. Code Rule 2.2 (Impartiality and Fairness)**
- **Haines v. Kerner, 404 U.S. 519 (1972)** (allegations of pro se complaints held to less stringent standards)
- **Erickson v. Pardus, 551 U.S. 89, 94 (2007)**

The requested clarification will promote administrative efficiency and ensure proper compliance with the Commission’s directive.

CONCLUSION

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

1. **Overrule** the Preliminary Objections of Respondent;
2. **Deny** Respondent's request for dismissal of the Complaint;
3. **Order** that discovery be opened and proceed in accordance with a litigation schedule;
4. **Issue** judicial clarification regarding the procedural posture of this matter;
5. **Grant such other relief** as deemed just and appropriate.

Respectfully submitted,

Terry Bente
Terry Bente, pro se

Betty Bente
Betty Bente, pro se

Dated: July 1, 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' ANSWER TO MET-ED'S ANSWER OPPOSING COMPLAINANT'S MOTION TO OPEN DISCOVERY AND REQUEST FOR JUDICIAL CLARIFICATION 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 Meehand
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Respectfully submitted,

Terry Bente
Terry Bente, pro se

Betty Bente
Betty Bente, pro se

Dated: July 1, 2025