

200 Brook Hollow Road
Mount Pleasant, PA 15666

August 8, 2025

VIA ELECTRONIC FILING

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

Re: Michael T. Jennings v. West Penn Power Company
Docket No. C-2018-3006031

Dear Secretary Chiavetta,

Attached please find my **Motion to Stay Proceedings** in the above-referenced matter. This document has been served on FirstEnergy Pennsylvania Electric Company (West Penn Rate District) as shown in the Certificate of Service.

Please contact me if you have any questions.

Very Truly Yours,

_____/s/_____
Michael T. Jennings
724-613-4262
Lilmac2@zoominternet.net

ssj
Enclosures

CC: West Penn Power, as per Certificate of Service
Curtis Renner Esquire
Office of Special Assistants

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL T. JENNINGS	:	
Complainant	:	
v.	:	Docket No. C-2018-3006031
	:	
WEST PENN POWER COMPANY	:	
Respondent	:	

MOTION TO STAY PROCEEDINGS
Filed on behalf of Complainant
Michael T. Jennings, Pro Se

NOTICE TO PLEAD

To Respondent West Penn Power Company:

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that, if you do not file a written response to the enclosed **Motion to Stay Proceedings** of Michael T. Jennings within 20 days of service of this notice, a decision may be rendered against you. Any Response to the Motion to Stay of Proceedings must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to the Complainant.

Dated: August 8, 2025

_____/s/
Michael T. Jennings
200 Brook Hollow Road
Mount Pleasant, PA 15666
724-613-4262
Lilmac2@zoominternet.net

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL T. JENNINGS	:	
	:	
v.	:	Docket No. C-2018-3006031
	:	
WEST PENN POWER COMPANY	:	

August 8, 2025

Motion to Stay Proceedings

Complainant respectfully requests that the Commission issue a stay of its Final Order in the above-captioned matter, on the grounds that judicial review is pending and a separate federal civil rights case has now been filed involving materially similar facts, claims, and legal theories. In the alternative, Complainant seeks interim relief to preserve the status quo and protect the health, safety, and federally protected rights of a disabled household during this period of legal uncertainty.

I. INTRODUCTION

This Application is filed in light of the related federal case, *Lucey v. Pennsylvania Public Utility Commission*, currently pending before the United States District Court for the Middle District of Pennsylvania. That case raises overlapping issues involving constitutional rights, denial of accommodations under the Americans with Disabilities Act (ADA) 42 U.S.C. § 12101 et seq., and procedural misconduct by the Commission. Complainant seeks to preserve rights and prevent enforcement of the Commission’s order in light of the issues raised in *Lucey*, including constitutional violations, ADA claims, and serious procedural misconduct.

At the time of this filing, the **Commission has not yet issued a Final Order**, and Complainant’s formal appeal rights have not yet commenced. Accordingly, the Commission retains **full jurisdiction** and has both the **authority and the responsibility** to grant a stay or issue **interim relief** to prevent irreparable harm. Without such relief, West Penn Power may proceed with **forced smart meter installation** or **threatened termination of service**, either of which would place a disabled household member at serious risk and create a medical and legal emergency before judicial review is even possible.

II. ARGUMENT

1. **New Federal Action Filed:** On August 5, 2025, a separate federal lawsuit was filed in the **United States District Court for the Middle District of Pennsylvania**: *Lucey v. PUC, FirstEnergy, and Met-Ed*.¹ (See Exhibit A).

2. In that case, a young Pennsylvania resident alleges that the PUC and FirstEnergy violated her rights under the **ADA** and the **Rehabilitation Act (29 U.S.C. § 794)** by refusing a medical accommodation, threatening utility shutoff, and insisting on installation of a smart meter **despite physician documentation of harm**.

3. The factual and legal parallels between the *Lucey* case and the present matter are striking. Both involve:

- a. Disabled Pennsylvanians requesting accommodations for medically documented conditions exacerbated by RF emissions;
- b. Denials of accommodation and threats of shutoff;
- c. Rigid enforcement of internal utility policy masquerading as statutory mandate.

4. The Commission's insistence that **Act 129** requires mandatory smart meter installation, even in cases of **documented medical harm**, is now under **legal scrutiny in multiple venues**. To enforce the Final Order under these conditions would be reckless and prejudicial.

III. LEGAL STANDARD AND GROUNDS FOR RELIEF

The Commission has authority under **52 Pa. Code §§ 5.103 and 5.572(d)** to stay its own orders where justice and due process require it. In determining whether to grant a stay, the Commission may consider:

1. **Likelihood of success on appeal**
2. **Potential for irreparable harm**
3. **Potential for harm to other parties**
4. **The public interest**

Complainant asserts that all four factors support a stay:

- A. The Final Order disregards federal protections under the **ADA and Rehabilitation**

¹ *Lucey v. Pa. Pub. Util. Comm'n*, No. 1:25-CV-01451 (MDPA), filed August 5, 2025.

Act, misstates the scope of **Act 129**, and enforces internal utility policy under **color of law**.

- B. **Irreparable harm is imminent** due to the risk of utility shutoff, seizures, and serious medical consequences, all documented by physicians.
- C. There is **no prejudice** to the utility from preserving the existing analog meter pending resolution of legal proceedings.
- D. The **public interest is best served** by honoring federal disability rights, ensuring compliance with medical directives, and avoiding duplicative litigation or federal injunctions.

The filing of the federal case, *Lucey v. Pennsylvania Public Utility Commission*, confirms that the issues presented here are not isolated but part of a broader legal crisis now facing the Commission and FirstEnergy companies. The overlap of legal claims, **constitutional violations, denial of disability accommodations, and procedural misconduct**, underscores the systemic nature of the harm and the urgency of a stay to prevent further violations while these matters are adjudicated.

IV. RELIEF REQUESTED

Complainant respectfully requests that the Commission:

1. **Immediately stay enforcement** of its Final Order in this matter, including any action by West Penn Power to install a smart meter or disconnect electric service;
2. **Preserve the current analog meter** during the pendency of judicial and federal review;
3. **Alternatively**, issue interim relief barring utility enforcement actions while review is pending.

Such relief is necessary to avoid irreparable harm, protect public health and safety, and prevent the enforcement of policies that are now under active federal and appellate scrutiny.

Respectfully submitted

/s/ Michael T. Jennings

Michael T. Jennings, Pro Se Complainant
August 8, 2025

Exhibit A

Federal Complaint: *Lucey v. PUC, FirstEnergy, and Met-Ed* Filed August 5, 2025, U.S. District Court for the Middle District of Pennsylvania

This exhibit contains the full federal complaint filed by Madison Rose Lucey, a disabled Pennsylvania resident, alleging violations of the **Americans with Disabilities Act (ADA)** and the **Rehabilitation Act** by the **Pennsylvania Public Utility Commission, FirstEnergy,** and **Metropolitan Edison Company (Met-Ed)**.

The complaint includes:

- Allegations of **discriminatory denial of reasonable accommodation**
- **Multiple threats of utility shutoff** after medical documentation was submitted
- Assertions that the PUC and FirstEnergy are **acting under color of law** to enforce internal policies not mandated by Act 129
- A plea for a **federal injunction and relief** against further utility action

Relevance to This Motion:

The filing of the federal case, *Lucey v. Pennsylvania Public Utility Commission*, confirms that the issues presented here are not isolated but part of a **broader legal crisis** now facing the Commission and FirstEnergy companies. The overlap of legal claims, **constitutional violations, denial of disability accommodations, and procedural misconduct**, underscores the systemic nature of the harm and supports Complainant's request for a **stay of enforcement** in this matter pending judicial and federal review.

To proceed with enforcement now, knowing that the same ADA claims are under active litigation in federal court, would expose disabled consumers to **irreparable harm** and create the risk of **conflicting legal outcomes**.

**This is not an isolated complaint—
it is a bellwether for the civil rights litigation now confronting the Commission.**

Note: Confidential portions of the federal complaint, clearly marked by the filer, have been redacted out of respect for privacy. All relevant legal and factual allegations remain intact.

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF PENNSYLVANIA

MADISON ROSE LUCEY

Plaintiff

v.

**PENNSYLVANIA PUBLIC UTILITY COMMISSION,
ET AL.**

Defendant

Civil Action No.:
1:25-CV-01451-JPW
Hon. Jennifer P. Wilson

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

SEE COMPLAINT

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) --- or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) --- you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Madison Rose Lucey
244 Sunrise Drive
Milford, PA 18837

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

PETER J. WELSH

CLERK OF COURT

s/ - Ingrid B Ritchie

Signature of Clerk or Deputy Clerk



Madison Rose Lucey Pro Se Complaint and Request for Injunction

COMPLAINT AND REQUEST FOR INJUNCTION**THE PARTIES TO THIS COMPLAINT****A. The Plaintiff(s)**

Name	Madison Rose Lucey
Street Address	244 Sunrise Drive
City and County	Milford Pike
State and Zip Code	PA 18337
Telephone Number	(570) 982-7180
E-mail Address	madisonchaitlucey@proton.me

B. The Defendant(s)

Defendant No. 1

Name	Pennsylvania Public Utility Commission
Job or Title (<i>if</i>	Secretary Rosemary Chiavetta, PA PUC
Street Address	Commonwealth Keystone BLDG 400 North St
City and County	Harrisburg Dauphin
State and Zip Code	PA 17120
Telephone Number	1-800-692-7380
E-mail Address(<i>if known</i>)	ra-puchr@pa.gov

Defendant No. 2

Name	FirstEnergy Service Co.
Job or Title (<i>if</i>	
Street Address	76 S Main St
City and County	Akron
State and Zip Code	Ohio 44308
Telephone Number	1-800-692-7380
E-mail Address (<i>if known</i>)	

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Defendant No. 3

Name	Mr. Brian X. Tierney
Job or Title <i>(if known)</i>	FirstEnergy CEO
Street Address	76 S Main St
City and County	Akron
State and Zip Code	Ohio 44308
Telephone Number	1-888-544-4877
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	Mr. Hyun Park
Job or Title <i>(if known)</i>	FirstEnergy SVP & CLO
Street Address	76 S Main St
City and County	Akron
State and Zip Code	Ohio 44308
Telephone Number	1-888-544-4877
E-mail Address <i>(if known)</i>	hpark@firstenergycorp.com

Defendant No. 5

Name	Met-Ed First Energy Companies
Street Address	341 White Pond Drive
City and County	Akron
State and Zip Code	Ohio 44320
Telephone Number	1-855-344-3400
E-mail Address <i>(if known)</i>	

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JURISDICTIONAL STATEMENT

This Court has jurisdiction over the matter because the case arises out of a federal question. 28 U.S.C. § 1331. The specific federal statutes that are at issue in this case are the Americans with Disabilities Act [hereinafter ADA], 42 U.S.C. § 12102, and the Rehabilitation Act under 29 U.S.C. § 794.

STATEMENT OF THE FACTS

I, Madison Rose Lucey, am the injured party and the complaining witness. My claims against the PA PUC, FirstEnergy, and its officers, arose from events that took place at my home, 244 Sunrise Drive Milford PA 18337. The dates and times of the events are as follows. On June 4, 2025, Wednesday 9:40am FirstEnergy came to my home to impose their new data collection machine. [9]. FirstEnergy refused my request for a reasonable disability accommodation to retain electricity with the fully functioning 20-year standing mechanical meter. [9]. Instead, FirstEnergy declared they are either imposing their new data collection machine at my home (against the medical advice of my doctor) and/or they are denying my electric, water, heat, and AC because of my physical disability (which is also against the medical advice of my doctor). On June 30, 2025 FirstEnergy mailed a threatening shutoff notice. [7]. Then on July 14 FirstEnergy sent another shutoff threat. [10]. On July 16, I sent a letter requesting the PUC and FirstEnergy provide me with the reasonable accommodation. [8,9]. As of July 16, 2025, the PUC, FirstEnergy and its officers were placed on written "notice" that I would be filing this complaint. [13]. On July 24 FirstEnergy sent a new shutoff threat now for my birthday. [12]. On July 31, 2025, I notified FirstEnergy via

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telephone 2x of my intent to file this federal complaint, injunction, and a temporary restraining order. A witness to these accounts is Mr. Edward Albert Lucey, LMSW.

SUMMARY OF THE CLAIMS

The PA PUC utilized criteria that subjected me to the discrimination on the basis of my physical disability. The PA PUC discriminated against me in violation of the ADA when it directed FirstEnergy to impose their new data machine at my house (against medical advice) and/or deny me electric, water, heat, and AC because of my disability. The PA PUC is instructing FirstEnergy to effectively deny me electric service on the basis of my disability. FirstEnergy violated my rights protected under the Rehabilitation Act because FirstEnergy received federal funding for its electric service, and then unlawfully discriminated against me because of my physical disability. FirstEnergy discriminated against me by demanding to impose their new data machine at my house (against medical advice) and/or deny me electric, water, heat, and AC because of my disability. Either of those adverse actions serve to exclude me on the basis of my physical disability. FirstEnergy's officers are liable because they acted under the color of law (and therefore as a public entity) when they denied my electric service because of my physical disability.

STATEMENT OF THE CLAIMS

I, Madison Rose Lucey, the plaintiff, hereby sue the defendants and allege as follows. I am the victim of the state agency (PUC) and its enforcement deputy (FirstEnergy) in their denying me a reasonable disability accommodation for electric, water, heat, and AC because of my disability. As of July 16, 2025, the PUC, FirstEnergy and its officers were placed on

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written "notice" that I would be filing this complaint [5] and then on July 24 FirstEnergy then responded [8] purportedly to physically enforce Pa Act 129 in my curtilage but in reality it was because they were offended and annoyed that I had sent my letter to the 4 parties explaining how I intended to exercise my Constitutional Rights. The PUC and FirstEnergy are abusing their authority in a discriminatory and retaliatory manner. They can only do that because of the virtue of their authority to operate under the color of law in this jurisdiction. The balance of the judgment and discretion was such that they created an environment of disability harassment. They responded with a 10-day shutoff notice. On July 31, 2025, I notified FirstEnergy via telephone 2x of my intent to file this federal complaint, injunction, and a temporary restraining order.

This complaint is against Defendants: The Pennsylvania Public Utility Commission [hereinafter PUC]; FirstEnergy Service Co., and its officers as follows; Metropolitan Edison Company [hereinafter Met-Ed] (subsidiary of FirstEnergy); Mr. Brian X. Tierney, FirstEnergy CEO; and Mr. Hyun Park, FirstEnergy SVP & CLO. Plaintiff respectfully shows the Court, as follows, these are the allegations:

- I. This Court should hold that the PA PUC discriminated against me in violation of the ADA when it directed FirstEnergy to impose its data collection machine at my home and/or deny my electric, water, heat, and AC. Either outcome discriminates because it serves to effectively deny me electric service on the basis of my disability.**

The general rule for disability discrimination by public entities is promulgated by the U.S. Department of Justice in its federal regulations that implement the ADA. The DOJ declared that "No qualified individual with a disability shall, on the basis of disability, be..

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subjected to discrimination by any public entity." 28 CFR 35.130(a). As explained in my doctor's confidential letter addressed to Defendants, I am a qualified individual with a physical disability [4]. To qualify as being physically disabled, the individual has a physical impairment that substantially limits one or more major life activities. 42 U.S.C. § 12102(1)(A). Major life activities include "walking... standing," § 12102(2)(A), and operating a major bodily function such as bowels. § 12102(2)(B).

I am physically disabled because ****CONFIDENTIAL START:**** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] [2]. ****CONFIDENTIAL END.**** My medical

condition has lasted over a year and is expected to be ongoing for over a year. For this condition, I receive regular treatment from my doctor. The PA PUC is considered a public entity under the ADA. Public entities under § 12131(1)(B) include "any department, agency... or other instrumentality of a State... or local government." The PUC is a Commonwealth State Agency, [14] and therefore a public entity.

I was discriminated against by the PA PUC because it denied me electric service through its instructions to FirstEnergy. To constitute unlawful discrimination, a public entity "in providing any aid, benefit, or service, directly or through contractual, licensing, or other arrangements" denies a "qualified individual.. the opportunity to participate in or benefit from the aid, benefit, or service," because of their disability. 28 CFR 35.130(b)(1)(i). The PA

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PUC used its contractual and other arrangements with FirstEnergy to deny me electric service because of my physical disability. This occurred on July 21 by the PUC and July 24 by FirstEnergy. [7,8]. This was done through the PUC abusing its authority to instruct FirstEnergy to either impose its new data machine at my home and/or revoke my electric service. [3]. My physical disability requires that the Defendants allow me to retain electricity with the fully functioning mechanical meter that I have had for over 20-years. [4]. Yet Defendants are not abiding by my ADA rights.

II. The PA PUC violated another ADA anti-discrimination regulation because it directed FirstEnergy to impose its data collection machine at my home and/or deny my electric, water, heat, and AC. The PUC utilized criteria that subjects me to discrimination (denied electric service) on the basis of my physical disability.

The PUC also violated another regulation being 28 CFR 35.130(b)(3)(i). This rule is that "[a] public entity may not, directly or through contractual or other arrangements, utilize criteria or methods of administration: That have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability." 28 CFR 35.130(b)(3)(i). The PUC violated this regulation because (through its arrangements with FirstEnergy) the PUC utilizes criteria and methods of administration that subject me to discrimination because of my physical disability. The discrimination that I am suffering is that FirstEnergy and the PUC are denying me of electric, water, heat, and AC. [8].

The PUC's role in this began when it implemented PA "Act 129" (otherwise known as 66 Pa.C.S. § 1501). [3, 1]. In its implementation, the PUC erroneously declared that all electric utility customers (regardless of disability status) must be revoked of their reliable

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mechanical meters and instead imposed with Defendants new data collection machines [1], which use radio-frequency (RF) and electromagnetic fields/EMF. As my doctor explained, I am not able to abide its presence because of my physical disability. That is a discriminatory criteria because it only serves to hurt and screen out disabled people. There is an immediate threat by the PUC and its arrangement, FirstEnergy. If the disabled people do not acquiesce to Defendants totalitarian demands, we are punitively punished with being denied electric, water, heat, and AC. The PUC has an arrangement whereby it tasked FirstEnergy with being the enforcement deputy to carry out the disability discriminatory criteria. [3].

The PUC used discriminatory criteria and, through its arrangement with FirstEnergy, is denying me electric, water, heat, and AC because of my physical disability. [7]. At the PUC's behest, FirstEnergy is violating my disability needs and, instead, punitively scheduling an, on or about, August 4, 2025, birthday punishment to myself by denying my electric service. [8]. My birthday is conspicuously available on the internet by merely typing my name in the search engine. [10,11]. This written discriminatory threat has already ruined my birthday in advance by causing me disappointment. The nature of my disability is such that FirstEnergy ignominiously depriving me of the ability to use water is a privation. Defendants actions are further unlawful discrimination as well as retaliation, interference, and harassment in violation of my rights protected under the ADA. Again, all I ask is to retain electricity with the fully functioning mechanical meter that I have had for over 20-years. [4].

III. This Court should hold that FirstEnergy violated my rights protected under the Rehabilitation Act because it received federal funding for its electric service,

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and then unlawfully discriminated against me because of my physical disability. FirstEnergy discriminated by forcefully imposing their data collection machine at my home and/or denying me electric, water, heat, and AC. Either of those adverse actions serve to exclude me on the basis of my physical disability.

FirstEnergy has been placed in dishonor. Under the Rehabilitation Act, a corporation that has received government bailout funds cannot legally deny individuals their disability rights. The Fifth Circuit held that:

The Rehabilitation Act prohibits any “otherwise qualified individual with a disability in the United States” from being “excluded from the participation in, be[ing] denied the benefits of, or be[ing] subjected to discrimination under any program or activity receiving Federal financial assistance,” including any instrumentality of a local government. 29 U.S.C. § 794. The remedies, procedures, and rights available under the Rehabilitation Act parallel those available under the ADA. Delano-Pyle v. Victoria Cty., 302 F.3d 567, 574 (5th Cir. 2002) (quoting 42 U.S.C. § 12133). “Thus, ‘[j]urisprudence interpreting either section is applicable to both.’” Id. (quoting Hainze v. Richards, 207 F.3d 795, 799 (5th Cir. 2000)).

Cadena v. El Paso Cty., 946 F.3d 717, 723 (5th Cir. 2020). Therefore, a corporation receiving government bailout funds must comply with disability obligations in accordance with the ADA and cannot deny individuals their rights under the ADA or the Rehabilitation Act.

FirstEnergy has recently been given both federal grant money and federal bailout money [12], and that constitutes as receiving federal financial assistance. Despite FirstEnergy receiving federal financial assistance FirstEnergy then excluded me from participating in their electric service on the basis of my disability. That constitutes disability discrimination in violation of the Rehabilitation Act.

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IV. FirstEnergy's officers are liable because they acted under the color of law (and therefore as a public entity) when they denied my electric service because of my physical disability. The FirstEnergy discriminated against me by demanding to impose their new data machine at my house (against medical advice) and/or deny me electric, water, heat, and AC because of my disability.

FirstEnergy and its officers are liable under the ADA because they operate "under the color of law." This is done as the enforcement arm of the PA PUC with their enforcement of Pa Act 129. "Under color of law" refers to actions taken by an individual who is clothed with the authority of state law, even if those actions are unauthorized or exceed the scope of their authority. Claims under 42 U.S.C. § 1983, have a remedy for violations of constitutional or federal statutory rights by individuals acting under color of state law. The term encompasses both lawful actions and those that misuse power granted by state law, as long as the individual purports to act in an official capacity or exercises authority derived from their position. Home Ins. Co. v. Leinart, 698 S.W.2d 335 (Tenn. 1985); McGuire v. City of Pittsburgh, 285 A.3d 887 (Pa. 2022); Dossett v. First State Bank, 399 F.3d 940 (8th Cir. 2005). FirstEnergy purported to act in an official capacity and exercise authority derived from their position because it stated on June 30, 2025, that "the company is required by Pennsylvania law (Act 129..) to [impose their data machine at my home and/or deny me electric, water, heat and AC]. [3]. FirstEnergy further instructed me to visit its superior, the state agency PUC for more information. [3]. I indeed followed up on July 16, 2025, by sending the PUC me and my doctor's accommodation request letter which was denied. [5,9].

FirstEnergy's statements reflect that it is clothed with its authority of state law. This is even though FirstEnergy's actions are exceeding the scope of their authority. FirstEnergy is

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violating my federal statutory rights because it misused whatever power it was granted by law and is discriminatorily denying myself, a disabled person, from electric, water, heat and AC as a privation. [3,8]. Because FirstEnergy was clothed with the authority of state law, it is also liable as a public entity under the ADA as an "other instrumentality of a State... or local government." § 12131(1)(B).

The color of law is construed broadly in my favor. The phrase "under color of law" is interpreted broadly to include actions that are not explicitly authorized by law but are carried out under the pretense of legal authority. For example, a public official's misuse of power, made possible by their official position, constitutes action under color of law. This includes situations where officials overstep their authority or engage in conduct that would not have been possible without their official status. Home Ins. Co. v. Leinart, 698 S.W.2d 335 (Tenn. 1985); Dossett v. First State Bank, 399 F.3d 940 (8th Cir. 2005).

V. FirstEnergy conducts illicit dealings.

In considering the illicit back door deals between FirstEnergy and the PUC, FirstEnergy has an inappropriate relationship with the PA PUC in that they contribute money towards the PA PUC budget. 71 P.S. § 309-4.1. With that, the Public Utility Commissions and FirstEnergy have a collusion which has been established in Ohio given the indictment. Additionally, this quid pro quo relationship and vested economic interest between the the PA PUC and FirstEnergy is enough to put the PUC's objectivity in doubt. FirstEnergy pays a percentage of revenue to the PUC and then requests that the PUC approve a rate increase for the customers. More often than not it is approved. FirstEnergy has a documented legal

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history of collusion with public utility corporations demonstrating an unfairness to customers. [12,13]. The Ohio Speaker of the House was admittedly found "guilty" for corruption of soliciting and receiving nearly \$61 million dollars in FirstEnergy's bribe money. In return, FirstEnergy gained a \$1 billion dollar bailout from the H.B.6 legislation that was passed. The court deemed these actions indictable crimes. This exposes illegal quid pro quo relationships between FirstEnergy, legislators, and Public Utility Corporations that deal with FirstEnergy as a modus operandi. FirstEnergy works behind closed doors with state actors to do illicit backdoor deals that beneficially support each other meanwhile they harm disabled individuals, such as myself, with the bailout money. [12]. FirstEnergy also took \$50 million in grant money from the U.S. Department of Energy in 2025. [15].

Furthermore, in dealing with me as a disabled individual, FirstEnergy and the PUC failed, as a fiduciary, to adhere to contractual good faith and fair dealing requirement when they sent me a 10 day shutoff notice for requesting a disability accommodation. [8]. I was not given equal consideration because they offered me nothing of value, threatened imposition of forced data collection machine and/or revoking my electricity. So they had nothing to lose, yet I stand to lose electricity and face privation. In the context of utility companies, having good faith and fair dealing duty is particularly significant due to the utility companies obligation to provide essential services impartially and without undue discrimination. For example, Illinois law explicitly states that public utilities and residential heating customers must deal with each other in good faith and a fair manner. 220 ILCS 5/8-201.

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In conclusion, I allege that the PUC and FirstEnergy discriminated against me in violation of the ADA and the Rehabilitation Act respectively, through denying my reasonable disability accommodation and threatening to imposing their data collection machine at my home and/or deny my electric, water, heat, and AC as privation. Either outcome discriminates because it serves to effectively deny me electric service on the basis of my disability.

VI. Exhibits Including 14 Documents Enclosed/Attached.

- [1] PUC website.pdf
- [2] 42 U.S.C. § 12102(1), (2); and [4].
- [3] [5] at pg 23; 2025_06_30_Met-Ed_shutoff.jpeg.
- [4] [5] at pg 24; Confidential doctor's letter physical disability accommodation request
- [5] 2025_07_16_Lucey_accommodation_request.pdf (showing that Lucey requested a reasonable disability accommodation).
- [6] 2025_07_14_Met-Ed_shutoff.pdf
- [7] 2025_07_21_PUC_received.pdf (showing the PUC dismissively responding to my accommodation request).
- [8] 2025_07_24_Met-Ed_shutoff.pdf
- [9] 2025_07_16_tracking.pdf;
2025_07_17_PUC_proof_delivery_accommodation_request.pdf; 2025_07_16_Met-Ed_proof_delivery_accommodation_request.pdf;
2025_07_22_Park_proof_delivery_accommodation_request.pdf; and
2025_07_22_Tierney_proof_delivery_accommodation_request.pdf. (proof of delivery of my accommodation request to Defendants may be viewed by matching the tracking number from the shipping receipt with the proof of delivery on the UPS website).
- [10] conspicuous_birthday_name_Search Results.pdf (showing my birthday was conspicuously available online) (last visited Jul. 30 2025).
- [11] conspicuous_birthday_name_Search Results_2.pdf (showing my birthday is conspicuously available first page 5 results down) (last visited Jul. 31 2025).
- [12] 3 charged in HB6 scandal plead not guilty.pdf live at <https://www.news5cleveland.com/news/local-news/1-pm-3-charged-in-hb6-scandal-face-judge-for-first-time> (last accessed Aug 3. 2025).
- [13] <https://www.cincinnati.com/in-depth/news/politics/2021/06/03/ohio-corruption-house-bill-6-bribery-timeline-larry-householder/5248218001/> (showing FirstEnergy has entered into collusion with the Ohio PUC at the expense of the taxpayers) (last accessed Aug. 3 2025).
- [14] Pa. PUC v. Del. Valley Reg'l Econ. Dev. Fund, 255 A.3d 602, 617 (Pa. Commw. Ct.

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2021). (stating that the PUC is a state agency).

[15] FirstEnergy Awarded \$50 Million Smart Grid Grant by U.S. Department of Energy.pdf

IRREPARABLE INJURY

Monetary damages at a later time would not adequately compensate me for the injuries sustained, am sustaining, and will sustain, as a result of the writing herein. This compensation could not be measured because the physical damages to my body from denial of my ADA accommodation and subsequent privation would be irreparable and could not be measured. FirstEnergy Corp’s written threat to cause me harm with a 10 day shut off notice and denial of my reasonable disability accommodation to take place on or about my birthday has already harmed me. That act has already disappointed me and ruined my birthday. There is no price that can be put on that.

Additionally, if the district court does not grant my temporary restraining order and thereafter preliminary injunction then I am likely to suffer irreparable harm. To determine if irreparable harm would occur, courts look for harm that cannot be adequately remedied by monetary damages or other legal remedies if the injunction is not granted. The harm would be immediate and substantial not speculative or theoretical. ****CONFIDENTIAL**

START:** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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****CONFIDENTIAL END.****

That action by Met-Ed is punitive and demeaning. I am a physically disabled individual who is attempting to have this ADA matter raised here in this district court, but Defendant's are a mega corporation and implacable when it comes to providing me reasonable disability accommodation. I am physically disabled and move slowly. However, they move quickly and, after Defendant received my notice that I was filing a civil ADA action against it, Defendant is suddenly rushing to prevent me from litigating my ADA rights when I notified them of my intent to do such. Their response was a written threat to deny my reasonable disability accommodation by first revoking my electricity and water privileges as a retaliatory punishment.

Given my physical disability and the privation from no water, electric, heat/AC and physical bodily damage sustained, this is an immediate threat and irreparable injury that would occur if FirstEnergy follows through with their threat to shut off my power on or about August 4, 2025. I have given notice to FirstEnergy of my request for this temporary restraining order on July 31 through two telephone calls to FirstEnergy. I first spoke with FirstEnergy Miss Courtney, employee number 1017498, and then Mr. Justin employee number 281065.

PRAYER FOR RELIEF

I am requesting 7 forms relief and the reasons supporting this request are stated herein.

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First, as immediate relief, I request a temporary restraining order against FirstEnergy and their corporation due to an imminent threat from them. This is so that they do not to remove my electricity and force their data machine in my curtilage. I request this now because I have been threatened in writing as included herein. I need this prior to the hearing for the injunction.

Second, I request an injunction against FirstEnergy to prevent them from causing privation taking my electricity and utility away and installing a data collection machine in my curtilage.

Third, my reasonable disability accommodation enacted. [5]. FirstEnergy already replied to my written reasonable disability accommodation request and they willfully refused with a threat to turn off my electric. To approve my accommodation to retain my fully functioning mechanical meter and not install the data collection machine in my curtilage and not deny me electric service.

Fourth, I am requesting an apology from my regular meter reader Mr. Sutter for his requesting my identification in my driveway after I exited my house. This was on June 4, 2025 when he visited my house unexpectedly to remove my mechanical meter and install one that would negatively impact my physical disability.

Fifth, I would like an apology from FirstEnergy for sending me a 10-day shutoff notice [8] to take effect on my 23rd birthday as retaliation after I requested a disability accommodation [5] and then asked them to await my day in federal court before them taking

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any adverse action. [5]. Requesting costs incurred \$800 expenses, which include filing fee, service, mail, and related expenses.

Sixth, a thorough investigation into the breakdown of stewardship that has led to an implacable "zero tolerance" attitude when it comes to reasonable disability accommodations regarding the forced date collection machine implementation in Pennsylvania.

Lastly, the sum of 1260 to cover my court filing fees, service fees and other out-of-pocket expenses directly related to the case.

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CERTIFICATION AND CLOSING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11. I agree to provide the Clerk's Office with any changes to my address where case related papers may be served.

Thank you in advance for your anticipated cooperation and assistance with this very important legal matter. Writing is done in earnest,

Date of signing: August 5, 2025

Signature of Plaintiff

Without Prejudice (Pro-Se)

Printed Name of Plaintiff

Madison Rose Lucey (Pro-Se)

244 Sunrise Drive
Milford PA 18337
(570) 982-7180
MadisonChaitLucey@proton.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MICHAEL T. JENNINGS,
Complainant**

v.

**WEST PENN POWER COMPANY
Defendant**

:
:
:
:
:
:
:

Docket No. C-2018-3006031

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of my **Motion to Stay Proceedings** issued upon the individuals listed below, in accordance with the requirement of 52 Pa. Code § 1.54 (relating to service by a participant.)

Service by e-filing and e-mail:

Administrative Law Judge Gail Chiodo
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120
gchiodo@pa.gov

Lauren M. Lepkoski Esquire
Tori Giesler Esquire
James Meehan Esquire*
FirstEnergy Services Company
2800 Pottsville Pike, PO Box 16001
Reading, PA 19612-6001
llepkoski@firstenergycorp.com
tgiesler@firstenergycorp.com
jameehan@firstenergycorp.com

Accepts eService

**Served via email and first-class mail*

Dated: August 8, 2025

Curtis S. Renner
Watson & Renner
1901 Pennsylvania Ave. NW
Suite 1005-ENS
Washington, DC 20006
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Accepts eService

Daniel A. Garcia
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Office of Special Assistants (OSA)
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/s/
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