

200 Brook Hollow Road
Mount Pleasant, PA 15666

August 9, 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,

Please replace the attached pages in my **Motion to Stay Proceedings** in the above-referenced matter with this corrected version to reflect that a Final Order has not yet been issued. 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

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, when issued, will most likely mirror the Initial Decision, which

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

disregarded federal protections under the **ADA and Rehabilitation Act**, misstated the scope of **Act 129**, and enforced 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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

MICHAEL T. JENNINGS,
Complainant

v.

WEST PENN POWER COMPANY
Defendant

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Docket No. C-2018-3006031

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the **corrections to 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:

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Accepts eService

**Served via email and first-class mail*

Dated: August 9, 2025

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