

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

August 12, 2025

Terry and Betty Bente  
865 Hilltown Rd  
Biglerville, PA 17307  
717-372-3275

*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:

Please find our as attached filed as ***Supplemental Information-Short List*** for Exceptions to the Initial Decisions in the above case. Please do not hesitate to contact us should you have any questions.

Sincerely,

Terry Bente

Terry Bente

Betty Bente

Betty Bente

ccTori L. Giesler

FirstEnergy Service Company

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**Terry and Betty Bente** :  
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**COMPLAINANTS' EXHIBIT PACKET IN SUPPORT OF EXCEPTIONS  
TO INITIAL DECISION-SHORT LIST**

**Filed Pursuant to 52 Pa. Code § 5.533**

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**Cover Statement**

Complainants submit the following exhibits in support of their Exceptions to the Initial Decision issued July 23, 2025, by Administrative Law Judge Erin L. Gannon. These exhibits are filed as a separate document pursuant to 52 Pa. Code § 5.533(b) to avoid affecting the Exceptions page limit, but are expressly incorporated by reference into the Exceptions.

Each exhibit is numbered sequentially, with a brief description. Where appropriate, full case law opinions are attached for the Commission's reference.

## CERTIFICATE OF SERVICE

We hereby certify that we have this day served a true and correct copy of the Complainants' Exhibit Packet in Support of Exceptions to Initial Decision of ALJ G Gannon 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: ra-OSA@pa.gov  
James Austin Meehan – jameehan@firstenergycorp.com  
Tori L. Giesler – tgiesler@firstenergycorp.com  
FirstEnergy Service Company (Met-Ed)  
341 White Pond Drive  
Akron, OH 44320

Respectfully submitted,

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Terry Bente, pro se

Terry Bente

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Betty Bente, pro se

Betty Bente

Dated: August 12, 2025

## Exhibit List

- **Exhibit A – Testimony of Representative Thomas Yewcic**  
*Source:* *Yewcic v. Penelec*, Tr. 7/22/2020, C-2018-3001276 (excerpts).  
*Relevance:* Legislative history and direct witness testimony regarding Act 129’s intent to preserve customer choice and the lack of legislative authorization for universal, mandatory smart meter deployment.
- **Exhibit B-PA Constitutional Provisions**
- **Exhibit C –U.S. Constitution – Selected Amendments:**
- **Exhibit D – Full Opinion in *Povacz v. Pennsylvania PUC*, 285 A.3d 542 (Pa. 2022)**  
*Relevance:* Pennsylvania Supreme Court confirms that constitutional claims and defenses may be raised in PUC proceedings, even where § 316 is asserted as a bar.
- **Exhibit E – Full Opinion in *Romeo v. Pennsylvania PUC*, 344 A.3d 695 (Pa. Cmwlth. 2023)**  
*Relevance:* Confirms PUC jurisdiction to adjudicate safety and privacy issues related to utility equipment; clarifies evidentiary standards for health and safety claims.
- **Exhibit F – *Union Pacific Railway Co. v. Botsford*, 141 U.S. 250 (1891)**  
*Relevance:* U.S. Supreme Court precedent affirming bodily autonomy and the right to refuse unwanted physical intrusion absent clear legal authority.
- **Exhibit G – Full Opinion in *Tandon v. Newsom*, 141 S.Ct. 1294 (2021)**  
*Relevance:* Establishes strict scrutiny when comparable secular accommodations are granted but similar religious accommodations are denied.
- **Exhibit H – *Pennsylvania Environmental Defense Foundation v. Commonwealth*, 255 A.3d 289 (Pa. 2021) (PEDF IV)**  
*Relevance:* Articulates PSEA trustee duties and the constitutional balancing test required before state actions that impact environmental rights.
- **Exhibit I – Exhibit I – *Denoncourt v. State Ethics Commission*, 470 A.2d 945 (Pa. 1983) – Full Opinion.**

- **Exhibit J *Balent v. City of Wilkes-Barre*, 669 A.2d 309 (Pa. 1995) – Full Opinion** *Relevance*: Res judicata qualifiers and estoppel.
- **Exhibit K – *Henion v. Pennsylvania Public Utility Commission*, 856 A.2d 95 (Pa. Cmwlth. 2004) – Full Opinion.**
- **Exhibit L – *City of Pittsburgh v. Pennsylvania Public Utility Commission*, 43 A.2d 348 (Pa. 1945) – Full Opinion.**
- **Exhibit M – *Mathews v. Eldridge*, 424 U.S. 319 (1976) – Full Opinion.**
- **Exhibit N – *Arkansas Game & Fish Commission v. United States*, 568 U.S. 23 (2012) – Full Opinion.**
- **Exhibit O – Bente Letter From Affirming Multiple Underground Line Failures (2025)**  
*Relevance*: Direct account from Complainants to PUC regarding three separate underground service line faults, relevant to fire risk and meter installation safety concerns.
- **Exhibit P- *Robinson Township v. Commonwealth*, 83 A.3d 901 (Pa. 2013)**  
*Relevance*: Applies the Environmental Rights Amendment to strike down legislative action inconsistent with Article I, § 27.
- **Exhibit Q – Office of Consumer Advocate (OCA) Smart Meter Cost-Effectiveness Report (PUC Docket M-2009-2092655)**  
*Relevance*: Demonstrates that projected economic benefits of universal smart meter rollout were overstated and cost-effectiveness remains unproven.
- **Exhibit I – *Robinson Township v. Commonwealth*, 83 A.3d 901 (Pa. 2013)**  
*Relevance*: Applies the Environmental Rights Amendment to strike down legislative action inconsistent with Article I, § 27.

- **Exhibit M– Mathews v. Eldridge, 424 U.S. 319 (1976)**  
*Relevance:* Establishes due process balancing test relevant to premature dismissal without hearing.
- **Exhibit N – Arkansas Game & Fish Commission v. United States, 568 U.S. 23 (2012)**  
*Relevance:* Takings Clause precedent applicable to physical and regulatory intrusions without just compensation.
- **Exhibit L – Pennsylvania Unfair Trade Practices and Consumer Protection Law (UTPCPL) Text**  
*Relevance:* Provides statutory basis for claims that Respondent engaged in deceptive and unfair practices regarding meter safety and necessity.
- **Exhibit M – 52 Pa. Code §§ 57.28, 57.251, 57.255, and 56.81**  
*Relevance:* Safety and reliability standards applicable to utility service and equipment.
- **Exhibit P – Legislative Bill SB 600 and SB 939 (2025 Session)**  
*Relevance:* Current pending legislation proposing opt-out rights for consumers, relevant to feasibility and reasonableness of accommodations. SB 939 expressly fast tracks data center construction without environmental studies.
- **Exhibit R – Fire Marshal Reports, Public Safety Records, and Utility Reports regarding Smart Meter fires, underground wiring faults, and premature meter replacements. Supplemental later.**
- **Exhibit S – Affidavit of Terry Bente – Religious and Privacy Objections**
- **Exhibit T – Affidavits of Betty Bente – Religious and Privacy Objections**
- **Exhibit U-Affadavit of Terry Bente (Electrical Outages, Equipment Malfunctions, and Underground Line Faults, Run Till Failure Policy of Met Ed)**
- V-T-Reserved.

August 12, 2025