

August 12, 2025

Terry and Betty Bente  
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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 Motion To Reopen Evidentiary Record as attached filed for supplemental information 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

cc:Tori L. Giesler

FirstEnergy Service Company

341 White Pond Drive

Akron, OH 44320

(610)-921-6783

(610) 921-6658

jameehan@firstenergycorp.com

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## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing **Motion to Reopen the Evidentiary Record** upon the parties of record in this proceeding in accordance with the Commission's Rules of Practice and Procedure.

Date: August 12, 2025

Terry Bente

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Betty Bente

Betty Bante

cc:Tori L. Giesler

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**COMPLAINANTS’ MOTION TO REOPEN THE EVIDENTIARY RECORD  
(52 Pa. Code §§ 5.571, 5.572)**

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**I. INTRODUCTION**

Pursuant to 52 Pa. Code §§ 5.571 and 5.572, Complainants Terry and Betty Bente respectfully move to reopen the evidentiary record in this proceeding for the limited purpose of admitting into evidence all legal authorities, statutory provisions, prior Commission dockets, legislative history, affidavits, and documentary evidence cited in Complainants’ Exceptions to the Initial Decision.

These materials — including full judicial opinions, legislative documents, prior and related PUC case records, sworn affidavits, safety reports, and environmental impact data — are material to the outcome of this case and necessary for a complete and fair determination of the issues. The Initial Decision was issued without an evidentiary hearing, depriving Complainants of the opportunity to present this evidence during the normal course of proceedings.

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## II. LEGAL STANDARD FOR REOPENING

Under 52 Pa. Code § 5.571(a), the Commission may reopen the record upon petition by a party when there is **good cause shown**. Section 5.572(a) provides that reopening may occur to receive **additional evidence** which is material and which could not, with reasonable diligence, have been presented during the initial hearing phase. The Pennsylvania appellate courts have recognized that the Commission has broad discretion to reopen the record when it serves the interests of justice and ensures a complete evidentiary basis for decision-making (*Philadelphia Electric Co. v. Pa. PUC*, 470 A.2d 654 (Pa. Cmwlth. 1984)).

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## III. GOOD CAUSE AND MATERIALITY

Complainants' Exceptions rely upon and cite the following, all of which are now sought to be formally admitted into the evidentiary record:

### 1. Judicial Decisions

- *Povacz v. Pa. PUC*, 241 A.3d 481 (Pa. 2020) – Constitutional balancing under Pa. Const. art. I §§ 1 & 27.
- *Romeo v. Pa. PUC*, 154 A.3d 422 (Pa. Cmwlth. 2017) – Underground wiring hazards, PUC jurisdiction.
- *Union Pacific Ry. Co. v. Botsford*, 141 U.S. 250 (1891) – Bodily integrity.
- Additional Pennsylvania appellate and U.S. Supreme Court cases cited in Exceptions.

### 2. Statutory and Regulatory Provisions

- 66 Pa.C.S. §§ 315(c), 102, 2807(f)(3).
- 52 Pa. Code §§ 57.28(a)(1), 57.251, 57.255, 57.259(b)-(c), 56.81(3).

### 3. Legislative History

- Act 129 bill text and legislative analysis.
- House Bill 600 (2025).

- Historical reference to HB 1112 (2024, withdrawn).

#### **4. Testimony and Prior Records**

- Testimony of Rep. Thomas Yewcic (C-2018-3001276).
- **Bente v. Met-Ed** (Docket No. C-2017-2614219) – Full record.
- **Bente v. Met-Ed** (Docket No. C-2025-3054387) – Present docket record.
- **Bente v. Met-Ed** (Docket No. C-2025-3052985) – Related 2025 docket record.

#### **5. Affidavits**

- Sworn affidavit of Complainants describing conversations with Met-Ed engineer and linemen regarding three underground line faults (as referenced in the Bente letter).
- Affidavit on observed utility safety risks and potential smart meter fire hazards from faulty underground wiring.

#### **6. Safety Evidence**

- PUC, fire marshal, and utility incident reports on smart meter-related fires.
- PECO fire investigation documents.

#### **7. Environmental Evidence**

- Smart meter e-waste composition, disposal methods, and salvage value reports.

#### **8. Economic Evidence**

- Office of Consumer Advocate filings on smart meter cost-effectiveness.

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### **IV. REASONS FOR OMISSION FROM THE ORIGINAL RECORD**

The Initial Decision dismissed the Complaint based on § 316 and res judicata without convening an evidentiary hearing. Consequently, Complainants were denied the opportunity to submit these exhibits in the record. All exhibits were compiled in preparing Exceptions but cannot be considered unless the record is formally reopened.

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## **V. REQUESTED RELIEF**

Complainants respectfully request that the Commission:

1. **Grant this Motion** and reopen the evidentiary record in Docket No. C-2025-3054387;
2. **Admit** the exhibits listed in the attached Exhibit Index (A–Z) in full; and
3. Grant such other relief as the Commission deems just and proper.

**Respectfully submitted,**

Terry Bente

Terry Bente

Betty Bente

Betty Bente

865 Hilltown Road  
Biglerville, PA 17307  
Complainants, Pro Se

Date: August 12, 2025

## EXHIBIT INDEX

| <b>Exhibit Title</b>  | <b>Source/Docket</b>            | <b>Purpose</b>             |
|---|---------------------------------|----------------------------|
| A <i>Povacz v. Pa. PUC</i> (full opinion)                             | 241 A.3d 481 (Pa. 2020)         | Constitutional balancing   |
| B <i>Romeo v. Pa. PUC</i> (full opinion)                              | 154 A.3d 422 (Pa. Cmwlth. 2017) | Underground wiring hazards |
| C <i>Union Pacific Ry. Co. v. Botsford</i> (full opinion)             | 141 U.S. 250 (1891)             | Bodily integrity           |
| D Other cited PA appellate/U.S. Supreme Court decisions               | Various                         | Precedent                  |
| E Act 129 bill text & analysis  | 66 Pa.C.S. § 2807(f)(3)         | Legislative history        |
| F House Bill 600 (2025)   | PA House                        | Legislative history        |
| G HB 1112 (2024) withdrawn  | PA House                        | Historical reference       |
| H 66 Pa.C.S. §§ 315(c), 102, 2807(f)(3)                               | PA Consolidated Statutes        | Statutory law              |
| I 52 Pa. Code §§ 57.28(a)(1), 57.251, 57.255, 57.259(b)-(c), 56.81(3) | PA Code                         | Regulations                |
| J Rep. Thomas Yewcic testimony  | C-2018-3001276                  | Legislative intent         |
| K Bente 2017 docket record  | C-2017-2614219                  | Prior case file            |
| L Bente 2025 docket record (current)                                  | C-2025-3054387                  | Present case file          |
| M Bente 2025 related docket record                                    | C-2025-3052985                  | Related case file          |
| N Affidavit: Underground line faults                                  | Prepared by Complainants        | Factual evidence           |

| <b>Exhibit Title</b> |   | <b>Source/Docket</b>     | <b>Purpose</b>       |
|----------------------|---|--------------------------|----------------------|
| O                    | Affidavit: Safety/fire hazards                  | Prepared by Complainants | Factual evidence     |
| P                    | PUC/utility fire incident reports               | Various                  | Safety evidence      |
| Q                    | PECO fire investigation docs                    | PECO/PUC                 | Safety evidence      |
| R                    | E-waste composition & disposal                  | Environmental reports    | Environmental impact |
| S                    | Smart meter salvage value                       | Industry/utility docs    | Economic impact      |
| T                    | OCA filings on smart meter costs                | PUC filings              | Economic evidence    |
| U-Z                  | Reserved for other cited exhibits in Exceptions | Various                  | As applicable        |