

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

Pennsylvania Public Utility Commission Public Meeting held August 14, 2025
Bureau of Investigation and 3030738-OSA
Enforcement Docket No. M-2024-3030738

v.

**FirstEnergy Pennsylvania
Electric Company**

**JOINT MOTION OF CHAIRMAN STEPHEN M. DeFRANK &
COMMISSIONER KATHRYN L. ZERFUSS**

Before the Commission is a Joint Petition for Approval of Settlement (Joint Petition, Settlement Agreement, or Settlement) filed on March 26, 2024, by the Commission's Bureau of Investigation and Enforcement (I&E) and FirstEnergy Pennsylvania Electric Company (West Penn), with respect to an informal investigation conducted by I&E.

On June 14, 2021, a windstorm caused significant damage to trees and power lines in the West Penn service territory. A total of 15,000 customers were affected. On June 15, 2021, the Commission's Bureau of Consumer Services referred an informal complaint to the Commission's Bureau of Investigation and Enforcement Electric Safety Division regarding a storm incident where a West Penn primary distribution line was brought down by a falling tree.

The pertinent events detailed on the initial record herein include the following. On June 14, 2021, an energized 7200-volt primary line fell across a carport roof at 586 Arden Road in Washington County. The customer at this residence called 911 for immediate help and then called West Penn for assistance. Following this contact the customer waited for West Penn to arrive at his home and inform him when it would be safe for him and his girlfriend to evacuate, but no one came to their assistance. As a result of the downed line remaining on the carport, the homeowner and his girlfriend were unable to leave their home. Had the homeowner or his girlfriend gone near the carport, the downed line could have presented a risk of serious injury or death.

The circuit serving the residence 586 Arden Road, known as the McGovern Circuit, had four locations with wires down, including the incident at question. Following the repair of three down wire locations, line crews, who were unaware of the circumstances at 586 Arden Road, re-energized the McGovern Circuit. This resulted in a bang caused by a short circuit at a nearby fuse, and subsequently, the de-energizing of the portion of the circuit serving 586 Arden Road.

I&E and West Penn (Parties) have agreed upon the instant Settlement. However, the Parties agreed that if the matter was fully litigated I&E was prepared to present evidence that West Penn had violated several provisions of the Public Utility Code and the Commission's Regulations, as outlined in our Opinion and Order issued at this docket on April 15, 2025 (April 2025 Order). We highlight the following allegations.

- West Penn failed to ensure that their employees took reasonable steps to perform work pursuant to the Company's operating procedures, including a failure of the hazard

- responders to provide a detailed assessment of the hazardous situation to the hazard dispatcher including the facilities affected as identified in the line down call at the 586 Arden Road residence.
- West Penn's hazard dispatcher failed to follow up on the line down distress call with another hazard responder crew or the customer at the 586 Arden Road residence.
 - West Penn failed to recognize the severity of the energized line down (on the customer's carport roof, attached to his house) during and after the storm event at the 586 Arden Road residence.

Pertinent terms of the Settlement Agreement include the following.

- West Penn will pay, within 30 days, a civil penalty in the amount of \$12,500. The penalty will not be tax-deductible nor passed through in rates to Pennsylvania customers.
- West Penn agrees to implement the following corrective actions:
 - Through its Emergency Plan procedures, it will oversee the wire down reporting process and follow-up for reports of line down reports to reduce the risk of contact incidents and property damage in its service area.
 - Supervisors should verify reports of lines down and follow the West Penn procedures to identify and address hazardous situations as quickly as possible and make safe the area from public contact.
 - West Penn shall provide better initial and continued training for appropriate hazard responder personnel on the Line Down / Hazard process requirements.

Upon initial review of the Settlement Agreement, the Commission issued our April 2025 Order that concluded that the record, at that time, was insufficient because it precluded the Commission from determining if the Settlement was in the public interest. The April 2025 Order set out several inquiries about the case to assist in determining if the Settlement is in the public interest.

The responses provided to these inquiries include additional key information that we find dispositive to a final determination in this proceeding. This information includes the following.

- The customer first contacted West Penn on June 14, 2021, at 3:57 p.m., reporting the downed wire across his carport. The customer then contacted West Penn again on June 15, 2021, at 7:25 a.m., to check the status of the repair and report he still had a wire down on his carport. On June 15, 2021, at 1:15 p.m., more than 21 hours after the initial report, the downed wire at the 586 Arden Road residence was repaired and made safe.
- I&E and West Penn remain in dispute as to whether West Penn ever created a trouble ticket for the reported downed wire atop the carport at 586 Arden Road.
- Parties represented that after the wire down notification was created by the customer at 586 Arden Road, such was not relayed to the crew in the field, and the West Penn crew did not go to the address.

This is not the first incident involving a downed wire in the FirstEnergy Pennsylvania Electric service territory. In our April 2025 Order, the Commission highlighted a number of downed wire events which led to a subsequent investigation, settlement, along with an agreed upon civil penalty and implementation of remedial measures. These incidents include fatalities caused by downed lines on June 2, 2009, and July 26, 2016, at the former utilities Metropolitan Edison Company and West Penn Power Company respectively. Our April 2025 Order also highlighted a December 12, 2022, incident at

Metropolitan Edison Company involving an energized line on a roadway damaging an occupied vehicle.

Upon review of the record herein, including the additional information provided by the Parties pursuant to the directed inquiries in our April 2025 Order, we find it prudent, necessary, and in the public interest to increase the civil penalty from \$12,500 to \$25,000.

Of the utmost concern, the customers at the 586 Arden Road residence placed a call detailing the downed wire on their carport at 3:57 p.m. The issue was not resolved until 1:15 p.m. the next day, noting the customer called again that morning to seek a status update. As the proceeding details, had they attempted to depart the home they would have been at risk of injury or death. Consequently, the customer and his girlfriend were trapped in their home for over 21 hours.

Further substantiating a higher civil penalty is the apparent failure of West Penn to properly communicate the situation at 586 Arden Road to its crews. Such failure is significant insofar as it can be directly tied to why the customer and his girlfriend were trapped in their home for 21 hours and 18 minutes, since this breakdown in communication resulted in the failure of a crew to timely respond.

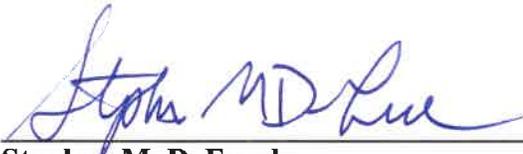
Compounding our concerns is a further lack of information showing that the customer was kept apprised of developments, therefore leaving the residents legitimately concerned if the downed wire was live and uninformed as to when West Penn intended to fix it. Finally, the record shows that West Penn re-energized its McGovern Circuit without knowing of the situation at 586 Arden Road resulting in a loud bang caused from a short circuit at a fuse on one of the McGovern Circuit poles.

We find this increase of 100% of the agreed upon civil penalty necessary and proper given the gravity of circumstances outlined above along with the Company and its previous affiliates history of similar events. All other provisions of the proposed Settlement Agreement would remain intact.

THEREFORE, WE MOVE THAT:

1. The Joint Petition for Settlement is tentatively approved, as modified by this Motion.
2. The Bureau of Investigation and Enforcement and FirstEnergy Electric Company Pennsylvania, as parties to the Settlement Agreement, shall have twenty (20) days to file a notice of withdrawal from the Settlement Agreement pursuant to Paragraph 33 of said Agreement.
3. Should the Bureau of Investigation and Enforcement, FirstEnergy Electric Company Pennsylvania, or both, file a notice of withdrawal pursuant to ordering paragraph number two the Joint Petition for Settlement shall be denied and returned to the Bureau of Investigation and Enforcement.
4. Should the Bureau of Investigation and Enforcement and FirstEnergy Electric Company Pennsylvania not file a notice of withdrawal at this docket the Joint Petition for Settlement, as modified, shall be approved.
5. The Office of Special Assistants draft an Opinion and Order consistent with this Motion.

August 14, 2025
Date



Stephen M. DeFrank
Chairman



Kathryn L. Zerfuss
Commissioner