

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Clark O'Donnell

v.

Docket No. F-2025-3054625

FirstEnergy Pennsylvania Electric Company

COMPLAINANT'S ANSWER IN OPPOSITION TO RESPONDENT'S MOTION TO STRIKE

I, Clark O'Donnell, respectfully submit this Answer in Opposition to FirstEnergy's Motion to Strike. The testimony and evidence FirstEnergy seeks to exclude are directly relevant to my claims and essential for a fair decision. Their motion is an attempt to hide evidence of their most unreasonable and harmful actions. It should be denied.

Legal Standard

The Commission is not bound by the strict rules of evidence. Evidence is admissible if it is relevant and useful in determining the facts. Hearsay may be admitted, and under the *Walker* rule, it may be considered if corroborated by other competent evidence. *Walker v. UCBR*, 367 A.2d 366 (Pa. Cmwlth. 1976).

Argument

I. My Testimony and Exhibits Regarding My Licensed Social Worker Are Admissible.

FirstEnergy wrongly claims my testimony about their attorney contacting my Licensed Social Worker (LSW) is inadmissible hearsay.

It is not hearsay. The testimony is not offered to prove the truth of my medical diagnoses. It is offered to show the intimidating actions of FirstEnergy's counsel and the emotional distress this caused. This speaks directly to my claim of retaliation and is a permissible, non-hearsay purpose.

Exhibit A, the letter from my LSW, is not being used to prove my medical condition is true, but to prove that I provided medical verification for my accommodation request. It is the document that triggered the improper contact from FirstEnergy's counsel, making it highly relevant.

Exhibit E, the email chain with the Court and counsel, is not hearsay; it is a direct record of the parties' communications and part of the procedural history of this case.

II. Evidence of FirstEnergy's Refusal to Accommodate My Disability Is Relevant.

FirstEnergy's objection to evidence regarding their refusal to communicate with me by email fundamentally misunderstands both the nature of my claim and the Commission's broad authority over utility service quality.

I am not seeking enforcement of federal disability laws. I am presenting evidence that FirstEnergy's inflexible communication practices constitute unreasonable and inadequate service under Pennsylvania law. Under 66 Pa.C.S. § 1501, public utilities must provide service that is "safe and reasonable" and "adequate." A utility's blanket refusal to use standard electronic communication methods—particularly when a customer has explained their need for such accommodation—directly bears on whether the service provided meets these statutory standards.

The Commission has consistently held that utilities must tailor their customer service practices to ensure effective communication and reasonable access to services. FirstEnergy's years-long refusal to communicate with me via email, despite my documented need and repeated requests, demonstrates a pattern of providing substandard customer service that falls below Pennsylvania's utility service requirements.

This evidence is not only relevant—it is central to proving that FirstEnergy has systematically failed to provide me with reasonable service. The Commission has full authority to evaluate whether a utility's customer service practices meet state law requirements, and this evidence directly supports my claim that FirstEnergy's conduct violates their statutory obligations to provide adequate service to all customers.

III. The Termination of My Service in July Is Not a “New Issue.”

FirstEnergy's objection to my testimony about them shutting off my electricity on July 24, 2025, is meritless.

This termination is not a “new issue”; it is the direct consequence and proof of the exact harmful practices I am challenging. FirstEnergy's testimony claims they were not holding me responsible for another person's debt. The fact that they terminated my service—while this complaint was active—over a balance they admit belongs to my mother, Jean O'Donnell, directly rebuts their entire argument.

To clarify, FirstEnergy issued a shut-off notice in June and then proceeded with an actual shut-off in July. Exhibit K is the documentary proof of this retaliatory action. To exclude it would be to ignore the most direct evidence of the ongoing harm.

IV. My Requested Relief Is Timely and Necessary.

My requests for relief flow directly from the evidence. I could not have asked for a remedy related to the service termination before FirstEnergy took that action against me in July 2025. The relief I request is a direct result of the facts and harm demonstrated in the record.

PUC rules do not require all relief to be pled in direct testimony. Relief may be amended or supplemented as the record develops, particularly where the utility's own subsequent conduct creates new harm. The Commission has the discretion to grant such relief.

V. Conclusion

For these reasons, I respectfully ask the Honorable Mary D. Long to deny FirstEnergy's Motion to Strike in its entirety.

Respectfully submitted,

/s/ Clark O'Donnell
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Dated: August 25, 2025

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing **Complainant's Answer in Opposition to Respondent's Motion to Strike** upon the persons listed below, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54.

Via Electronic Mail

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Dated: August 25, 2025

/s/ Clark O'Donnell
Clark O'Donnell