

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Clark O'Donnell	:	
	:	
v.	:	F-2025-3054625
	:	
FirstEnergy Pennsylvania Electric Company	:	

**INTERIM ORDER
GRANTING IN PART AND DENYING IN PART MOTION TO STRIKE AND
ADMITTING TESTIMONY INTO THE RECORD**

On April 14, 2025, Clark O'Donnell (Complainant) filed a formal complaint against FirstEnergy Pennsylvania Electric Company (FirstEnergy or Respondent) alleging that the company is threatening to terminate his service and holding him responsible for charges in the name of Jean O'Donnell. He also alleged that Respondent refused to provide reasonable accommodation for his disability by ensuring that all communication with him is conducted by email. He contends that phone communication is not accessible to him. The Complainant also requests that any hearings or interactions related to his complaint be conducted through email correspondence or written documentation. By order entered on June 9, 2025, I directed the Complainant to provide documentation substantiating his disability. That order also directed the Parties to confer and attempt to agree upon any reasonable accommodation for the hearing process.

By email dated June 16, 2025, the Complainant provided documentation in support of his request for an accommodation. On June 17, 2025, counsel for Respondent reported that she had consulted with Complainant and that the Parties agreed to submit written testimony of factual witnesses in lieu of participating in a telephonic hearing. Respondent also advised that the Parties have agreed to waive any cross-examination of those witnesses, obviating the need for a telephonic hearing to be scheduled and that the Parties agree that under

this arrangement, any objections would be handled through written objections or motions to strike testimony.

By interim order entered on June 18, 2025, I set a schedule for the exchange of written testimony and evidentiary motions.

The Complainant served his own Direct Testimony on July 1, 2025, which included Exhibits A through I. On July 21, 2025, Respondent served the written Direct Testimony of Charles Howlett and Exhibits CH-1 through CH-7 and written Direct Testimony of Rachel Sukhu and Exhibits RS-1 through RS-4.¹ The Complainant served his Responsive Written Testimony on August 11, 2025, which included Exhibits J-L.

Respondent filed a Motion to Strike Portions of Complainant's Written testimony on August 18, 2025. The Complainant filed an Answer in Opposition to Respondent's Motion to Strike on August 25, 2025.

Respondent moves to strike Section VI of his Direct Testimony and Exhibits A and E. Respondent argues that this material is hearsay as it relates to communication involving the Complainant's request for an accommodation of his disability by submitting written testimony in lieu of oral testimony at a hearing. The Complainant contends that this material is not hearsay but supports his allegations of retaliation by the Respondent.

Respondent's motion to strike Paragraphs 3, 4 and 5 on page 4 of the Complainant's Direct Testimony will be granted. Similarly, Respondent's motion to strike Complainant's Exhibits A and E are granted. This testimony and exhibits are not relevant to the claims made in the Complainant's complaint but were submitted in support of the Complainant's accommodation request to support his complaint with written testimony rather than by oral testimony.

¹ The Respondent served an Errata on July 22, 2025, to correct errors in the testimony and exhibits that were served on July 21, 2025.

Respondent also seeks to strike portions of the Complainant's testimony related to the Americans with Disabilities Act (ADA), as well as the Complainant's requests for relief. The Respondent also seeks to strike pages 11-13 of the Complainant's Responsive Written Testimony because it is repetitive. The motion to strike references to the ADA, pages 11-13 of the Complainant's Responsive Written Testimony and the Complainant's requests for relief are denied.

Respondent finally seeks to strike pages 10-11 and Exhibit K of Complainant's Responsive Written Testimony relating to Respondent's termination of service on July 24, 2025. The Complainant contends that the July termination of service is not a new issue but is evidence of the consequences of the Respondent's course of conduct.

The motion to strike Section VI on pages 10-11 and Exhibit K of Complainant's Responsive Written Testimony will be granted. I agree that the Complainant is raising a new allegation of misconduct by the company. The Respondent has not had an opportunity to investigate or respond to the Complainant's allegation, and it is well beyond the scope of the claims made in his April 14, 2025, complaint.

THEREFORE,

IT IS ORDERED:

1. That the Respondent's Motion to Strike Paragraphs 3, 4 and 5 on page 4 of the Complainant's Direct Testimony and Complaint's Exhibits A and E is granted.

2. That the Respondent's Motion to Strike pages 10-11 and Exhibit K of the Complainant's Responsive Testimony is granted.

3. That the Respondent's Motion to Strike is denied in all other respects.
4. That the Complainant's Written Direct Testimony, except for Paragraphs 3, 4 and 5 on page 4, is admitted into the record.
5. That the Complainant's Written Direct Testimony Exhibits B, C, D, F, G, H and I, are admitted into the record.
6. That the Complainant's Responsive Written Testimony except Section VI on pages 10 and 11, is admitted into the record.
7. That the Complainant's Responsive Written Testimony Exhibit J is admitted into the record.
8. That the Respondent's Statement No. 1, Direct Testimony of Charles Howlett, and Exhibits CH-1 through CH-7, are admitted into the record.
9. That Respondent's Statement No. 2, Direct Testimony of Rachel N. Sukhu, and Exhibits RS-1 through RS-4, are admitted into the record.
10. The Complainant shall prepare copies of the July 1, 2025, Written Direct Testimony and August 11, 2025, Responsive Testimony to remove or strike the portions of the testimony that were stricken in the above ordering paragraphs. The Complainant may not add any additional testimony or exhibits to the served testimony.
11. That the Motion to Strike and Answer to the Motion to Strike filed by the parties are in the Commission's public record. Any party wishing to protect information in the

Motion and Answer or in written testimony from the public record shall file a motion for protective order promptly.

12. That the Complainant shall file July 1, 2025, Written Direct Testimony and August 11, 2025, Responsive Testimony, as prepared in compliance with Paragraph 10, above and **admitted** exhibits with the Commission's Secretary's Bureau on or before September 10, 2025. **A copy of this order must be attached to the filing.**

13. That the Respondent shall file Statement No. 1, Direct Testimony of Charles Howlett, and Exhibits CH-1 through CH-7, and Statement No. 2, Direct Testimony of Rachel N. Sukhu, and Exhibits RS-1 through RS-4, with the Commission's Secretary's Bureau on or before September 10, 2025. **A copy of this order must be attached to the filing.**

14. A separate order closing the record will be issued after all the admitted testimony and exhibits have been filed.

Date: August 27, 2025

/s/
Mary D. Long
Administrative Law Judge

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ELECTRIC COMPANY**

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