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August 28, 2025

**VIA ELECTRONIC FILING**

Matthew 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**

Re: Clerical Clarification of Filing Category

Dear Secretary Homsher:

Complainants respectfully submit this clerical clarification regarding their Supplemental Motion for Leave to File Sur-Reply.

Out of an abundance of caution, Petitioners note that their Sur-Reply has been submitted under the “Supplemental” category in the Commission’s eFiling system. This categorization was selected to avoid confusion with the “Answer/Reply” category, since the filing is not an Answer to a Complaint but a Supplemental Sur-Reply in support of Exceptions.

This clarification is intended solely to ensure consistency between the body of the Motion, the Proposed Order, and the eFiling docket entry, and does not affect the substance of the filing.

Respectfully submitted,

*Terry Bente*

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Terry Bente, Pro Se

*Betty Bente*

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Betty Bente, Pro Se

Dated: August 28, 2025

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**Re: Terry and Betty Bente v. FirstEnergy Pennsylvania Electric  
Company**

**Docket No. C-2025-3054387**

**Re: Supplemental Motion for Leave to File Sur-Reply**

Dear Secretary Homsher:

Enclosed for filing please find Complainants' Supplemental Motion for Leave to File Sur-Reply, with attached Proposed Order and Certificate of Service. This Motion is necessary to correct misstatements of fact and law in Respondent's Replies to Exceptions and to preserve Complainants' constitutional and statutory claims. The Sur-Reply itself has been filed separately under the Supplemental category, titled: 'Sur-Reply to Respondent's Replies to Exceptions (Submitted in Support of Supplemental Motion for Leave to File Sur-Reply).'

Respectfully submitted,

Terry Bente

Terry Bente, Pro Se

Betty Bente

Betty Bente, Pro Se

**BEFORE THE**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**TERRY AND BETTY BENTE**

**v.**

**FIRST ENERGY PENNSYLVANIA**

**ELECTRIC COMPANY**

**VIA ELECTRONIC FILING**

**Docket No. C-2025-3054387**

**SUPPLEMENTAL MOTION FOR LEAVE TO FILE SUR-REPLY**

Complainants Terry and Betty Bente (“Complainants”), pursuant to 52 Pa. Code §§ 1.15 and 5.103, respectfully request leave of the Commission to file the attached Sur-Reply to Respondent’s Replies to Exceptions. In support thereof, Complainants aver as follows:

1. On August 22, 2025, Respondent filed its Replies to Exceptions opposing Complainants’ Exceptions to the Initial Decision of ALJ Erin L. Gannon.
2. In its Replies, Respondent misstates material facts and law, including but not limited to: (a) incorrectly asserting that Complainants’ 2017 Complaint was adjudicated on the merits; (b) mischaracterizing Complainants’ prior statements as a waiver of constitutional rights; and (c) arguing that 66 Pa.C.S. § 316 bars this Complaint, despite no merits adjudication of constitutional or statutory claims in the earlier proceeding.

3. The 2017 Complaint became final only because Complainants, due to a critical family illness, were unable to pursue appellate review before the Commonwealth Court. There was no adjudication of the constitutional or statutory claims on the merits. Under *Balent v. City of Wilkes-Barre*, 669 A.2d 309 (Pa. 1995), Section 316 applies only where there has been a final judgment on the merits. Because no merits determination ever occurred, Respondent's reliance on Section 316 is misplaced.

4. A Sur-Reply is necessary to correct the record, clarify the absence of any Certificate of Satisfaction in the 2017 Complaint, and preserve Complainants' constitutional claims for review.

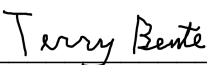
5. Granting leave will not prejudice Respondent, but denial would unfairly insulate Respondent's mischaracterizations from scrutiny and impair Complainants' due process rights.

6. Denying Complainants the opportunity to file a Sur-Reply would exacerbate existing due process concerns. Respondent's mischaracterizations—recasting 8 Exceptions as “10,” misstating case law, and alleging waiver where none occurred—if left uncorrected, would insulate the Initial Decision from meaningful review. Fundamental constitutional claims under Article I, §§ 1, 3, and 27 of the Pennsylvania Constitution, and the Due Process Clause of the Fourteenth Amendment, deserve full and fair consideration.

7. The Sur-Reply has been filed separately under the Supplemental category in eFiling for clarity, but should be accepted as part of this Motion upon grant of leave.

WHEREFORE, Complainants respectfully request that the Commission grant this Motion and accept the separately-filed Sur-Reply as part of the record in this proceeding.

Respectfully submitted,

  
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Terry Bente, Pro Se

*Betty Bente*

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Betty Bente, Pro Se

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Dated: August 28, 2025

**PROPOSED ORDER**

AND NOW, upon consideration of Complainants' Supplemental Motion for Leave to File Sur-Reply, it is hereby ORDERED:

1. That Complainants' Motion is GRANTED.
2. That Complainants' Supplemental Filing: Sur-Reply to Respondent's Replies to Exceptions, filed separately and expressly incorporated herein, is accepted for filing and considered part of the record in this proceeding.

BY THE COMMISSION,

\_\_\_\_\_

Matthew Homsher, Secretary

Dated: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

We hereby certify that we have this day served a true copy of the foregoing Supplemental Motion for Leave to File Sur-Reply (with Proposed Order) upon the following individuals in accordance with 52 Pa. Code § 1.54:

- James A. Meehan, Esq., FirstEnergy Service Company –  
jameehan@firstenergycorp.com
- Tori L. Giesler, Esq., FirstEnergy Service Company –  
tgiesler@firstenergycorp.com
- Administrative Law Judge Erin L. Gannon – egannon@pa.gov
- Office of Special Assistants – ra-OSA@pa.gov

Respectfully submitted,

Terry Bente

Terry Bente, Pro Se

Betty Bente

Betty Bente, Pro Se

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