

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mark Chronister	:	
	:	
v.	:	C-2025-3056334
	:	
FirstEnergy Pennsylvania Electric Company	:	

ORDER
GRANTING FE PA’S MOTION TO FILE ANSWER *NUNC PRO TUNC* AND
REFERRING TO MEDIATION

On July 16, 2025, Mark Chronister (Complainant or Mr. Chronister) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission), against FirstEnergy Pennsylvania Electric Company – Met-Ed Rate District (FE PA, Company, or Respondent) regarding a reliability, safety or quality problem with his utility service. Specifically, Mr. Chronister alleges that his radial tap is out very often and, as relief, Mr. Chronister requests that FE PA improve its service and cut his rates to reflect how often his service is out.

The Complaint was served on FE PA by the Commission’s Secretary’s Bureau on July 17, 2025. The deadline for FE PA to file its answer was August 6, 2025. 52 Pa Code § 5.61(a). By August 6, 2025, FE PA had not filed an answer.

On August 7, 2025, FE PA filed an Answer and New Matter as well as a Motion to File Answer and New Matter *Nunc Pro Tunc* (Motion). In its Motion, FE PA admits that its responsive pleading was due for filing on or before August 6, 2025, but, due to a catastrophic failure of counsel’s firm’s cloud-based network on August 6, 2025, the Respondent is filing its Answer and New Matter beyond the August 6, 2025 due date. The Motion contained a Notice to Plead, directing Complainant to file a response to the Motion within 20 days of service. No response to the Motion has been received.

In its Answer, FE PA denies that there is a reliability or quality problem with the electric service provided to Complainant. Respondent avers that Complainant's service location is in a rural area heavily surrounded by trees, and FE PA performs tree maintenance on a four-year cycle. Respondent states that it patrolled the circuit serving Complainant on February 19, 2025 and July 14, 2025, and identified 81 trees for removal in August 2025, to improve the reliability for the Complainant. The Company further avers that it continues to study and implement viable circuit improvements to improve the circuit's reliability performance. In its New Matter, Respondent requests that this matter be referred to the Office of Administrative Law Judge's (OALJ) Mediation Unit.

The Answer and New Matter contained a Notice to Plead, directing Complainant to file a response to the New Matter within 20 days of service. Complainant filed a response to the New Matter on August 14, 2025, stating that he is ok with mediation with agreement that if no resolution is obtained he can request a hearing be held on his Complaint. Complainant further stated that for the matter to be properly mediated he must have all information which FE PA will use and all he requests of them.

On September 8, 2025, a Motion Judge Assignment Notice was issued, assigning me as the presiding officer. It is now appropriate to rule on the Motion.

Discussion

Pursuant to 52 Pa. Code § 5.61, the Company's Answer and New Matter to the Complaint was due for filing on or before August 6, 2025. On August 7, 2025, the Company filed its Answer and New Matter, one day late.

Commission regulations at 52 Pa. Code § 1.1 *et seq.* govern rules of administrative practice and procedure before the Public Utility Commission. The Commission's rules provide that the procedural rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. 52 Pa. Code § 1.2. Furthermore, the Pennsylvania Commonwealth Court has held that the Commission

has authority to waive procedural defects when they do not affect the substantive rights of the parties. *Info. Connections, Inc. v. Pennsylvania Public Utility Commission*, 630 A. 2d 498 (Pa. Cmwlth. 1993).

In this matter, the late filing of the Answer and New Matter was due to a catastrophic failure of counsel's firm's cloud-based network. Additionally, FE PA's Answer and New Matter was only filed one day late. Mr. Chronister did not file a response opposing FE PA's Motion. Under these circumstances, it is in the interest of both parties, as well as the public interest, that FE PA's Motion be granted and this matter be heard fully on the merits. Therefore, FE PA's Answer and New Matter filed on August 7, 2025, shall be treated as if it was filed timely on August 6, 2025.

In its Answer and New Matter to the Formal Complaint, FE PA requests that this matter be referred to the OALJ Mediation Unit. The Commission's mediation process is a flexible program designed to informally help parties resolve disputes. *See* 52 Pa. Code §§ 69.391-69.397. Mr. Chronister's Reply to New Matter agrees to the use of mediation. Therefore, before proceeding to a hearing, this consolidated proceeding will be referred to the Commission's Mediation Unit for the Commission's mediation review process. In the event the parties are unable to resolve this matter with the assistance of a mediator, the Complaint will proceed to a hearing.

The parties are reminded that Commission policy promotes settlements. 52 Pa. Code §5.231(a). The parties are encouraged to commence settlement discussions amongst themselves for this proceeding as early as possible. Even if the parties are unable to settle this case, they may still resolve some of the questions or issues during their discussions. If the parties reach an agreement on all issues, a formal hearing will not be necessary.

THEREFORE,

IT IS ORDERED:

1. That the Motion of FirstEnergy Pennsylvania Electric Company to File Answer and New Matter *Nunc Pro Tunc* at C-2025-3056334 is granted;
2. That this proceeding is referred to the Commission's Mediation Unit for the Commission's mediation review process;
3. That, in the event the parties are unable to resolve this matter with the assistance of a mediator, the Formal Complaint at C-2025-3056334 will proceed to a hearing.

Date: September 10, 2025

/s/
John M. Coogan
Administrative Law Judge

C-2025-3056334 - MARK CHRONISTER v. FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY

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