

September 15, 2025

Via Electronic Filing

Matthew Homsher, Esquire
Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Docket No. C-2025-3052844
Pamela Tucker v. FirstEnergy Pennsylvania Electric Company
Exceptions to Initial Decision of FE PA (West Penn Rate District)**

Dear Secretary Homsher:

Attached for filing are the Exceptions of FirstEnergy Pennsylvania Electric Company (West Penn Rate District) to the Initial Decision issued by the Honorable Katrina L. Dunderdale on August 26, 2025 in the above referenced proceeding.

A copy of the attached Exceptions has been provided to the Complainant in the manner indicated on the attached Certificate of Service.

Please contact me if there are any questions or concerns.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/co
Enclosures

cc: The Hon. Katrina L. Dunderdale, PA Public Utility Commission [w/encls.]
Office of Special Assistants, PA Public Utility Commission [w/encls.]
Tori Giesler, Esquire, FirstEnergy Service Company [w/encls.]
Pamela Tucker [w/encls.]

**Re: Docket No. C-2025-3052844
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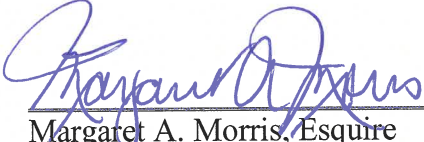
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via Electronic Mail

Pamela Tucker
ptucker422@yahoo.com

Dated: September 15, 2025



Margaret A. Morris, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PAMELA TUCKER

v.

FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY

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Docket No. C-2025-3052844

**EXCEPTIONS OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY
TO THE INITIAL DECISION**

Margaret A. Morris, Esq.
REGER RIZZO & DARNALL LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

Dated: September 15, 2025

*Counsel for FirstEnergy Pennsylvania Electric
Company (West Penn Rate District)*

I. Introduction

Pursuant to 52 Pa Code § 5.533, FirstEnergy Pennsylvania Electric Company, West Penn Rate District (Respondent or Company) hereby files its Exceptions to the Initial Decision of Administrative Law Judge Katrina L. Dunderdale (Judge Dunderdale) issued on August 26, 2025, which directed a 72-month payment arrangement (PAR) for Pamela Tucker (Complainant or Ms. Tucker), 250-300% Federal Poverty Income Guideline Range, in the above-referenced matter.

II. Relevant Procedural Background

On January 7, 2025, the Complainant filed the instant Formal Complaint¹ alleging that the Company was threatening to shut off service or had already shut off electric service at the service address and requested an affordable Commission PAR.

On January 27, 2025, the Company filed an Answer admitting that a termination notice was issued for undisputed delinquent charges and denying that a subsequent Commission PAR is permitted for the arrears since she defaulted on two prior Commission PARs.

On May 6, 2025, the initial telephonic hearing convened as scheduled. The Complainant appeared *pro se* and testified on her own behalf and offered no exhibits. The Company presented the testimony of one witness and Exhibits 1 through 12 were admitted into the record, without objection.

¹ The Complaint was an untimely appeal of a BCS Decision No. 4001597, which denied the request for a second Commission PAR.

On August 26, 2025, an Initial Decision was issued granting Ms. Tucker's a 72-month Commission PAR.

III. Initial Decision

Judge Dunderdale made the following Findings of Fact:

10. The service address has electric heat and an electric water heater, but the Complainant has used space heaters and the natural gas oven to warm the service address since the electric furnace broke four years ago. (Tr. 20-22).

13. As of the date of the initial hearing, the account balance totaled \$18,088. (Tr. 40; FE PA Exhibit 2).

14. Complainant does not have a significant unpaid balance with any other utility company. (Tr. 22-25).

15. Complainant is on a budget bill program and her budget bill amount, in May 2025, was \$542 monthly. (Tr. 40).

17. Medical certifications halted planned service terminations on: April 17, 2023; May 13, 2024 and September 27, 2024. (Tr. 41; FE PA Exhibit 3).

18. Over a four-year period from April 2021 to April 2025, Complainant made nine good payments and made four other payments which were returned due to insufficient funds. (Tr. 45; FE PA Exhibit 4).

19. The total household income at the service address is \$6,049.33 per month, which includes Mr. Tucker's full-time earnings at General Electric (\$5,893.33) plus Ms. Tucker's earnings at the school district (\$156). (Tr. 11, 12, 54, 55; FE PA Exhibit 10).

20. Complainant filed informal complaints requesting payment arrangements and/or assistance with avoiding terminations on October 20, 2021, November 21, 2022, May 23, 2023 and July 15, 2024. (Tr. 49-52; FE PA Exhibits 6, 7, 8, 9).

21. The Commission's Bureau of Consumer Services (BCS) provided Complainant with a payment arrangement on August 21, 2023, which required Complainant to pay the monthly budget bill amount plus \$212 monthly, beginning on October 5, 2023, on arrears totaling \$7,472.08 and with a household income totaling \$4,480.00. (Tr. 48; FE PA Exhibits 5, 8).

Judge Dunderdale granted a 72-month PAR of current charges plus 1/72nd of the balance based on the following analysis:

Due to the sunset of Chapter 14 with its four-level guidelines and without a codified Statement of Policy to function as a binding norm, the Commission and its presiding officers can access and use the pre-2004 factors instead of the 20 years of precedence that followed out of Chapter 14. This alternative to consider and use the pre-2004 factors is possible herein because Chapter 14 sunset prior to the filing of the Complaint, because the Commission's non-codified Statement of Policy does not carry the force of law; and because the Pennsylvania Legislature has neither re-enabled Chapter 14 nor replaced Chapter 14.

The result of Chapter 14's sunset – in the absence of Legislative action – creates a scenario where the Commission or a presiding officer can follow the line of precedent, in usage prior to 2004, depending on the reasonableness under the circumstances of a complainant's request for a payment arrangement. If a presiding officer finds a fact-specific situation in which applying the expired Chapter 14 would be inequitable, the presiding officer may follow the rules laid out prior to the initial enactment of Chapter 14.

Following these precedents would permit greater latitude to a presiding officer than permitted under the provisions of Chapter 14. Accordingly, until such time as the General Assembly acts to clarify the status and/or application of Chapter 14 provisions, Pennsylvania law permits a presiding officer to assess the reasonability of a request for a payment arrangement rather than laboring under the rigid guidelines of the expired Chapter 14.

ID at 15-16.

Chapter 14 should not be applied to this situation based on a totality of the evidence. Providing Complainant with a new payment arrangement that she can afford will provide for the best outcome and can create an arrangement with a realistic timeframe and payment amounts. Not providing for a new payment arrangement could result in Complainant being unable to afford to care for her minor grandchild, to make the rental payments on the service address, to purchase a new or repaired furnace, or to make continued use of her natural gas oven to heat her home.

Set forth below are terms of a payment arrangement which Complainant can afford which could result in a satisfaction of the arrears which have accrued on the account. This new payment arrangement is necessary because there is no doubt a Chapter 14 payment arrangement would place an unrealistic burden on Complainant which would have been highly unlikely to succeed.

ID at 17.

Admittedly, Ms. Tucker has a poor payment history, but surrounding circumstances nonetheless would allow for a reasonable payment arrangement. Within a short period of time, Complainant lost her son (who was the father of her grandchild) and her mother. Despite those setbacks, Ms. Tucker was able to return to work after the death of her mother and increase her household income. This return to work shows a definite and certain positive change in her financial circumstances per the Commission's holding in *Baum*. Further, Ms. Tucker seems to have her financial situation under control, aside from her arrears owed to FE PA, as she contends she has no unpaid balance on any other utility account. Accordingly, granting Ms. Tucker a payment arrangement would allow her an opportunity to clear up her debts and would not increase FE PA's uncollectible accounts.

ID at 19.

IV. Exceptions

The Respondent excepts to Judge Dunderdale's directed 72-month PAR. The Company avers that the record reflects the following undisputed facts:

- The Complainant pays \$300.00 monthly to the owner of the Property. (Tr. 30).
- The Complainant did not make payments while the 3 med certs were on the Account. (Tr. 44).
- The 2023 Commission PAR balance was \$4,969.72. (Tr. 48; Exhibit 7, page 3).
- The Account balance, as of April 14, 2025, was \$18,088.00. (Tr. 40; Exhibit 2, page 2).
- The total amount of payments returned by the Complainant's bank was \$12,397.32. (Tr. 45, Exhibit 4).
- The Complainant defaulted on the 2020 Company PAR. (Tr. 47).
- The Complainant defaulted on the 2021 Company PAR. (Tr. 47).
- The Complainant defaulted on the 2021 Commission PAR. (Tr. 48).
- The Complainant defaulted on the 2023 Commission PAR. (Tr. 48).
- Since the 2023 Commission PAR, the household income increased by \$3,258.00. (Tr. 57).

The Company avers that the holding in the matter of *Tamika Anderson v PGW*, Docket No. C-2024-3048124, (Opinion and Order entered September 9, 2025), which denied the request for a Commission PAR, is applicable to the present Formal Complaint. Ms. Anderson

never had a Commission PAR and defaulted on 4 PGW PARs. The Complainant defaulted on 2 Commission PARs and 2 Company PARs. Ms. Anderson had gross monthly income equating to a Level 1 income; the Complainant's has gross monthly income equating to a Level 3 income. The Complainant's Account balance when the 2023 Commission PAR was directed, was \$7,472.08. The Account balance, as of April 14, 2025, was \$18,088.00, or an increase of \$10,615.92 in 24 months. The Commission stated in the *Anderson* that it was in the public interest to deny the PAR request in order to protect PGW's overall customer base from the risk and harm of undue costs. (*Order* at 14-15). The Respondent respectfully request that, based on the record evidence, the Commission deny the request for a 72-month PAR directed by Judge Dunderdale. In the alternative, should the Commission find that the Commission should exercise its discretion and direct a PAR, the Company requests that the length of any Commission PAR be 12 months.

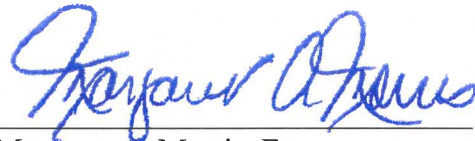
V. Conclusion

The record evidence supports a conclusion that the Complainant should not be given a 3rd Commission PAR. She defaulted on 2 Commission PARs and has not experienced a decrease in income or significant change in circumstances. The Commission should be guided by the public interest to protect the Company's customers from the ever-growing delinquent balance. By law, a public utility is entitled to receive payment for the service it provides. *Scaccia v. West Penn Power Co.*, 55 Pa. P.U.C. 637 (1982). Otherwise, customers' unpaid bills are included in the utility's uncollectible expense and ultimately paid by the remaining ratepayers. *Cf., Bolt v. Duquesne Light Co.*, 66 Pa. P.U.C. 463 (1988); *Thomas P. O'Toole v. The Bell Telephone Co. of Pennsylvania*, Docket Number C-923964 (Final Order entered August 20,

1992). Here, the Company has provided the Complainant with residential electric service totaling \$18,088.00, while the Complainant has only made 9 good payments since April 2021.

WHEREFORE, Respondent, FirstEnergy Pennsylvania Electric Company, respectfully requests that its Exceptions be granted, the Initial Decision be reversed based on the lack of substantial record evidence to support the findings of Judge Dunderdale.

Respectfully submitted,



Date: September 15, 2025

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