

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Josie Channell	:	
	:	
v.	:	F-2025-3055477
	:	
FirstEnergy Pennsylvania Electric Company	:	

**ORDER
GRANTING FE PA MOTION TO FILE ANSWER *NUNC PRO TUNC***

On May 27, 2025, Josie Channell (Complainant or Ms. Channell) 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). In her Complaint, Ms. Channell alleges that the Company is threatening to shut off her service or has already shut off her service, and that she would like a payment agreement. As relief, Ms. Channell states that she is looking for a manageable payment plan.

The Complaint was served on FE PA by the Commission’s Secretary’s Bureau on May 30, 2025. The deadline for FE PA to file its answer was June 19, 2025. 52 Pa Code § 5.61(a). By June 19, 2025, FE PA had not filed an answer.

On July 11, 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 filed late, but, due to an administrative-related oversight, the Respondent is filing its answer and new matter beyond the 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 admits that Complainant’s service was terminated on May 21, 2025, and that a Commission payment arrangement is permitted for the arrears. FE PA

asserts that Complainant declined a Commission payment arrangement. Respondent denies that the termination of service was not lawful. In its new matter, Respondent requests that this matter be referred to the Office of Administrative Law Judge's Mediation Unit. The answer and new matter contains a notice to plead, directing Complainant to file a response to the new matter within 20 days of service. No response to the new matter has been received.

On August 11, 2025, the Commission issued an interim order setting conference between parties.

On September 4, 2025, the Commission issued an initial telephonic hearing notice, setting a formal call-in telephonic hearing for this matter for Monday, November 3, 2025 at 10:00 a.m. and assigning me as the presiding officer. In anticipation of that hearing, I issued a prehearing order on September 4, 2025 setting forth various rules that would govern that proceeding.

It is now appropriate to rule on the Motion in anticipation of the November 3, 2025 evidentiary hearing.

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 June 19, 2025. On July 11, 2025, the Company filed its answer and new matter, 22 days 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).

The late filing of the answer and new matter was due to an administrative-related oversight. Additionally, FE PA's answer and new matter was filed 22 days late. I do not find that these are compelling circumstances to fully excuse FE PA's late filing. Nonetheless, Ms. Channell did not respond to oppose the Company's Motion, and I find 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. Such a hearing will not affect Ms. Channell's substantive rights because she will be provided a full hearing on her Complaint. Therefore, FE PA's answer and new matter filed on July 11, 2025, shall be treated as if it was filed timely on June 19, 2025. Although the Motion will be granted, FE PA should strive to avoid future administrative-related oversights and ensure that filings are timely filed.

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 F-2025-3055477 is granted;
2. That the Formal Complaint filed by Josie Channell at Docket Number F-2025-3055477 will proceed to a telephonic hearing to be held on Monday, November 3, 2025

beginning at 10:00 a.m. To participate in the hearing on November 3, 2025, parties must call 888-456-5124 and enter pin number 9563241 when prompted.

Date: September 23, 2025

_____/s/
John M. Coogan
Administrative Law Judge

F-2025-3055477 - JOSIE CHANNELL v. FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY

JOSIE CHANNELL
26 NORTH HIGHLAND AVENUE
YORK PA 17404
717.600.6011

josieferguson96@gmail.com

Served via eService September 24, 2025

MARGARET A. MORRIS ESQUIRE
REGER RIZZO AND DARNALL LLP
CIRA CENTRE 13TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104
215.495.6524

mmorris@regerlaw.com

Served via eService September 24, 2025

(Counsel for FirstEnergy Pennsylvania Electric Company)