

200 Brook Hollow Road  
Mount Pleasant, PA 15666

November 5, 2025

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

**Re: Michael T. Jennings v. West Penn Power Company**  
**Docket No. C-2018-3006031**  
**Notice of Objection and Preservation of Rights Regarding Improper Post-Record Filing**

Dear Secretary Chiavetta:

Please find enclosed for filing a **Notice of Objection and Preservation of Rights Regarding Improper Post-Record Filing** submitted by **Complainant Michael T. Jennings**.

This Notice concerns a new docket entry dated *November 3, 2025*, titled "*Certificate of Service – WPP*." The filing includes a *June 6, 2019* letter that *was never served on Complainant, was not filed in 2019, and should not be a part of the certified record being transmitted to the Commonwealth Court*.

Because the record is in the process of being transmitted to the Commonwealth Court, any post-record insertion by staff or a party is *ultra vires* and prejudicial. The enclosed Notice respectfully requests that the Commission refrain from accepting or docketing any further filings outside the certified record.

Please ***file this Notice immediately*** and include it in the docket to preserve the record. Thank you for your attention to this matter.

Respectfully submitted,

**/Michael T. Jennings/**

Michael T. Jennings  
Complainant, pro se  
200 Brook Hollow Road Mount Pleasant, PA 15666  
724-613-4262

**Enclosures:** Notice of Objection and Preservation of Rights (Exhibits A & B)

**cc:** Office of Law Bureau, Pennsylvania Public Utility Commission  
Counsel for West Penn Power Company (FirstEnergy Service Company)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>MICHAEL T. JENNINGS</b>	:	
	:	
v.	:	<b>Docket No. C-2018-3006031</b>
	:	
<b>WEST PENN POWER COMPANY</b>	:	

**NOTICE OF OBJECTION AND PRESERVATION OF RIGHTS**  
**REGARDING IMPROPER POST-RECORD FILING**

Complainant respectfully submits this Notice, supported by the documentary evidence attached as Exhibits A and B, to preserve the integrity of the administrative record *during its transmittal to the Commonwealth Court of Pennsylvania*, and to object to a document recently entered on the Commission’s docket for this proceeding, *C-2018-3006031*.

1. On *November 3, 2025*, a new docket entry titled “*Certificate of Service – WPP*” appeared on the Commission’s docket while the certified record is in the process of being transmitted to the Commonwealth Court.
  
2. The docket entry corresponds to a *June 6, 2019* letter from Respondent’s counsel that Complainant has since located in personal records. Although this correspondence existed in 2019, it was *never filed with the Commission at that time* and did not appear on the docket until *November 3, 2025*, in preparation for transmittal of the certified record. The letter’s belated docketing, more than six years after the fact, constitutes an *unauthorized modification of the record* and remains prejudicial to Complainant. *Although Complainant received the June 6, 2019 letter by mail, it was never filed with the Commission and therefore was not part of the certified record.* (See Exhibits A and B.)
  
3. Complainant further notes that Respondent’s *May 23, 2019 “Objections to Interrogatories and Request for Production of Documents, Set II”* were never filed with the Commission as required by 52 Pa. Code § 5.342(e). On June 13, 2019, counsel for Respondent contacted Complainant by telephone after receiving Complainant’s Motion to Compel and asked whether the objections had been received. Complainant advised that no objections had ever been received by mail or through e-filing. Counsel stated that she would “mail it right out.” Complainant subsequently received the objections, dated May 23, 2019, under a cover letter dated June 14, 2019, but *no corresponding filing was ever made with the Commission*. The *June 6, 2019 letter* that first appeared on the docket on November 3, 2025, relates to this same discovery exchange but was likewise never filed at the time, further demonstrating the belated alteration of the record and the continuing prejudice to Complainant. (See Exhibit A.)

4. The Commission lacks jurisdiction to accept or docket materials that were never previously filed *while the record is being transmitted to the Commonwealth Court*. Any such belated addition is *ultra vires*, unauthorized, and prejudicial.
5. Complainant expressly does not consent to the acceptance or docketing of any document that was never previously filed, or that purports to supplement or predate the certified record, while the record is being transmitted to the Commonwealth Court. Any such belated addition at this stage constitutes a continuing denial of due process.

**WHEREFORE, Complainant respectfully requests that the Commission:**

- a. Acknowledge this Notice and include it in the docket to preserve the record for review by the Commonwealth Court;
- b. Refrain from accepting or docketing any additional documents that were not part of the certified record or that purport to predate or supplement the record during its transmittal to the Commonwealth Court, as such filings are outside the Commission's jurisdiction and prejudicial to Complainant.
- c. Acknowledge that the November 3, 2025 docket entry was submitted by Respondent and *disclose the authority and procedural basis* under which the Commission accepted and docketed the filing at this stage of record transmittal.

Supporting documentation is attached hereto as Exhibits A and B, which demonstrate the belated docketing of the June 6, 2019 letter and its recent addition to the record.

Dated: November 5, 2025

Respectfully submitted,  
**/Michael T. Jennings/**  
Michael T. Jennings  
Complainant, pro se  
200 Brook Hollow Road  
Mount Pleasant, PA 15666  
724-613-4262

**Exhibit A-1**

**June 6, 2019 Letter from Respondent's Counsel**

This letter was never filed with the Pennsylvania Public Utility Commission in 2019 and first appeared on the docket on November 3, 2025, during preparation for transmittal of the certified record to the Commonwealth Court.

Tori L. Giesler, Esq.  
(610) 921-6658  
(330) 315-9263 (Fax)

June 6, 2019

**VIA FIRST-CLASS MAIL DELIVERY**

Michael T. Jennings  
200 Brook Hollow Road  
Mount Pleasant, PA 15666

**Re: Michael T. Jennings v. West Penn Power Company**  
**Docket No. C-2018-3006031**

Dear Mr. Jennings:

Enclosed please find a copy of West Penn Power Company's Responses to the Interrogatories, Set II, propounded by you with regard to the above-referenced proceeding.

Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,



Tori L. Giesler

Enclosures

c: As Per Certificate of Service  
The Honorable Jeffrey Watson, Public Utility Commission (Cover Letter and Certificate of service via electronic and First Class mail)  
Rosemary Chiavetta, Esq., Public Utility Commission (Cover Letter and Certificate of service via electronic filing only)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MICHAEL T. JENNINGS**

**v.**

**WEST PENN POWER COMPANY**

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**Docket No. C-2018-3006031**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Responses of West Penn Power Company to the Interrogatories, Set II, propounded by Michael T. Jennings upon the individual listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by First Class Mail, postage prepaid, as follows:

Michael T. Jennings  
200 Brook Hollow Road  
Mount Pleasant, PA 15666

Dated: June 6, 2019



Lauren M. Lepkoski  
Tori L. Giesler  
FirstEnergy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, Pennsylvania 19612-6001  
(610) 921-6203  
(610) 921-6658  
[llepkoski@firstenergycorp.com](mailto:llepkoski@firstenergycorp.com)  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)

Counsel for West Penn Power Company

**Exhibit A-2**

**June 14, 2019 Cover Letter from Respondent's Counsel**

This cover letter accompanied Respondent's May 23, 2019 objections and was mailed only after the June 13, 2019 telephone inquiry revealed the materials had not been received.

Rec'd. 6-17-19

Lauren M. Lepkoski, Esq.  
(610) 921-6203  
(330) 315-9263 (Fax)

June 14, 2019

**VIA FIRST CLASS MAIL**

Michael T. Jennings  
200 Brook Hollow Road  
Mount Pleasant, PA 15666

**Re: Michael T. Jennings v. West Penn Power Company**  
**Docket No. C-2018-3006031**

Dear Mr. Jennings:

Per my conversation with your wife on June 13, 2019, enclosed are the Objections of West Penn Power Company to the Interrogatories and Request for Production of Michael T. Jennings to West Penn Power Company, Set II, Nos. 2, 3, 20-29 and 35-36 with regard to the above-referenced proceeding which originally served on May 23, 2019.

Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

*Lauren M. Lepkoski / KBW*

Lauren M. Lepkoski

**Exhibit A-3**

**Respondent's May 23, 2019 "Objections to Interrogatories  
and Request for Production of Documents, Set II"**

This letter, dated May 23, 2019, accompanied Respondent's "Objections to Interrogatories and Request for Production of Documents, Set II." Although referenced in later correspondence, this letter, and the associated objections, were never filed with the Pennsylvania Public Utility Commission as required by 52 Pa. Code § 5.342(e).

**FirstEnergy**

Rec'd 6-17-19

2800 Pottsville Pike  
PO Box 16001  
Reading, PA 19612-6001

Tori L. Giesler, Esq.  
(610) 921-6658  
(330) 315-9263 (Fax)

May 23, 2019

**VIA FIRST CLASS MAIL**

Michael T. Jennings  
200 Brook Hollow Road  
Mount Pleasant, PA 15666

**Re: Michael T. Jennings v. West Penn Power Company**  
**Docket No. C-2018-3006031**

Dear Mr. Jennings:

Attached please find the Objections of West Penn Power Company to the Interrogatories and Requests for Production of Michael T. Jennings to West Penn Power Company, Set II, Interrogatory Nos. 2, 3, 20-29 and 35-36 in the above-referenced matter. This document has been served as shown in the Certificate of Service.

Please contact me if you have any questions.

Very truly yours,

*Tori L. Giesler /TCB*

Tori L. Giesler

Enclosures

cc: As Per Certificate of Service  
Administrative Law Judge Jeffrey Watson (Cover Letter and Certificate of service)  
Rosemary Chiavetta, Esq., Public Utility Commission (Cover Letter and Certificate of service via electronic filing)

**Exhibit A-4**

**Contemporaneous Handwritten Note by Susan Jennings (June 13, 2019 Telephone Call)**

This note was written immediately after the call with Respondent's counsel and corroborates the timeline of the discovery communications described in the Notice of Objection.

6-13-19

- Ms Hepkoski mentioned she received our motion to Compel.
- She asked if we had received the objections in the mail.
- I told her we had not & I thought it funny because I was expecting their objections - but never received an e-file notice or anything from them in the mail. She said she would have to check <sup>into it</sup>.
- She stated she would mail it right out →

Received 6-17-19.  
Not efiled!!

6-13-19  
 Lorraine Hepkoski  
 Michael T. Jennings  
 Complainant

Object to motion  
 to  
 see back  
 objections  
 →

## Exhibit B

### **PUC Docket Record Excerpts Showing No Filing in June 2019 and Late Entry on November 3, 2025**

This exhibit contains two pages from the Pennsylvania Public Utility Commission's online docket for Docket No. *C-2018-3006031*.

The record shows no filing dated June 6, 2019, and confirms that the June 6 letter was first docketed on November 3, 2025, more than six years after the fact, during transmittal of the certified record to the Commonwealth Court.

The docket also shows *no filing entry for Respondent's May 23, 2019 "Objections to Interrogatories and Request for Production of Documents, Set II,"* which were never e-filed or otherwise submitted to the Commission as required by 52 Pa. Code § 5.342(e).



# Docket Number C-2018-3006031

Case Summary ▼

Daily Actions ▼

Public Documents ▲

Document Name	Document Type	eFiling Confirmation Number	Date Received	Post On Date	Doc Se
<a href="#">CERTIFICATE OF SERVICE - WPP</a>	Certificate of Service	1747871	6/6/2019	11/3/2025	
<a href="#">MAJOR PERSONAL LIABILITY AND OBLIGATION NOTICE - M JENNINGS</a>	Case Related Document	1747871	9/22/2025	10/1/2025	
<a href="#">NT OF APPEAL TO COMMONWEALTH COURT &amp; RQ FOR STAY - JENNINGS</a>	Petition for Existing Case	1747871	9/11/2025	9/12/2025	
<a href="#">OPINION AND ORDER - 3006031-OSA - 9-11-25 PM - EXCEPTIONS TO INITIAL DECISION - MOTION TO STAY - MICHAEL JENNINGS V WEST PENN POWER</a>	Order	1747871		9/11/2025	9/1
<a href="#">LETTER - NOTICE OF NON-OPPOSITION TO MOTION TO</a>	Letter	1747871	8/29/2025	9/2/2025	

<a href="#"><u>C-2018-3006031 - JENNINGS - INTERIM ORDER GRANTING IN PART AND DENYING IN PART COMPLAINANT'S MOTION TO COMPEL DISCOVERY REQUESTS.DOCX</u></a>	Interim Order	1747871		7/5/2019
<a href="#"><u>C-2018-3006031 - JENNINGS - INTERIM ORDER PROVIDING FOR SECOND REVISED INITIAL LITIGATION SCHEDULE.DOCX</u></a>	Interim Order	1747871		7/3/2019
<a href="#"><u>RESPONSE TO ANSWER OF MOTION TO COMPEL- MICHAEL JENNINGS</u></a>	Reply to Answer	1747871	6/25/2019	6/25/2019
<a href="#"><u>ANSWER TO MOTION-WEST PENN POWER</u></a>	Answer to Motion	1747871	6/17/2019	6/18/2019
<a href="#"><u>PETITION FOR EXTENSION OF TIME TO FILE DIRECT TESTIMONY - M JENNINGS</u></a>	Petition for Extension of Time	1747871	6/14/2019	6/17/2019
<a href="#"><u>MOTION TO COMPEL DISCOVERY RESPONSES SET II NOS 2, 3, 20-29, 35 &amp; 36 - M JENNINGS</u></a>	Motion	1747871	6/12/2019	6/12/2019
<a href="#"><u>PETITION FOR EXTENSION OF TIME TO PROVIDE DIRECT TESTIMONY OF FACTUAL WITNESS - M JENNINGS</u></a>	Petition for Extension of Time	1747871	6/6/2019	6/6/2019
<a href="#"><u>PETITION FOR EXTENSION OF TIME TO SECURE A REPLACEMENT EXPERT WITNESS-MICHAEL JENNINGS</u></a>	Petition for Extension of Time	1747871	6/3/2019	6/3/2019
<a href="#"><u>CERT OF SERVC TO ANSWERS TO INTERRG &amp;REQUESTS FOR PRODN OF DOCS-MICHAEL JENNINGS</u></a>	Certificate of Service	1747871	6/3/2019	6/3/2019

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**MICHAEL T. JENNINGS,**  
**Complainant**

**v.**

**WEST PENN POWER COMPANY**  
**Defendant**

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**Docket No. C-2018-3006031**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of my **Notice of Objection and Preservation of Rights Regarding Improper Post-Record Filing, with Exhibits A and B attached**, upon the individuals listed below in accordance with the requirement of 52 Pa. Code § 1.54 (relating to service by a participant.) Because this matter is currently on appeal before the Commonwealth Court, no service upon the Attorney General is required for this filing.

**Service by email and e-filing:**

FirstEnergy Pennsylvania Electric Co.  
/West Penn Rate District  
Lauren M. Lepkoski, Esq.  
Tori Giesler, Esq.  
James Meehan, Esq.\*  
2800 Pottsville Pike, P.O. Box 16001  
Reading, PA 19612-6001  
[llepkoski@firstenergycorp.com](mailto:llepkoski@firstenergycorp.com)  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)  
[jameehan@firstenergycorp.com](mailto:jameehan@firstenergycorp.com)

Accepts eService

*\*Served via email and certified mail*

**Service by email and e-filing:**

Daniel Garcia  
FirstEnergy Pennsylvania Electric  
Company/West Penn Rate District  
800 Cabin Hill Road  
Greensburg, PA 15601  
[dagarcia@firstenergycorp.com](mailto:dagarcia@firstenergycorp.com)

**Service by Certified Mail:**

Chief Counsel, Law Bureau  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 3<sup>rd</sup> Floor  
Harrisburg, PA 17120

Dated: November 5, 2025

**/s/ Michael T. Jennings**

Michael T. Jennings  
Represented Pro Se  
200 Brook Hollow Road  
Mount Pleasant, PA 15666  
[Lilmac2@zoominternet.net](mailto:Lilmac2@zoominternet.net)  
724-613-4262