

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	C-2024-3052650
v.	:	
	:	
FirstEnergy Pennsylvania Electric Company	:	

**INTERIM ORDER**  
**APPROVING JOINT STIPULATION OF FACTS IN SUPPORT OF SETTLEMENT**  
**AND CLOSING THE EVIDENTIARY RECORD**

On December 20, 2024, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) filed a Formal Complaint (Complaint) against West Penn Power Company (West Penn) which was an operating electric distribution company at the time the alleged violations occurred but has since merged into FirstEnergy Pennsylvania Electric Company (FirstEnergy or Respondent).

In the Complaint, I&E alleged that West Penn violated the Commission’s winter termination procedures and procedures for customer contact prior to termination. Specifically, I&E alleged that West Penn terminated service to a customer during the period between December 1 through March 31, known as the “Winter Moratorium,” without first determining whether the customer had a household income at or below 250% of the Federal poverty level, in violation of 52 Pa. Code § 56.100(b). Additionally, I&E alleged that during a call on November 15, 2021, the West Penn representative failed to fully explain reasons for a proposed termination; failed to fully explain all available methods for avoiding a termination; failed to fully explain information about the public utility’s universal service program; including the customer assistance program; and failed to fully explain the medical emergency procedures, in violation of 52 Pa. Code § 56.97. I&E proposed a cumulative administrative penalty of

\$50,000.00 for the violations,<sup>1</sup> as well as other remedies that the Commission may deem appropriate.

On January 13, 2025, FirstEnergy filed an answer responding to the Complaint. The answer denied the violations and requested that I&E's request for relief be denied.

By notice dated January 24, 2025, this matter was assigned to me and scheduled for a telephonic prehearing conference on February 25, 2025.

On February 10, 2025, the presiding officer issued a Prehearing Conference Order. As directed therein, I&E and FirstEnergy filed prehearing memoranda on February 21, 2025.

The prehearing conference was convened as scheduled. Attorney Lindsay Dearing Szymanski appeared for I&E. Attorneys Angelina Umstead and Timothy K. McHugh appeared for FirstEnergy. With the intention to allow time for the parties to discuss the possibility of settlement, they proposed and I adopted a schedule that provided for the filing of written testimony beginning in May 2025 and scheduled evidentiary hearings in August 2025. A scheduling order memorializing this schedule and other matters agreed upon at the prehearing conference was issued on February 27, 2025.

On February 28, 2025, a Telephonic Evidentiary Hearings Notice was issued for August 6 and 7, 2025.

By email dated May 14, 2025, the parties advised that settlement negotiations are ongoing and jointly requested to stay the litigation schedule. The parties indicated that a stay of 90 days would allow them to complete negotiations and, if negotiations are successful, to file a proposed settlement.

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<sup>1</sup> I&E initially pleaded a violation for FirstEnergy's failure to respond to I&E's Data Request – Set II with an additional civil penalty request of \$10,000, making the total civil penalty request \$60,000. I&E received FirstEnergy's Responses to Data Request – Set II on February 19, 2025, and did not pursue this originally alleged violation. Tr. 8.

By email on May 15, 2025, I advised the parties that I would grant the joint request for stay. On May 21, 2025, I issued an interim order granting the stay, suspending the litigation schedule for 90 days, and directing the parties to file status reports by July 7, 2025 and August 19, 2025. The interim order further directed that, if settlement was not reached, the parties should provide proposed dates for written testimony and hearings.

On July 2, 2025, the parties filed a Joint Status Report indicating that they did not believe that it was necessary to establish a new litigation schedule at that time as they were continuing to negotiate a potential settlement.

By email dated August 18, 2025, the parties notified me they had finalized settlement negotiations and were nearly finished drafting a settlement and their respective statements in support.

On October 14, 2025, I&E Director and Chief Prosecutor Allison C. Kaster filed to enter her appearance and withdraw the appearance of Attorney Szymanski.

I&E and FirstEnergy (Joint Petitioners) filed a Joint Petition for Approval of Settlement on October 31, 2025 (Joint Petition). The filing included the terms of the settlement, a Joint Stipulation of Facts in Support of Settlement, Joint Proposed Conclusions of Law and Ordering Paragraphs, and statements in support of the settlement by both I&E and FirstEnergy.

As provided in the Joint Petition, although I&E filed a Formal Complaint, there has been no evidentiary hearing before any tribunal, and no sworn testimony has been taken in any proceeding related to this incident.<sup>2</sup> The parties have stipulated to the facts enumerated in the Joint Stipulation to establish an evidentiary record on which the proposed settlement can be considered.

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<sup>2</sup> Joint Petition ¶ 39.

In the ordering paragraphs below, the Joint Stipulation is approved and will be admitted into evidence. Additionally, the evidentiary record will be closed.

THEREFORE,

IT IS ORDERED:

1. That the Joint Stipulation of the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and FirstEnergy Pennsylvania Electric Company, filed on October 31, 2025 as Appendix A to the Joint Petition for Approval of Settlement, is hereby approved and admitted into the evidentiary record in this proceeding.
2. That the evidentiary record at Docket No. C-2024-3052650 is closed.
3. That an Initial Decision will be issued in this proceeding.

Date: November 13, 2025

\_\_\_\_\_/s/  
Erin L. Gannon  
Administrative Law Judge

**C-2024-3052650 - PENNSYLVANIA PUBLIC UTILITY COMMISSION BUREAU OF INVESTIGATION & ENFORCEMENT v. FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY - WEST PENN POWER RATE DISTRICT**

*Revised: October 14, 2025*

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Served via eService November 13, 2025

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