

November 21, 2025

Terry and Betty Bente
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VIA ELECTRONIC FILING/CERTIFIED MAIL

Matt Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**Re: Terry and Betty Bente v. FirstEnergy Pennsylvania Electric Company
Docket No. C-2025-3054387**

Dear Secretary Homsher:

Please find our **EMERGENCY APPLICATION FOR STAY / SUPERSEDEAS** in the above case. Please do not hesitate to contact us should you have any questions.

Sincerely,

Terry Bente

Terry Bente

Betty Bente

Betty Bente

cc: Tori L. Giesler, Esq.
FirstEnergy Service Company
2800 Pottsville Pike
Reading, PA 19612

cc: James Meehan, Esq.
FirstEnergy Legal Department
2800 Pottsville Pike
Reading, PA 19612

Terry and Betty Bente
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Biglerville, PA 17307
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Terry and Betty Bente :
 : **Docket No. C-2025-3054387**
v. :
FirstEnergy Pennsylvania Electric :
Company :

November 21, 2025

Docket No. **C-2025-3054387**

EMERGENCY APPLICATION FOR STAY / SUPERSEDEAS

I. INTRODUCTION

Petitioners Terry and Betty Bente (“Petitioners”) respectfully file this **Emergency Application for Stay/Supersedeas** under 52 Pa. Code §§ 5.61, 5.103, and 5.572 to prevent imminent and irreparable harm arising from utility field activity and electrical alterations on or adjacent to Petitioners’ Agricultural Security Area (“ASA”) farm, barn, and residence.

Petitioners seek a stay to prevent:

1. Installation of any smart meter at Petitioners' home or barn;
2. Replacement of the existing shared transformer with a larger-capacity unit;
3. Installation of new poles or alteration of electrical service routing;
4. Trenching, 811 activity, digging, marking, or probing on or near ASA-protected land;
5. Any escalation of field activity while Petitioners' appeal is pending before the Commonwealth Court (Docket No. 1336 C.D. 2025).

Petitioners file this Application urgently because Respondent has already marked poles and indicated that transformer upgrades may proceed imminently. Any such activity would permanently alter safety conditions, eliminate the status quo, and deprive Petitioners of meaningful appellate review. We did not seek PUC relief as we were actively preparing, submitting and curing Commonwealth Court filings.

II. STANDARD FOR SUPERSEDEAS

Under 52 Pa. Code § 5.572, the Commission may grant supersedeas where:

1. **Immediate and irreparable harm** will occur absent a stay;
2. The stay will not substantially harm other parties; and
3. The public interest favors maintaining the status quo.

All three elements are met here.

III. IMMEDIATE AND IRREPARABLE HARM

A. Irreversible electrical alterations near Petitioners' barn and home

Respondent has placed new pole markings, installed poles near the shared transformer, and indicated that additional upgrades—including a larger-capacity transformer—may proceed.

Once installed:

- electrical load paths change permanently,
- transformer fault-risk and fire behavior change,

- underground legacy lines may be overloaded, and
- Petitioners' ability to obtain meaningful appellate review is destroyed.

These consequences **cannot be undone** after the fact.

B. ASA-protected livestock operations face heightened ignition and safety risk

Petitioners' barn, lambing pens, hay, bedding, guardian dogs, and sheep are all located **within feet** of the electrical infrastructure Respondent seeks to modify.

Any upgrade or load increase near ASA land presents:

- elevated fire ignition probability,
- barn and livestock endangerment,
- emergency-access impairment, and
- agricultural disruption prohibited under the ASA Law.

These harms **cannot be compensated with money** and require immediate protection.

III. IMMEDIATE AND IRREPARABLE HARM (*continued*)

C. Trenching or 811 activity on ASA-protected land causes permanent disturbance

Petitioners have already documented unexplained 811 paint, flags, and probing **beyond their fence line** on Agricultural Security Area land.

Any further digging, trenching, or marking:

- disturbs ASA soil,
- threatens root systems, grazing land, and pasture integrity,
- interferes with livestock operations, and
- constitutes a permanent physical intrusion.

Once ground is disturbed, it **cannot be restored** to its prior undisturbed agricultural state.

D. Forced meter installation violates Petitioners' religious exercise rights

Petitioners raised sincerely held religious objections based on stewardship and protection of home and animals.

Forcing installation before completion of judicial review would:

- cause irreparable infringement of religious freedom under Article I, § 3, and
- negate the possibility of meaningful relief if the Court later determines that strict scrutiny should apply.

Religious-exercise violations **are per se irreparable harm** under longstanding constitutional doctrine.

E. Loss of meaningful appellate review

- If Respondent proceeds with:
- transformer replacement,
- new poles,
- trenching or 811 intrusions,
- alteration of electrical service routes, or
- forced smart-meter installation,
- then the Commonwealth Court will be confronted with a **fait accompli**, leaving Petitioners with no meaningful remedy.

E. Loss of meaningful appellate review

The law is clear: once physical changes occur, appellate courts cannot restore prior electrical configurations, field conditions, soil conditions, transformer load paths, or the pre-existing barn-adjacency safety profile.

If Respondent proceeds before judicial review is complete, Petitioners' right to meaningful appellate relief will be permanently destroyed.

Supersedeas exists precisely to prevent this type of fait-accompli harm.

IV. A STAY WILL NOT HARM RESPONDENT

Maintaining the status quo imposes **no material harm** on Respondent:

1. Existing electrical service to both properties is sufficient.
2. No customer outage arises from granting a temporary stay.
3. The current transformer has been in reliable operation for years with no safety failure.
4. Respondent has not demonstrated any urgent operational need requiring immediate upgrades.
5. The requested stay is temporary and narrowly tailored.

Met-Ed can continue serving both properties **without difficulty** while this Application is reviewed. No harm arises from temporarily pausing transformer replacement, pole installation, smart-meter deployment, or 811-related excavation.

By contrast, Petitioners face serious, permanent, and irreparable harm without a stay.

V. THE PUBLIC INTEREST FAVORS A STAY

Granting a stay advances the public interest:

1. **Agricultural Security Area protection** – ASA lands hold special statutory and constitutional protection; irreversible disturbance of ASA property is contrary to public policy.
2. **Safety** – Electrical-load changes beside a barn, livestock, hay, bedding, and a residence demand careful review before proceeding.
3. **Constitutional rights** – Religious exercise under Article I, § 3 and environmental rights under Article I, § 27 must not be mooted by premature utility action.
4. **Orderly appellate process** – The public interest supports ensuring the Commonwealth Court has a meaningful opportunity to review the issues raised.

5. **Avoiding unnecessary conflict** – A temporary stay prevents escalation and preserves stability.

The public interest is strongly served by a stay that maintains safety, agricultural protection, and judicial integrity.

VI. REQUESTED RELIEF

Petitioners respectfully request that the Commission **grant an immediate stay / supersedeas** prohibiting Respondent from:

1. Installing any smart meter on Petitioners' home or barn;
2. Replacing or upgrading the existing shared transformer;
3. Installing new poles or altering electrical service paths;
4. Conducting trenching, 811 marking, probing, or digging on or adjacent to Petitioners' ASA-protected land;
5. Taking any action that would alter, expand, or escalate electrical load or field infrastructure before the conclusion of judicial review.

Petitioners further request **expedited consideration** of this Application under 52 Pa. Code § 5.572 due to the immediate threat of irreversible harm.

VII. CONCLUSION

For all the reasons stated above, Petitioners respectfully request that the Commission:

1. **Grant this Emergency Application for Stay/Supersedeas;**
2. **Prohibit any transformer, pole, trenching, or metering activity** until judicial review is complete; and
3. **Maintain the full status quo** at Petitioners' property to prevent irreparable harm.

Respectfully submitted,

Terry Bente

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Biglerville, PA 17307

Betty Bente

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Biglerville, PA 17307

Dated: November 21, 2025

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing **Emergency Application for Stay/Supersedeas** upon the persons listed below, in accordance with 52 Pa. Code § 1.54, by **first-class mail** unless otherwise indicated:

Tori L. Giesler, Esq.
FirstEnergy Service Company
2800 Pottsville Pike
Reading, PA 19612

James Meehan, Esq.
FirstEnergy Legal Department
2800 Pottsville Pike
Reading, PA 19612

Matt Homseth, Secretary
Pennsylvania Public Utility Commission
400 North Street, Second Floor
Harrisburg, PA 17120

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