

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|   |   |                |
|---|---|----------------|
| Joseph Monastero                          | : |                |
|   | : |                |
| v.  | : | C-2025-3056287 |
|   | : |                |
| FirstEnergy Pennsylvania Electric Company | : |                |

**INITIAL DECISION**

Before  
Erin L. Gannon  
Administrative Law Judge

**INTRODUCTION**

This decision denies the Formal Complaint of an electric service customer. The customer did not meet his burden of proof under the Public Utility Code or Commission regulations that he is eligible for a second or subsequent Commission payment arrangement or for a reinstatement and extension of his prior one.

**HISTORY OF THE PROCEEDING**

On July 15, 2025, Joseph Monastero (Complainant) filed a Formal Complaint (Complaint) against FirstEnergy Pennsylvania Electric Company (FirstEnergy, Respondent or Company) with the Pennsylvania Public Utility Commission (PUC or Commission). Mr. Monastero is served by the Company’s Metropolitan Edison (Met-Ed) Rate District. In his Complaint, Mr. Monastero avers that the Company is

threatening to shut off his service or has already shut off his service and that he would like a payment agreement.

As relief, Mr. Monastero requests a new payment plan with a longer term, stating:

I would like to see if the bill can be put into a longer term for payoff. My cost for my monthly energy payment plus the old payoff bill is too expensive and [I] keep falling behind on payments due to cost.

Complaint ¶ 5.

On August 4, 2025, the Company timely filed an Answer. In its Answer, FirstEnergy admits that it issued a 10-day termination notice in June 2025, for an outstanding balance of \$17,373.03, but avers that any termination activity was stayed upon the receipt of two medical certificates. The Company denies that the Complainant is eligible for another Commission payment arrangement. FirstEnergy requests that the Complaint be dismissed with prejudice or denied in its entirety. Due to the size of the delinquent balance, the Company requested that a hearing be scheduled as soon as practicable.

On August 13, 2025, a Hearing Notice was issued scheduling a hearing on October 2, 2025, and assigning me as the presiding officer. On the same date, a Prehearing Order was issued which addressed the procedures applicable to this proceeding.

The Office of Administrative Law Judge identified a scheduling conflict and, on August 19, 2025, a Hearing Notice was issued to cancel the October 2, 2025 hearing and reschedule the hearing on October 9, 2025. On the same date, a second Prehearing Order was issued to reflect the new date and time for the hearing.

On October 9, 2025, a telephonic evidentiary hearing was held. The Complainant represented himself and testified on his own behalf. Mr. Monastero did not offer any exhibits for the record. The Company was represented by Margaret A. Morris, Esquire. The Company presented the testimony of one witness, Laurie Parker, an Advanced Customer Services Compliance Specialist in the Pennsylvania Compliance Department. Tr. 19. Ms. Parker sponsored ten exhibits, which were all admitted to the record without objection. They are:

- FE Exhibit 1: Customer Contacts
- FE Exhibit 2: Statement of Account
- FE Exhibit 3: 4-year Payment History
- FE Exhibit 4: PAR History
- FE Exhibit 5: BCS Decision No. 3924878, closed 7/18/23 (Level 2 PAR)
- FE Exhibit 6: BCS Decision No. 3975796, closed 7/11/24 (SCIC PAR)
- FE Exhibit 7: BCS Decision No. 4068359, closed 6/10/25 (1404d)
- FE Exhibit 8: DEF Letter Over Income, dated 9/22/25
- FE Exhibit 9: 2025 Federal Poverty Guidelines
- FE Exhibit 10: Collection History

The record consists of the 54-page transcript and FirstEnergy's ten exhibits. The record closed on October 30, 2025, when the transcript and exhibits were filed with the Commission.

### FINDINGS OF FACT

1. The Complainant is Joseph Monastero, who has residential electric service at 2062 Swamp Pike, Gilbertsville, PA 19525 (Service Address). Tr. 8-9.
  
2. The Respondent is FirstEnergy Pennsylvania Electric Company, Metropolitan Edison Rate District, a jurisdictional public utility.

3. On January 31, 2013, service was established for the Complainant by the Company. Tr. 23.

4. The Complainant has had two prior Commission-issued payment arrangements (PARs). Tr. 33-34; FE Exhibits 4-6.

5. The most recent Commission payment arrangement was directed by the Commission's Bureau of Consumer Service (BCS) in BCS Decision No. 3975796, closed July 11, 2024 (2024 PAR). Tr. 33-34, 36-37; FE Exhibits 6, 7.

6. According to BCS, it permitted the 2024 PAR because the household had a Significant Change in Circumstances (SCIC) since a prior Commission PAR. Tr. 36-37; FE Exhibit 6 at 1, 4.

7. The Complainant did not appeal the BCS Decision directing the 2024 PAR. Tr. 34.

8. The terms of the 2024 PAR called for a total monthly payment of \$1,219, which was comprised of the then-budget billing amount of \$779 plus \$444 towards arrears, which took effect with the Complainant's bill due September 26, 2024. (Tr. 33-34; FE Exhibit 3).

9. The Complainant defaulted on the 2024 PAR due to nonpayment. Tr. 10, 29-30, 34; FE Exhibits 2, 3 (as revised by Tr. 29-30), 10.<sup>1</sup>

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<sup>1</sup> At the hearing, FirstEnergy's witness updated the payment history in FE Exhibit 3 through October 5, 2025. Tr. 29-30.

10. On June 3, 2025, as the result of the Complainant's informal complaint, the BCS opened BCS No. 4068359 in which the Complainant requested a new Commission payment arrangement. Tr. 37-38; FE Exhibit 7.

11. On June 10, 2025, the BCS denied the request because the Complainant did not satisfy the prior 2024 BCS PAR and had no Change in Income (CII) or SCIC. Tr. 38; FE Exhibit 7.

12. The 2024 PAR was based on a household of seven people consisting of two adults and five minor children, with a gross monthly income of \$6,500.00. Tr. 36; FE Exhibit 6 at 2-4.

13. The Complainant's current household size is seven people, consisting of Mr. Monastero, his wife, and five minor children. Tr. 11, 13, 37.

14. At the hearing, the Complainant estimated that his current after-tax household income is around \$6,000 per month. Tr. 14-15.

15. The Federal poverty level guidelines are based on gross monthly income. FE Exhibit 9.

16. A household of seven with a gross monthly income of \$6,666.67, as reported by Mr. Monastero to BCS on June 3, 2025, places the Complainant at 150% to 200% of the Federal poverty level. Tr. 37, 40; FE Exhibit 9.

17. The Complainant is not eligible for enrollment in the Company's Customer Assistance Program (CAP) because eligibility is limited to customers with income at or below 150% of the Federal poverty level. Tr. 39-40; FE Exhibit 8.

18. At the time of the hearing, the Complainant's electric service was on at the Service Address and the account balance was \$19,945.70. Tr. 9; FE Exhibit 2 at 3 (as revised by Tr. 27-28).<sup>2</sup>

## DISCUSSION

### Burden of Proof

Section 332(a) of the Public Utility Code (Code) provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the complaint in order to prevail. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (Opinion and Order entered Feb. 8, 1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (Opinion and Order entered Oct. 6, 1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A complainant can meet that burden if they present evidence more convincing, by even the smallest amount, than that evidence presented by the respondent. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950). The offense must be a violation of the Public Utility Code, a Commission Regulation or Order, or a violation of a Commission-approved tariff. 66 Pa.C.S. § 701.

The decision of the Commission must be supported by substantial evidence. 2 Pa.C.S. § 704. "Substantial evidence" is such relevant evidence that a reasonable mind might accept as adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact that sought to be established. *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v.*

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<sup>2</sup> At the hearing, FirstEnergy's witness updated the statement of account in FE Exhibit 2 through October 5, 2025. Tr. 27-28.

*Unemployment Comp. Bd. of Rev.*, 166 A.2d 96 (Pa. Super. 1961); *Murphy v. Pa. Dep't of Pub. Welfare, White Haven Ctr.*, 480 A.2d 382 (Pa. Cmwlth. 1984).

If a complainant establishes a *prima facie* case, the burden of going forward with the evidence shifts to the utility. If a utility does not rebut that evidence, the complainant will prevail. If the utility rebuts the complainant's evidence, the burden of going forward with the evidence shifts back to the complainant, who must rebut the utility's evidence by a preponderance of the evidence. The burden of going forward with the evidence may shift from one party to another, but the burden of proof never shifts; it always remains on the complainant. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001); *see also Burlison v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982).

#### Payment arrangement

Complainant requests a Commission-issued payment arrangement. Prior to sunset, the Responsible Utility Customer Protection Act, 66 Pa.C.S. §§ 1401–1419 (Chapter 14), applied to complaints alleging inability to pay and requesting a Commission-issued payment arrangement. This law provided strict guidelines that the Commission had to follow when determining whether a payment arrangement could be issued and the length of the payment arrangement. Chapter 14 has sunset, effective December 31, 2024, and is not currently in effect.

However, in its Statement of Policy entered December 24, 2024, the Commission clarified that its regulations codified at 52 Pa. Code Chapter 56 shall remain in effect until amended. *See Sunset of Chapter 14, Title 66 of the Pennsylvania Public Utility Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024) (*Statement of Policy*). With regard to the provision of payment arrangements, the Commission explained that it will maintain its application of the four-tiered process

establishing the length of payment arrangements previously articulated in Chapter 14. *Id.* at 4. In particular, the Commission’s *Statement of Policy* states that the principles of Section 1405 and definitions of Section 1403 will continue after the expiration of Chapter 14 on December 31, 2024. *Id.* at 5.

While Chapter 14 provides that the PUC is authorized to establish payment arrangements between a public utility and customers, it must do so “within the limits established by [Chapter 14].” 66 Pa.C.S. § 1405(a). One of the limits established by Chapter 14 is the number of payment arrangements the Commission may issue. In general, the Act limits the Commission to grant only one payment arrangement unless there has been a “change of income.” Specifically, this limiting provision of Chapter 14 provides:

**(d) Number of payment arrangements.** — Absent a *change in income*, the [C]ommission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a [C]ommission order or decision. A public utility may, at its discretion, enter into a second or subsequent payment arrangement with a customer.

66 Pa.C.S. § 1405(d) (emphasis added).

Next, “change in income” is defined as “[a] *decrease* in household income of 20% or more if the customer’s household income level exceeds 200% of the Federal poverty level or a *decrease* in household income of 10% or more if the customer’s household income level is 200% or less of the Federal poverty level.” 66 Pa.C.S. § 1403 (definitions, “change of income”) (emphasis added). Additionally, “household income” is defined as, “[t]he combined gross income of all adults in a residential household who benefit from the public utility service.” 66 Pa.C.S. § 1403 (definition of “household income”).

In the instant case, Mr. Monastero requests a second PUC payment arrangement since there is no dispute that Mr. Monastero was granted a Commission-issued payment arrangement in 2024 and then defaulted on the 2024 PAR. Tr. 10, 29-30, 34; FE Exhibits 2, 3 (as revised by Tr. 29-30), 10. There is also no dispute that Mr. Monastero did not appeal the 2024 BCS PAR decision.<sup>3</sup> As the Commission explained, when a BCS decision is not timely appealed, “then the BCS payment arrangement becomes final and the complainant must prove a change in income to be awarded a different payment arrangement.” *Horinka v. Pa. Power Co.*, Docket No. C-2017-2582842, at 3 (Opinion and Order entered Aug. 4, 2017).

Pursuant to the definitions in Chapter 14, Mr. Monastero has not experienced a “change in income.” A “change of income” requires the customer to show a decrease in household income since the prior Commission payment arrangement was issued. In the instant case, the evidence shows that Mr. Monastero has not experienced a decrease in income of more than 10%. At the time of his 2024 PAR, Mr. Monastero reported a gross monthly household income of \$6,500. (Tr. 36; FE Exhibit 6). At the time of the hearing, Mr. Monastero testified that his after-tax monthly household income varies monthly and is around \$6,000. Tr. 14-15. The Complainant did not provide his current gross monthly household income during the hearing. However, even if Mr. Monastero’s current gross monthly income was \$6,000, that would be less than a 10% decrease from the \$6,500 amount on which the 2024 PAR was based.<sup>4</sup> Further, BCS records show that his reported gross monthly income in June 2025 was \$6,666.67, which is further basis to find that any change in income is less than the required 10% decrease. Tr. 37, 40; FE Exhibit 9.

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<sup>3</sup> The instant Complaint was filed on July 15, 2025 and was not a timely appeal of the BCS decision at BCS No. 4068359, issued on June 10, 2025. FE Exhibit 7.

<sup>4</sup>  $\$6,500 - \$6,000 = \$500$ .  $\$500 / \$6,500 = 8\%$ .

Therefore, Mr. Monastero is not eligible for another Commission payment arrangement. 66 Pa.C.S. § 1405(d).

Next, although the Complainant is not eligible for another Commission payment arrangement, Chapter 14 provides that the Commission may reinstate and extend a previously ordered payment arrangement in limited circumstances where the customer has defaulted on that payment arrangement. Specifically, this provision provides:

**(e) Extension of payment arrangements.** — If the customer defaults on a payment arrangement... as a result of a *significant change in circumstance*, the [C]ommission may reinstate the payment arrangement and extend the remaining term for an initial period of six months. The initial extension period may be extended for an additional six months for good cause shown.

66 Pa.C.S. § 1405(e) (emphasis added).

Chapter 14 defines “significant change in circumstance” as a customer with an income less than 300% of the Federal poverty level, who experienced one of the following: (1) an onset of a chronic or acute illness resulting in a significant loss in the customer’s household income; (2) a catastrophic damage to the customer's residence resulting in a significant net cost to the customer’s household; (3) a loss of the customer’s residence, or (4) an increase in the customer’s number of dependents in the household. 66 Pa.C.S. § 1403 (definition of “significant change in circumstance”).

Although the Complainant may qualify for this consideration since his household income is less than 300% of the Federal Poverty Guidelines,<sup>5</sup> the Complainant

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<sup>5</sup> Applying the 2025 Federal poverty guidelines, which were in effect at the time of the Complaint filing and hearing held, the Complainant’s household income is less than 300% (\$149,950). *See* 90 Fed. Reg. 5917 (Jan. 17, 2025).

did not demonstrate a “significant change in circumstance.” The Complainant’s number of dependents in the household has remained the same at six. 66 Pa.C.S. § 1403.

I acknowledge that Mr. Monastero testified that he expects another child in January 2026, which would increase the number of dependents in his household from six to seven. Tr. 11. The Complainant also stated that his business was slower than last year, and he expects his tax returns to show that his annual income was less in 2025 than in 2024. *Id.* According to Mr. Monastero, one or both of those changes could make him eligible for a new payment plan. *Id.* However, I am constrained to render this decision based on the existing evidence, which does not show an increase in household size.

Therefore, pursuant to the limitations of Chapter 14, Mr. Monastero is not eligible for an extension and reinstatement of his 2024 BCS PAR.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. § 701.

2. The party seeking relief from the Commission has the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

3. The Responsible Utility Customer Protection Act applies to this proceeding. 66 Pa.C.S. §§ 1401–1419; *Sunset of Chapter 14, Title 66 of the Pa. Pub. Util. Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024).

4. The Commission is authorized to establish a payment arrangement between a public utility and a customer. 66 Pa.C.S. § 1405(a); *Sunset of Chapter 14*,

*Title 66 of the Pa. Pub. Util. Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024).

5. Absent a change in income, the Commission shall not establish or order a public utility to establish a second or subsequent payment arrangement if a customer has defaulted on a previous payment arrangement established by a Commission order or decision. 66 Pa.C.S. § 1405(d); *Sunset of Chapter 14, Title 66 of the Pa. Pub. Util. Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024).

6. If the customer defaults on a payment arrangement established under section 1405 subsections (a) and (b) of Chapter 14 as a result of a significant change in circumstance, the Commission may reinstate the payment arrangement and extend the remaining term for an initial period of six months. 66 Pa.C.S. § 1405(e); *Sunset of Chapter 14, Title 66 of the Pa. Pub. Util. Code*, Docket No. M-2024-3052328 (Statement of Policy entered Dec. 24, 2024).

7. The Complainant has failed to carry the burden of proving that he is eligible for a second or subsequent Commission-issued payment arrangement or an extension of his prior Commission-issued payment arrangement.

ORDER

THEREFORE,

IT IS ORDERED:

1. That, after hearing held, the Formal Complaint filed by Joseph Monastero against FirstEnergy Pennsylvania Electric Company at Docket No. C-2025-3056287 is denied.
2. That the docket at Docket No. C-2025-3056287 be marked closed.

Date: January 13, 2026

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/s/  
Erin L. Gannon  
Administrative Law Judge