

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PENNSYLVANIA 17120**

**Pamela Tucker**  
v.  
**FirstEnergy Pennsylvania Electric Company**

**Public Meeting of January 29, 2026**  
**3052844-OSA**  
**Docket No. C-2025-3052844**

**STATEMENT OF VICE CHAIR KIMBERLY BARROW**

The August 26, 2025 Initial Decision granted Pamela Tucker’s Formal Complaint against FirstEnergy Pennsylvania Electric Company (FirstEnergy) and awarded a 72-month payment arrangement. Before us for consideration are the Exceptions to the Initial Decision filed by FirstEnergy.

In rendering this decision, the Administrative Law Judge (ALJ) provided a well-written and thorough analysis on Chapter 14, the *Chapter 14 Sunset* Statement of Policy,<sup>1</sup> binding norms,<sup>2</sup> and the payment arrangement precedent pre-Chapter 14. The ALJ concluded that due to the sunset of Chapter 14 and the non-codified Statement of Policy, the Commission and its presiding officers can use the pre-2004 payment arrangement factors found in *Mill v. Pa. Pub. Util. Comm’n*<sup>3</sup> and *Baum v. Duquesne Light Co.*<sup>4</sup> Specifically, the ALJ determined that “[i]f a presiding officer finds a fact-specific situation in which applying the expired Chapter 14 would be inequitable, the presiding officer may follow the rules laid out prior to the initial enactment of Chapter 14.”<sup>5</sup> The ALJ found that issuing a payment arrangement under the expired Chapter 14 provisions would result in an untenable monthly payment of approximately \$2,000, which would be unrealistic, unreasonable, and inequitable.<sup>6</sup> Thus, the ALJ exercised her discretion to award a 72-month payment arrangement.

While I am supportive of the Initial Decision’s analysis on payment arrangements, I believe the facts in this case do not warrant awarding a payment arrangement.

**January 29, 2026**

  
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**Kimberly Barrow, Vice Chair**

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<sup>1</sup> *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); 55 Pa.B. 268 (Jan. 11, 2025).

<sup>2</sup> Initial Decision, pgs. 12-14 (entered August 26, 2025).

<sup>3</sup> *Mill v. Pa. Pub. Util. Comm’n*, 447 A.2d 1100 (Pa. Cmwlth. 1982).

<sup>4</sup> *Baum v. Duquesne Light Co.*, 57 Pa.P.U.C. 156 (1983).

<sup>5</sup> Initial Decision, pg. 16.

<sup>6</sup> Initial Decision, pgs. 9, 17-19.