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February 5, 2026

**VIA ELECTRONIC FILING**

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

**Re: Dorene Dougherty v. Pennsylvania Electric Company**  
**Docket No. C-2018-3001474**

Dear Secretary Homsher:

Enclosed please find the Motion for Continuance of FirstEnergy Pennsylvania Electric Company on behalf of its Penelec Rate District with regard to the above-captioned matter. This document has been served on the Complainant as shown in the Certificate of Service.

Please contact me if you have any questions regarding this matter.

Respectfully submitted,

James Austin Meehan

JAM/dml

Enclosures

c: As Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**DORENE DOUGHERTY**

v.

**PENNSYLVANIA ELECTRIC  
COMPANY**

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**Docket No. C-2018-3001474**

**MOTION OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY  
ON BEHALF OF ITS PENELEC RATE DISTRICT  
FOR CONTINUANCE OF HEARING**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

FirstEnergy Pennsylvania Electric Company on behalf of its Penelec Rate District<sup>1</sup> (the “Company”) by and through its attorneys, and pursuant to 52 Pa. Code § 1.15(b), hereby files this Motion for Continuance of the telephonic hearing currently scheduled for February 24, 2026. In support thereof, the Company avers as follows:

**I. BACKGROUND**

1. On or about April 24, 2018, Dorene Dougherty (“Complainant”) filed a Formal Complaint (“Complaint”) with the Pennsylvania Public Utility Commission (“Commission”) alleging, *inter alia*, that the Company’s smart meter installed at her property is unsafe and unhealthy.

2. On May 17, 2018, the Company filed its Answer and New Matter, which included a notice to plead, admitting and denying various averments in the Complaint. Also, on May 17, 2018, the Company filed Preliminary Objections (“POs”) to the Complaint arguing that the

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<sup>1</sup> On January 1, 2024, FirstEnergy Corp.’s Pennsylvania operating companies (i.e., Pennsylvania Electric Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company) merged into FirstEnergy Pennsylvania Electric Company. Due to the merger transaction, the affected operating companies' tariffs were consolidated into a single tariff, with each former operating company's rates becoming its own rate district. As such, the customers of the former Pennsylvania Electric Company have their own separate and distinct rate district under FirstEnergy Pennsylvania Electric Company’s tariff.

Complaint was legally insufficient under 52 Pa. Code § 5.101(a)(4) because it failed to state a claim upon which relief can be granted.

3. By Order dated June 15, 2018, Complainant was granted an extension to respond to Respondent's New Matter and POs. On August 2, 2018, Complainant filed her responses to the New Matter and POs.

4. On May 11, 2023, Administrative Law Judge Jeffrey A. Watson ("ALJ Watson") was assigned to preside over this proceeding.

5. On October 18, 2018, ALJ Watson issued an Order denying the Company's POs.

6. On June 17, 2019, and October 22, 2019, prehearing conferences were held. Counsel for the Company and the Complainant appeared in each.

7. On September 10, 2019, a telephonic hearing notice was issued scheduling a telephonic hearing for November 19, 2020.

8. On October 16, 2020, the Company filed a Motion to Stay Proceedings pending a final order in Povacz v. Pa. PUC, Docket Nos. 492 C.D. 2019, et al. 606 C.D. 2019, and 607 C.D. 2019.

9. On November 4, 2020, the Commission entered an Order at Docket No. M-2009-2092655 staying Formal Complaint proceedings pending before the Commission involving challenges to an electric distribution company's deployment of smart meter technology as being in violation of Section 1501 of the Code.

10. On November 6, 2020, the Commission issued a Notice cancelling the November 1, 2020 hearing.

11. By order entered November 14, 2023, the Commission lifted the general stay of smart meter proceedings and directed the Office of Administrative Law Judge to proceed with pending formal complaint proceedings as directed by the presiding administrative law judge.

12. On November 29, 2023, the Commission issued a Call-In Telephonic Prehearing Conference Notice scheduling a prehearing conference for Friday, February 2, 2024, and the matter was reassigned to Administrative Law Judge Chad Allensworth (“ALJ Allensworth”) to preside over this matter.

13. On December 11, 2023, the Commission issued a Prehearing Conference Order which advised, *inter alia*, of the various procedures that would be applicable to the prehearing conference, and the purpose of the prehearing conference.

14. On January 26, 2024, Complainant emailed the Secretary’s Bureau and ALJ Allensworth a “Request and Petition for Continuance for the Pre-Hearing Conference” (“request for continuance”) based on: (a) Complainant’s disabilities, (b) lack of computer/internet access with no accommodations and (c) the illness of Complainant’s case contact, Mr. Jeffrey Smiles.

15. On January 28, 2024, Respondent responded via email opposing Complainant’s request for continuance on the basis that: (a) the timeline and reality of Complainant’s health conditions are unclear making this a potentially perpetual continuance, (b) Complainant failed to request or specify any needed accommodations and (c) Mr. Smiles’ illness is irrelevant to the matter because he is not a licensed attorney representing Complainant nor has it been demonstrated that he has power of attorney.

16. On January 29, 2024, Commission Secretary Rosemary Chiavetta responded to Complainant’s email requesting a continuance advising Complainant that it could not be accepted for filing as it must be either filed electronically or delivered in writing to the Commission.

17. On January 29, 2024, the Commission issued an Order advising the parties that Complainant's request for continuance was not accepted for filing and that the prehearing conference would be held as scheduled on February 2, 2024. Complainant was also advised that she could re-state her request for continuance at the prehearing conference.

18. On January 30, 2024, the Commission received a paper filing of the Complainant's request for continuance that was accepted for filing.

19. On February 2, 2024, the parties appeared telephonically for the prehearing conference. Complainant requested an 85-day continuance, on the record, based on: (1) her disability, (2) the need for an accommodation in the form of allowing Mr. Smiles to be her proxy and (3) the need to retrieve paperwork from the prior person assisting her in this case due to him passing away. Respondent opposed the request for continuance based on the same reasons it raised on January 28, 2024. At the conclusion of the prehearing conference, ALJ Allensworth verbally granted Complainant an approximately 60-day continuance.

20. On February 5, 2024, the Commission issued an Order from ALJ Allensworth which, inter alia, memorialized that Complainant was granted a continuance for at least 85 days.

21. On February 29, 2024, the Commission issued a Judge Change – Assignment Notice re-assigning this matter to ALJ Conrad Johnson.

22. On March 3, 2025, the Commission issued a Judge Change – Assignment Notice re-assigning this matter to ALJ Allensworth

23. On March 5, 2025, the Commission issued a Prehearing Conference Order scheduling a prehearing conference for April 17, 2025.

24. On April 10, 2025, Complainant submitted an uncontested request to reschedule and delay the April 17, 2025 prehearing conference for several months.

25. On April 16, 2025, the Commission issued a Hearing Cancellation Notice cancelling the April 17, 2025 prehearing conference.

26. On April 23, 2025, the Commission issued a notice scheduling a prehearing conference for September 1, 2025.

27. On May 28, 2025, the Commission issued a notice cancelling the prehearing conference scheduled for September 1, 2025 and rescheduling it for September 2, 2025.

28. On September 2, 2025, the prehearing conference was held and both parties appeared. Also on September 2, 2025, the Commission issued an Order directing the parties to confer upon dates and times for an evidentiary hearing to be held between the period of January and February 2026 and to submit a status report on or before October 3, 2025.

29. The Complainant submitted her status report dated September 25, 2025.

30. The Company submitted its status report on October 3, 2025.

31. On October 14, 2025, the Commission issued a notice scheduling the evidentiary hearing for February 24, 2026.

32. On October 15, 2025, the Commission issued a Prehearing Order for the hearing scheduled for February 25, 2026.

33. On November 24, 2026, the Commission issued an Order directing the Company to serve the Complainant with its status report submitted on October 3, 2025 via First-Class Mail.

34. On December 2, 2025, the Company served its status report on the Complainant via First-Class Mail.

35. The Company's counsel is unavailable during the scheduled evidentiary hearing on February 24, 2026 due to a pre-planned vacation.

36. On January 27, 2026, the Company contacted the Complainant telephonically to discuss the continuance of the evidentiary hearing. The Complainant agreed to a postponement of the hearing. Both parties indicated that they are available for a telephonic hearing in the mornings of March 23, 25, 26, 27 or 31, 2026.

37. As such, the Company respectfully requests that the evidentiary hearing scheduled for February 24, 2026 in this matter be rescheduled to one of the suggested dates above, when both parties are available to participate.

38. To the extent the proposed dates are not available, counsel for the Company is happy to work with the presiding officer's scheduling staff and the Complainant to find an acceptable date.

## **II. MOTION FOR CONTINUANCE**


39. The Commission's regulations permit a request for continuance of a hearing upon good cause shown. 52 Pa. Code § 1.15(b).

40. In this case, the Company's counsel is unable to attend the hearing at the scheduled date and time due to a pre-planned vacation.

WHEREFORE, FirstEnergy Pennsylvania Electric Company respectfully requests that the Commission issue an Order granting the Motion for Continuance.

Respectfully submitted,

Dated: February 5, 2026



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Counsel for FirstEnergy Pennsylvania Electric  
Company (Penelec Rate District)

**BEFORE THE  
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**DORENE DOUGHERTY**

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**Docket No. C-2018-3001474**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Motion of Continuance of FirstEnergy Pennsylvania Electric Company on behalf of its Penelec Rate District upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by First-Class Mail and electronic mail as follows:

Dorene Dougherty  
15 Margrow Road  
Tunkhannock, PA 18657

Administrative Law Judge Chad L. Allensworth  
[callenswor@pa.gov](mailto:callenswor@pa.gov)

Jeffrey W. Smiles  
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Dated: February 5, 2026

  
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