

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

**Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement
v.
FirstEnergy Pennsylvania Electric Company**

**Public Meeting held March 26, 2026
3052650-ALJ
Docket No. C-2024-3052650**

**MOTION OF CHAIRMAN STEPHEN M. DeFRANK &
COMMISSIONER RALPH V. YANORA**

Before the Pennsylvania Public Utility Commission (Commission) today is the Joint Petition for Approval of Settlement (Settlement) to resolve the Formal Complaint that the Commission's Bureau of Investigation and Enforcement (I&E) filed against FirstEnergy Pennsylvania Electric Company-West Penn Power (West Penn) on October 31, 2025. The Settlement resolves I&E's Complaint allegations that West Penn violated the Commission's Regulations by: (1) terminating service at the residence of Ms. Melissa Gourley¹ during the Winter Moratorium without first determining whether she had a household income at or below 250% of the Federal poverty level; (2) failing to fully provide Ms. Gourley with information about the Company's universal service programming and enrollment eligibility; and (3) failing to fully explain the medical emergency procedures to Ms. Gourley.²

Through the Settlement, I&E and West Penn seek approval to fully resolve I&E's Complaint in consideration for the Company's (1) payment of a \$30,000 civil penalty; (2) payment of a \$15,000 hardship fund contribution to Dollar Energy Fund; and (3) commitments to enhance training and improve customer income review. On January 27, 2026, Administrative Law Judge Erin L. Gannon issued an Initial Decision approving the Settlement without modification. In the Initial Decision, ALJ Gannon evaluated the proposed civil penalty under the *Rosi factor* framework³ and determined that, when coupled with West Penn's hardship fund contribution, the civil penalty was appropriate and in the public interest. We disagree.

We find it reasonable to double West Penn's civil penalty and hardship fund contribution because they are inadequate in light of the Stipulated Facts in this case.⁴ Specifically, on November 15, 2021, Ms. Gourley spoke to a West Penn customer service representative, and she informed the representative of the fact that she had zero income and that she was experiencing medical issues. Despite the information that Ms. Gourley provided, West Penn failed to inform her of all available methods of preventing service termination, including (1) failure to provide information regarding universal service programming; and (2) failure to provide her with an explanation of medical emergency procedures. In short, there may have been two avenues for Ms. Gourley to avoid service termination, but she was not

¹ Ms. Gourley resided with her father, Mr. Thomas Gourley. Mr. Gourley was West Penn's customer of record, and Ms. Gourley was added to the West Penn account as an authorized representative.

² I&E alleged that the West Penn's conduct in the first allegation violated 52 Pa. Code § 56.100(b), while the Company's conduct in second and third allegations violated 52 Pa. Code § 56.97.

³ 52 Pa. Code § 69.1201.

⁴ See Joint Petition for Approval of Settlement, Stipulated Fact No. 8-9, 12-13.

apprised of either of them prior to having her electric service terminated on December 14, 2021.⁵ Unfortunately, days later, on December 17, 2021, Ms. Gourley passed away in the residence.

Given the seriousness of West Penn's failure to inform Ms. Gourley of both of the avenues that may have enabled her to retain service, and the resulting consequences, we believe that doubling the Company's civil penalty and the required hardship fund contribution is appropriate and in the public interest. Additionally, while I&E's Complaint considered each of West Penn's failures to inform Ms. Gourley of opportunities to prevent termination as one violation, each failure independently violated the Commission's Regulations. Furthermore, the Commission's prior PECO decision that the ALJ relied upon to support the Settlement's civil penalty and hardship fund contribution⁶ did not address a utility's failure to provide emergency medical procedures to a customer complaining of medical issues, as relevant here. Under these circumstances, the Settlement's civil penalty and hardship fund contribution are both inadequate and insufficiently supported.

Accordingly, Paragraph 42(a) of the Settlement should be modified to indicate that First Energy PA will pay a civil penalty in the amount of \$60,000 and Paragraph 42(b) should be modified to indicate that First Energy PA will make a \$30,000 contribution to its hardship fund through the Dollar Energy Fund.

THEREFORE, WE MOVE THAT:

1. That the Initial Decision of Administrative Law Judge Erin L. Gannon issued on January 27, 2026 be modified, consistent with this Motion.
2. The Office of Special Assistants draft a Tentative Opinion and Order consistent with this Motion.
3. That the Bureau of Investigation and Enforcement and FirstEnergy Pennsylvania Electric Company, as parties to this proceeding, shall have twenty (20) business days after the entry date of the Tentative Order to file comments.
4. That, should any adverse comments be filed, the proceeding shall be assigned to the Office of Special Assistants for the drafting of a Final Opinion and Order.
5. That, should no adverse comments be filed, the Tentative Order shall become final.
6. The Bureau of Investigation and Enforcement and FirstEnergy Pennsylvania Electric Company, as parties to the modified Settlement, may elect to withdraw from the modified Settlement within twenty (20) business days after the entry date of the Tentative Opinion and Order modifying the Settlement.

⁵ We do note that West Penn attempted to contact Ms. Gourley several times by telephone and in-person prior to termination, but to no avail. But for these attempts, we would find that a significantly higher civil penalty was warranted in this case.

⁶ See *Pa. PUC v. PECO Energy Company*, Docket No. M-2018-2531404 (Opinion and Order entered February 7, 2019).

7. That, if the Bureau of Investigation and Enforcement or FirstEnergy Pennsylvania Electric Company, elect to withdraw from the modified Settlement, the Joint Petition for Approval of Settlement shall be void and the proceeding returned to the Bureau of Investigation and Enforcement, without any assignment to the Office of Special Assistants.

March 26, 2026
Date



Stephen M. DeFrank, Chairman



Ralph V. Yanora, Commissioner