

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Craig Moss	:	
	:	
v.	:	F-2025-3058151
	:	
FirstEnergy Pennsylvania Electric Company	:	
(Met-Ed Rate District)	:	

ORDER
GRANTING COMPLAINANT’S MOTION TO COMPEL DISCOVERY

The purpose of this Order is to address the Motion to Compel filed by Complainant. For the reasons discussed further below, the Motion to Compel will be granted and FirstEnergy Pennsylvania Electric Company will be directed to answer all outstanding discovery within ten (10) days or be subject to sanctions.

Procedural Background

On or about October 22, 2025, Complainant, Craig Moss, filed a Formal Complaint (“Complaint”) with the Pennsylvania Public Utility Commission against Respondent, FirstEnergy Pennsylvania Electric Company (“FirstEnergy”). Complainant alleges that there are incorrect charges on his bill. The Complaint was served on Respondent on October 27, 2025.

On November 17, 2025, Respondent filed an Answer to the Complaint. In the Answer, Respondent denied the material allegations of the Complaint. As relief, Respondent requested dismissal of the Complaint or alternatively that the matter be referred for mediation.

On November 19, 2025, Chief Administrative Law Judge Charles E. Rainey, Jr., issued an Interim Order referring the matter for mediation. The mediation was unsuccessful in resolving the matter.

On April 22, 2026, an Initial Telephonic Hearing Notice was issued scheduling the matter for a hearing on June 24, 2026 at 10:00 a.m., and I was assigned as the presiding officer over this matter. A Prehearing Order was also issued on April 22, 2026 setting forth various requirements for the hearing.

On or about April 24, 2026, Complainant filed a Certificate of Service (“COS”) for Complainant’s First Set of Interrogatories and Requests for Production of Documents with the Commission.¹ The Complainant certified in his COS that on April 20, 2026, he served his First Set of Interrogatories and Requests for Production of Documents on counsel for FirstEnergy, Margaret A. Morris, Esquire, both by email and FedEx 2Day Express. The Commission’s docket shows that on April 29, 2026, the Commission scanned the COS but the COS was not attached to this case and hence uploaded to this docket until May 20, 2026.

On May 17, 2026, Complainant filed a Motion to Compel Discovery (“Motion”) averring that Respondent failed to timely answer or respond to Complainant’s First Set of Interrogatories and Requests for Production of Documents. Complainant’s Motion was endorsed with a notice to plead within five days from the date of service, citing 52 Pa. Code § 5.342(g)(1),² as well as a certificate of service that Complainant served the Motion via email on Attorney Morris on May 17, 2026.³

On May 26, 2026, Respondent filed an Answer to Complainant’s Motion.⁴ In its Answer, Respondent avers that Complainant emailed the First Set of Interrogatories and Requests for Production of Documents to Respondent on April 19, 2026, but Complainant failed to file the COS with the Commission in accordance with 52 Pa. Code § 5.341(b). Respondent

¹ The Commission date stamped the COS on April 24, 2026.

² Section 5.432(g)(1) provides that “[t]he party against whom the motion to compel is directed shall file an answer within 5 days of service of the motion absent good cause . . .” 52 Pa. Code § 5.342(g)(1).

³ Since May 17, 2026 fell on a Sunday, the Motion was received and filed by the Commission on Monday, May 18, 2026.

⁴ It is noted that Respondent’s Answer to the Motion has not yet been docketed by the Commission.

further argues that as of May 10, 2026, the COS had not been filed with the Commission. Therefore, according to Respondent, the Motion is premature.

Discussion

The Commission's regulations specifically provide parties the opportunity to conduct discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of another party. 52 Pa. Code § 5.321(c). Discovery is not permitted, however, if it is sought in bad faith; would cause unreasonable annoyance, embarrassment, oppression, burden or expense; relates to a matter which is privileged; or would require the making of an unreasonable investigation by the deponent, a party or witness. 52 Pa. Code § 5.361(a).

Furthermore, the Commission regulations also provide for sanctions when a party does not answer, object to, or respond to a discovery request. Section 5.371 of the Commission's regulations states:

(a) The Commission or the presiding officer may, on motion, make an appropriate order if one of the following occurs:

(1) A party fails to appear, answer, file sufficient answers, file objections, make designation or otherwise respond to discovery requests, as required under this subchapter.

(2) A party deponent or an officer or managing agent of a party refuses to obey or induces another to refuse to obey an order of a presiding officer respecting discovery, or induces another not to appear.

52 Pa. Code § 5.371(a). Sanctions include, among other things, an order that the matters regarding which the questions were asked, the character or description of the thing or land, the contents of the paper, or other designated fact shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order. 52 Pa. Code

§5.371(a)(1). A presiding officer may also issue an order prohibiting the disobedient party to support or oppose designated claims or defenses, or prohibiting the party from introducing in evidence designated documents, things or testimony. 52 Pa. Code § 5.371(a)(2).

In this case, Complainant certified that he served his First Set of Interrogatories and Requests for Production of Documents interrogatories on Respondent by email and FedEx 2Day Express on April 20, 2026. Respondent does not dispute that Complainant emailed these Requests on April 20, 2026 and that Respondent received the Requests on that day. A review of the Commission's docket shows that Complainant properly filed his COS for the interrogatories with the Commission on April 24, 2026. However, the COS was not attached to the docket until May 20, 2026, through no fault of the Complainant.

Further, it is uncontested that Respondent has not answered nor objected to Complainant's First Set of Interrogatories and Requests for Production of Documents as of the date of this Order. Rather, Respondent argues that it was not required to respond because Complainant failed to properly propound the discovery requests by filing the certificate of service.

Complainant submitted his COS in compliance with 52 Pa. Code § 5.322. However, due to the Commission's administrative processing, it was not attached to the docket until May 20, 2026. Thus, there was no error on the part of Complainant in propounding his discovery requests.

Moreover, I recognize that the Complainant is proceeding *pro se*. Section 52 Pa. Code § 1.2(a) provides that the rules of procedure may be "liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable" and that the "presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties." 52 Pa. Code § 1.2(a).

I also recognize that it is plausible that Respondent was misled by the docket in this matter. However, any delay in docketing the COS was not the fault of Complainant but attributable to the administrative processing with the Commission at or around the time Complainant's COS was filed. Further, Respondent admits receiving the Requests via email on April 20, 2026. Respondent has been properly served with Complainant's First Set of Interrogatories and Requests for Production of Documents and has had adequate time to prepare its response.

Therefore, in the interests of due process, Complainant's Motion to Compel Discovery will be granted and FirstEnergy will be directed to properly respond to Complainant's First Set of Interrogatories and Requests for Production of Documents within ten (10) calendar days of the date of this Order or possibly face sanctions.

THEREFORE,

IT IS ORDERED:

1. That the Complainant's Motion to Compel Discovery Responses to Complainant's First Set of Interrogatories and Requests for Production of Documents filed by Craig Moss, is granted.

2. That FirstEnergy Pennsylvania Electric Company (Met-Ed Rate District) shall serve Complainant, Craig Moss, full and complete responses to all of Complainant's First Set of Interrogatories and Requests for Production of Documents by no later than 4:00 p.m. on Monday, June 8, 2026.

3. In the event FirstEnergy Pennsylvania Electric Company (Met-Ed Rate District) does not comply with this order and fails to respond to Craig Moss's discovery requests as directed above, Craig Moss may make an appropriate motion requesting further relief.

Date: May 29, 2026

/s/
Chad L. Allensworth
Administrative Law Judge

**F-2025-3058151 - CRAIG MOSS v. FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY -
METROPOLITAN EDISON RATE DISTRICT**

Revised: April 22, 2026

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