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March 18, 2015

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: Pramukh Swami Maharaj, LLC v. Liberty Power Holdings, LLC
PUC Docket No. C-2014-2419263

Dear Secretary Chiavetta:

This letter presents the formal response of Liberty Power Holdings, LLC (“Liberty Power”) to emails (dated March 17, 2015) from Francis Gnanasegaram, an Administrative Assistant, of Pramukh Swami Maharaj LLC (the “Complainant”) to Administrative Law Judge (“ALJ”) Jeffrey Watson – which were sent after the Complainant dismissed its Counsel.¹

The emails improperly contain legal argument from an unrepresented limited liability company. The Complainant was fully aware of the need to have Counsel.² In the absence of counsel, the Complainant is not entitled to present (without representation by Counsel) legal argument to the ALJ or the Commission.³ Such legal arguments should either be stricken and/or not considered by the ALJ or the Commission.

The emails improperly include additional matters that were not part of the hearing. The record was closed at the conclusion of the hearing.⁴ The emails do not set forth facts to justify

¹ Notice of Withdrawal of Appearance of Complainant’s Counsel, dated March 16, 2015, which is available at: <http://www.puc.state.pa.us/pcdocs/1348052.pdf>.

² Tr. 1-12.

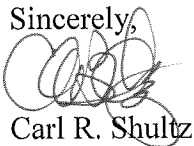
³ The Commission’s Regulations concerning representation and notice of appearance are set forth in 52 Pa. Code §§ 1.21-1.24. These regulations implement Pennsylvania’s established law on the unauthorized practice of law, which is crystal clear. A non-attorney, even a corporate officer, who attempts to represent a corporation at a trial or hearing is engaged in the unlicensed practice of law. *Pub. Service Water Co. v. PUC*, 645 A. 2d 423, 426 n.1 (Pa. Cmwlth. 1994); *Walcavage v. Excell 2000, Inc.*, 480 A.2d 218 (Pa. Super. 1984). Moreover, it should be noted that the unauthorized practice of law is a crime in Pennsylvania. Any person, who is not an attorney at law, who practices law commits a third degree misdemeanor upon a first violation. 42 Pa. C.S. § 2524.

⁴ 52 Pa. Code § 5.431(a).

the reopening of the record.⁵ No good cause was presented for the consideration of the additional matter,⁶ and the additional matter should not be relied upon or accepted into the record by the ALJ or the Commission.

No issues have been properly briefed and served by the Complainant.⁷ The Complainant, the party with the burden of proof,⁸ was directed to file its principal brief on or before Friday, March 6, 2015. It did not do so.⁹ Waiver for failure to properly brief issues has applied in other Commission proceedings.¹⁰ Therefore, to the extent an issue was not raised in briefs or was not properly briefed, those issues should be deemed to have been waived by the Complainant.¹¹

Sincerely,



Carl R. Shultz
Attorney for Liberty Power Holdings, LLC

cc: Certificate of Service
Garson Knapp, Senior Counsel, Liberty Power Holdings, LLC

⁵ 52 Pa Code § 5.571.

⁶ 52 Pa. Code §§ 5.431(b), 5.571.

⁷ 52 Pa. Code §§ 5.501 to 5.502.

⁸ As the proponent of a rule or order, Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).

⁹ Letter dated March 6, 2015 from Complainant's Counsel, which is available at: <http://www.puc.state.pa.us/pcdocs/1346190.pdf>.

¹⁰ Waiver has been applied by the Commission, *see, e.g., PUC v. Metropolitan Edison Company*, PUC Docket No. R-00061366, et seq., Opinion and Order entered January 11, 2007, and by ALJs such as ALJ Melillo, *Gibbs v. Global Tel Link Corporation*, PUC Docket No. C-2013-2358084, Initial Decision dated November 18, 2014, 2014 Pa. PUC LEXIS 609; ALJ Nguyen, *Sattar v. Aqua Pennsylvania, Inc.*, PUC Docket No. C-2010-2169756, Initial Decision dated February 25, 2011, 2011 Pa. PUC LEXIS 1184.

¹¹ *See, e.g., Commonwealth v. Einhorn*, 911 A.2d 960 (Pa. Super. 2006), *appeal denied*, 591 Pa. 723, 920 A.2d 831 (Pa. 2007) (Issues not raised in the parties' briefs or was not properly briefed is deemed to have been waived); *Jackson v. Kassab*, 812 A.2d 1233 (Pa. Super. 2002), *appeal denied*, 825 A.2d 1261 (Pa. 2003) (When parties have been ordered to file briefs and fail to include all the issues they wish to have reviewed, the issues not briefed have been waived).

Certificate of Service

I hereby certify that I have, this day, effected service of a true and correct copy of the forgoing **Letter** upon the persons and in the manner indicated below, which service satisfies the requirements of Pa. R.A.P. 121, as follows:

Via U.S. Mail

Jatin Thakkar, General Manager
Francis Gnanasegaram,
Administrative Assistant
Pramukh Swami Maharaj, LLC
675 Baltimore Pike
Springfield, PA 19064

Administrative Law Judge Jeffrey A. Watson
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
Piatt Place
Suite 220
301 5th Avenue
Pittsburgh, PA 15222

For Pramukh Swami Maharaj LLC

Date: March 18, 2015



Carl R. Shultz, Esquire
Attorney for Liberty Power Holdings, LLC