

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Andrew Perrong :
 :
v. : Docket # C-2021-3024359
 :
Alpha Gas & Electric LLC :

NOTICE TO PLEAD

TO: ALPHA GAS & ELECTRIC LLC

12 College Road
Monsey, NY 10952

You are hereby notified to file a written response to the enclosed Preliminary Objections within ten (10) days from service hereof or a judgment may be entered against you.

All pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to Complainant, Andrew R. Perrong, and where applicable, the Administrative Law Judge presiding over the proceeding.

File with:*

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

With a copy to:

Andrew R. Perrong
1657 The Fairway #131
Jenkintown, PA 19046
andyperrong@gmail.com

*Due to the COVID-19 pandemic, the Pennsylvania Public Utility Commission is encouraging individuals to eFile documents. Information regarding eFiling with the Commission is available at <https://www.puc.pa.gov/efiling/default.aspx>.

Dated: **April 20, 2021**

_____/s/_____

Andrew Perrong
Complainant Pro-Se

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--------------------------|---|-------------------------|
| Andrew Perrong | : | |
| | : | |
| v. | : | Docket # C-2021-3024359 |
| | : | |
| Alpha Gas & Electric LLC | : | |

**PRELIMINARY OBJECTIONS OF ANDREW R. PERRONG
TO RESPONDENT ALPHA GAS & ELECTRIC LLC’S ANSWER AND NEW MATTER**

Complainant ANDREW PERRONG files these Preliminary Objections to the Answer and New Matter of ALPHA GAS & ELECTRIC LLC (hereinafter “Respondent”) as follows:

1. The Commission’s Regulations, 52 Pa. Code § 5.101, permit filing of Preliminary Objections for, *inter alia*, “failure of a pleading to conform to [52 Pa. Code Chapter 5],” “legal insufficiency of a pleading” and “standing of a party to participate in the proceeding” 52 Pa. Code § 5.101(a)(1), (a)(4), (a)(7). The Commission may strike pleadings under such grounds.

2. The Commission’s Regulations make clear that in adversarial proceedings, such as this one, a corporation must have counsel in order to proceed in any legal action because a corporation cannot represent itself. *PUC Bureau of Investigation & Enf’t v. Harrisburg City Cab, Inc*, 2020 PA. PUC LEXIS 294, *9 (Pa. P.U.C. July 16, 2020) (citing *Smaha v. Landy*, 638 A.2d 392, 398 (Pa. Cmwlth. 1994)).

3. Moreover, the Commission’s Regulations make clear that a corporation may *only* be represented by an attorney admitted to practice before the Commission. *Id.* (citing *Walacavage v. Excell 2000*, 480 A.2d 281, 282 (Pa. Super. 1984)).

4. Specifically, in order to practice before the Commission or represent the Respondent, the Utilities Code requires that the person be an “attorney at law admitted to practice before the Supreme Court of Pennsylvania,” or, in circumstances not applicable here, appear “in accordance with the Pennsylvania Bar Admission Rules,” or be a “law student.” 52 Pa. Code § 1.22.

5. A check of the Pennsylvania Supreme Court attorney database reveals that “Adam Small” is not admitted to practice before the Supreme Court of Pennsylvania and is not a licensed Pennsylvania attorney. *See* Exhibit “A.”

6. Accordingly, as Adam Small is not an attorney at law admitted to practice before the Supreme Court of Pennsylvania, he is unable to represent and is not permitted to enter his appearance or file any documents on behalf of Respondent Alpha Gas & Electric LLC in this adversarial proceeding before the Commission. 52 Pa. Code § 1.21(b).

7. This conduct also qualifies as unauthorized practice of law.

8. The Answer and New Matter filed by Alpha Gas & Electric LLC through what amounts to nothing more than a corporate representative therefore fails to conform to the standards of 52 Pa. Code § 1.21, § 1.22, § 1.23, and § 1.24 and should be stricken.

9. Moreover, the Answer and New Matter is legally insufficient because it was filed by a person who has no authority to file documents seeking to represent Respondent before the Commission in accord with the Commission’s Rules.

10. The Answer and New Matter is legally insufficient on other grounds because it fails to conform to other provisions of the Utilities Code, such as by being filed without the entry of a written notice of appearance by including a notice to plead a reply to new matter. *See* 52 Pa. Code § 1.24; 52 Pa. Code § 5.63.

11. Finally, as a person who is not an attorney licensed in the Commonwealth of Pennsylvania, Adam Small lacks standing to participate in the proceeding.

CONCLUSION

Complainant prays that the Commission STRIKE Respondent's Answer and New Matter for the reasons set forth herein and enter an order requiring Respondent to secure counsel authorized to represent it in proceedings before the Commission.

CERTIFICATE OF SERVICE

Pursuant to 52 Pa. Code § 1.54, I hereby certify that I served a copy of the foregoing via E-Mail and First Class Mail, to:

Alpha Gas & Electric LLC
12 College Road
Monsey, NY 10952
adam.small@alphagne.com

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

I also certify that I e-filed the foregoing with the Commission via their web portal.


Dated: **April 20, 2021**

/s/

Andrew Perrong
Complainant Pro-Se
1657 The Fairway #131
Jenkintown, PA 19046
Phone: 215-791-6957
Facsimile: 888-329-0305
andyperrong@gmail.com



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EXHIBIT "A"