

March 31, 2022

Via Electronic Filing

Rosemary Chiavetta, Esquire
Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**Re: Docket No. C-2022-3030843
Henry John - One Dollar Wise LLC v. Metropolitan Edison Company
Motion to Dismiss of Met-Ed**

Dear Secretary Chiavetta:

Attached for filing is the Motion of Respondent, Metropolitan Edison Company to dismiss the Formal Complaint filed by Henry John on behalf of One Dollar Wise LLC (Complainants) in the above-captioned proceeding.

A copy of the Motion to Dismiss has been forwarded to the Complainants in the manner indicated on the attached Certificate of Service.

If there are any questions, please contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/co
Enclosures

cc: The Hon. John Coogan, PA Public Utility Commission [w/encls.]
Tori Giesler, Esquire, FirstEnergy Service Company [w/encls.]
Henry John, One Dollar Wise LLC [w/encls.]

**Re: Docket No. C-2022-3030843
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the person(s) listed below, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via Electronic and First-Class Mail

Henry John
One Dollar Wise
733 Lancaster Avenue, Suite H
Reading, PA 19607
Onedollarwise@gmail.com

Dated: March 31, 2022


Margaret A. Morris, Esquire

GS-Medium¹ to 733 Lancaster Avenue, Ste H, Reading, Pennsylvania (Service Location) under Account No. 100140429158 (Account). The Complainant checked the boxes “The utility is threatening to shut off my service or has already shut off my service,” and “I would like a payment agreement,” on the Formal Complaint Form.

3. On March 2, 2022, Met-Ed filed an Answer and New Matter denying the material allegations therein. In the New Matter, Met-Ed alleged, *inter alia*, that the Customer is a Pennsylvania corporation and is not represented by an attorney as required by the Commission’s regulations. A copy of the Customer’s corporate status with the Commonwealth of Pennsylvania was attached the Answer and New Matter and is provided as Attachment 1.

4. A Hearing Notice, dated March 29, 2022, was issued for the Call-in Telephonic Hearing on May 11, 2022, before the Honorable John Coogan (Judge Coogan).

5. As of the filing of this Motion, no attorney has filed an Entry of Appearance in the instant proceeding.

III. Corporations must be represented by counsel

6. Representation before the Commission is governed by the Commission’s regulations at 52 Pa. Code §§ 1.21-1.23. These regulations provide that “[i]n adversarial proceedings, partnerships, corporations, trusts, associations, agencies, political subdivisions and government entities shall be represented only by . . . an attorney.” 52 Pa. Code § 1.21. An adversarial proceeding begins with the filing of an Answer. 52 Pa. Code § 1.8 *New Fizon Catering, Inc. v. PECO Energy Company*, Docket Nos. C-2008-2065498 and C-2008-2079076 (Order entered June 24, 2009).

¹ Electric-Pa. P.U.C. No. 52 (Supp. 37), Fourth Revised Page 66, Superseding Third Revised Page 66.

7. A non-attorney owner/operator of a limited liability corporation may file a formal complaint pleading, without an attorney, but thereafter must be represented by counsel. *Tyler Run, LLC v. Penelec*, Docket No. C-200438888 (Order entered January 5, 2005) and *Snyderville Community Development Corporation v. Philadelphia Gas Works*, Docket No. C-20055032 (Order entered July 31, 2006).

8. The Commission's obligation to require attorneys in adversarial proceedings for parties other than individual *pro se* proceedings is well-settled:

In Pennsylvania, the Supreme Court is responsible for regulating the practice of law, and this Commission is bound by the Supreme Court's rules. The only persons authorized to practice law in Pennsylvania are as follows: (1) persons fully admitted to the Pennsylvania Bar; (2) persons admitted *pro hac vice* under Rule 301; and (3) persons qualified as certified legal interns under Rule 321. The Pennsylvania Supreme Court in *Shorz v. Farrell*, 327 Pa. 81, 193 A.20 (1937), held that if the nature of an administrative hearing is to determine questions of fact or interpretation of administrative law, then the hearing is of a judicial character. Any participation in such a hearing constitutes the practice of law. Accordingly, it would be unlawful to allow non attorney representation in adversarial proceedings before the Commission.

James and Judith Simon v. Franklin Water Company, Docket No. C-00956589 (Order entered January 29, 1996).

9. Consequently, a corporation that files a formal complaint with the Commission must obtain counsel to proceed with all other aspects of the proceeding, including, without limitation, responsive pleadings, discovery, testimony preparation, attendance at hearing, examination of witnesses and briefing.

10. At this point, Met-Ed is required to incur the time and expense to prepare for a full evidentiary hearing without knowing if the Customer will even be represented by counsel.

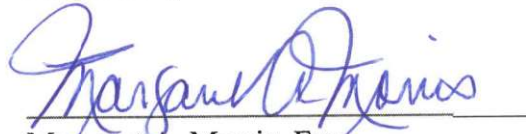
11. In order to minimize any further prejudice, time and/or expense by Met-Ed, the Customer should be ordered to have a licensed attorney file an Entry of Appearance within ten (10) days of the issued order, or the proceeding will be dismissed.

WHEREFORE, for the foregoing reasons, the Metropolitan Edison Company respectfully requests that the Commission:

a) Enter an order directing the Customer, One Dollar Wise LLC, to have a Pennsylvania licensed attorney enter an appearance on behalf of the Customer within ten (10) days of the issued order; and

b) Dismiss the Formal Complaint in this proceeding if a Pennsylvania licensed attorney does not enter appearance on behalf of One Dollar Wise LLC in compliance with any applicable order.

Respectfully submitted,



Margaret A. Morris, Esq.
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Reger Rizzo & Darnall LLP
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2929 Arch Street
Philadelphia PA 19104
(215) 495-6524 tel.
mmorris@regerlaw.com

Dated: March 31, 2022

Counsel for Metropolitan Edison Company

Docket No. C-2022-3030843
Henry John - One Dollar Wise v. Metropolitan Edison Company

Attachment 1

Business Entity Filing

Search entity / Select entity / **Order documents**

Order Business Documents

Date: 02/27/2022

Business Name History

Name	Name Type
ONE DOLLAR WISE LLC	Current Name

Business Entity Details Officers

Name	ONE DOLLAR WISE LLC
Entity Number	6836845
Entity Type	Limited Liability Company
Status	Active
Citizenship	Domestic
Entity Creation Date	02/12/2019
Effective Date	02/12/2019
State Of Inc	PA
Address	733 Lancaste Avenue Reading PA 19607 Berks

Filed Documents

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