

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ryan Kirkpatrick	:	
	:	
v.	:	C-2024-3047187
	:	
PECO Energy Company	:	

**INTERIM ORDER GRANTING REQUEST
FOR CONTINUANCE AND DIRECTING THE
COMPLAINANT TO SECURE LEGAL COUNSEL**

By Initial Call-In Telephonic Hearing Notice dated April 3, 2024, an Initial Call-In Telephonic Hearing was scheduled for June 5, 2024 at 10:00 a.m.

I issued a Prehearing Order on April 10, 2024. The Prehearing Order directed the parties to comply with various procedural requirements and directed that a request to change the scheduled hearing should be sent to me at least five days prior to the hearing date, be in writing and state the agreement or opposition of the other party.

By email dated May 29, 2024, Ryan Kirkpatrick requested a continuance of the June 5, 2024 hearing because he needed additional time to complete discovery. Khadijah Scott, Esq., counsel for PECO, subsequently advised that PECO did not have an objection to the Complainant’s request.

Paragraph 3 of my April 10, 2024 Prehearing Order advised the parties that they may request a continuance of the hearing if they have a good reason. My Prehearing Order further advised that “[t]o request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing.” My Order further instructed that your motion should include: the case name, case number, and hearing date; the reason you are requesting a continuance; and the other party’s position on the request.

I will grant Mr. Kirkpatrick’s request for a continuance of the hearing scheduled for June 5, 2024, because PECO did not object to the request.

More importantly, I note that Mr. Kirkpatrick indicated on page 1 of the Formal Complaint form that this Complaint involves utility service provided to “Ryzown Properties LLC” at 669 Bush Street, Rear Apartment and Office, Bridgeport, PA 19405. Since the account for service was in Ryzown Properties LLC’s name, Ryzown Properties LLC is the actual Complainant in this matter.

The Complainant in this case is a limited liability company that is not represented by counsel. The Commission’s regulations concerning representation and notice of appearance are set forth in 52 Pa.Code §§ 1.21-1.24. The Commission’s regulations require partnerships, corporations, other business organizations, trusts, associations, agencies, political subdivisions and government entities to be represented by attorneys in adversarial proceedings before the Commission.¹

The Commission’s regulations at 52 Pa.Code §§ 1.21-1.24 provide in pertinent part:

§ 1.21. Appearance

(a) Individuals may represent themselves.

(b) Except as provided in subsection (a), persons in adversarial proceedings shall be represented in accordance with § 1.22 (relating to appearance by attorneys and legal intern). For purposes of this section, any request for a general rate increase under §1307(f) or §1308(d) of the act (relating to sliding scale of rates; adjustments; and voluntary changes in rates) shall be considered to be an adversarial proceeding.

§ 1.24. Notice of appearance or withdrawal.

(b) *Attorneys.*

¹ 52 Pa.Code §§ 1.21-1.23.

(1) *Appearance by initial pleading.* An attorney who signs an initial pleading in a representative capacity shall be considered to have entered an appearance in that proceeding.

(2) *Appearance in all other instances.* An attorney shall file with the Secretary a written notice of appearance.

(i) *Content of notice.* Initial pleadings, entries of appearance and notices of withdrawal must include:

(A) The attorney's name, mailing address and electronic mailing address, if available.

(B) Pennsylvania attorney identification number or, if not licensed in this Commonwealth, identification of the jurisdictions in which the attorney is licensed to practice law.

(C) Telephone number and telefacsimile number, if applicable.

(D) The name and address of the person represented.

(ii) *Filing.*

(A) *Appearance.* The notice of appearance shall be served on the parties to the proceeding, and a certificate of service shall be filed with the Secretary.

In 52 Pa.Code § 1.8, the term “adversarial proceeding” is defined as “[a] proceeding initiated by a person to seek authority, approvals, tariff changes, enforcement, fines, remedies or other relief from the Commission which is contested by one or more other persons and which will be decided on the basis of a formal record.” Additionally, the term “person” is defined as “individuals, corporations, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental entities, municipalities or other political subdivisions.” *Id.*

Once PECO filed an Answer to the Complaint, this matter became an adversarial proceeding.

Since the Complainant is actually a limited liability company, Mr. Kirkpatrick may not represent Ryzown Properties LLC in this Formal Complaint in any capacity unless he is an attorney licensed to practice law in Pennsylvania. Accordingly, I included the following directive in my April 10, 2024 Prehearing Order at paragraph 8:

If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*.² And, unless you are an attorney, you may not represent someone else.

I further directed the following, in bold-faced type, at paragraph 9 of my April 10, 2024 Prehearing Order:

Ryzown LLC: You must have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance to represent you on or before April 26, 2024

To date, no attorney has entered an appearance on Ryzown Properties LLC's behalf as required by the Commission's regulations **and** my April 10, 2024 Prehearing Order. Ryzown Properties LLC will have one final opportunity to have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance on its behalf in this matter. Failure to have an attorney licensed to practice law in Pennsylvania enter an appearance as directed by this Interim Order and my April 10, 2024 Prehearing Order may result in dismissal of the Complaint.

²

52 Pa. Code §§ 1.21 & 1.22.

THEREFORE,

IT IS ORDERED:

1. That Ryan Kirkpatrick's request for continuance of the hearing in the matter captioned as Ryan Kirkpatrick v. PECO Energy Company at Docket No. C-2024-3047187 is granted;

2. That Ryzown Properties LLC must have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance to represent you on or before June 12, 2024; and

3. That the scheduling staff of the Office of Administrative Law Judge shall reschedule this matter for a hearing and notify the parties in writing.

Date: May 30, 2024

_____/s/
Christopher P. Pell
Deputy Chief Administrative Law Judge

C-2024-3047187 - RYAN KIRKPATRICK v. PECO ENERGY COMPANY

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