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June 7, 2024

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**Re: Nora Hospitality LLC d/b/a Red Roof Inn v. FirstEnergy Pennsylvania
Electric Company
Docket No. C-2024-3047524**

Dear Secretary Chiavetta:

Enclosed please find the Motion to Dismiss of FirstEnergy Pennsylvania Electric Company. This document has been served on the Complainant as shown in the Certificate of Service.

Please contact me if you have any questions regarding this matter.

Very truly yours,

Angelina Umstead

AU/dml

Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**NORA HOSPITALITY LLC
D/B/A RED ROOF INN**

v.

**FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY**

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Docket No. C-2024-3047524

NOTICE TO PLEAD

TO: Nora Hospitality LLC
c/o Joanne Miller

Pursuant to 52 Pa. Code § 5.63, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Dismiss of FirstEnergy Pennsylvania Electric Company within twenty (20) days from service of this Notice, the facts set forth by FirstEnergy Pennsylvania Electric Company in the Motion may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for FirstEnergy Pennsylvania Electric Company, and where applicable, the Administrative Law Judge or Special Agent presiding over the case.

File with:

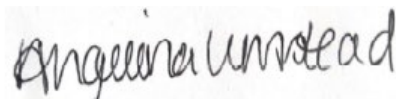
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

With a copy to:

Administrative Law Judge Emily DeVoe
Pennsylvania Public Utility Commission
Commonwealth Keystone Building Office of
Administrative Law Judge
400 North Street
Harrisburg, Pennsylvania 17120

Angelina Umstead
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
aumstead@firstenergycorp.com

Dated: June 7, 2024



Angelina Umstead

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NORA HOSPITALITY LLC	:	
D/B/A RED ROOF INN	:	
	:	Docket No. C-2024-3048451
v.	:	
	:	
FIRSTENERGY PENNSYLVANIA	:	
ELECTRIC COMPANY	:	

**MOTION TO DISMISS
THE FORMAL COMPLAINT OF NORA HOSPITALITY LLC**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”), on behalf of its Penn Power Rate District,¹ by and through its attorney, Angelina Umstead, files this Motion to Dismiss, pursuant to 52 Pa. Code §5.103. In support, FE PA avers as follows:

I. Introduction

Nora Hospitality LLC d/b/a Red Roof Inn (“Complainant”) is a business entity registered on May 4, 2023 with the Pennsylvania Bureau of Corporations. Nora Hospitality LLC is required at this stage of the proceeding to be represented by an attorney at law in accordance with 52 Pa. Code §§ 1.21-1.23. In this Motion, FE PA seeks the dismissal of the above-captioned Formal Complaint filed by Joanne Miller on behalf of Nora Hospitality LLC.

II. Factual Background

1. The instant Formal Complaint, filed against FE PA and served on March 18, 2024, relates to non-residential electric service provided to Nora Hospitality LLC at 20009

¹ On January 1, 2024, FirstEnergy Corp.’s Pennsylvania operating companies (i.e., Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company) merged into FirstEnergy Pennsylvania Electric Company. Due to the merger transaction, the affected operating companies’ tariffs were consolidated into a single tariff, with each former operating company's rates becoming its own rate district. As such, the customers of the former Pennsylvania Power Company have their own separate and distinct rate district under FirstEnergy Pennsylvania Electric Company’s tariff.

State Route, New Castle, Pennsylvania 16066 (“Service Location”) under Account No. 110164095868 (“Account”).

2. The Complainant established service on September 6, 2023.

3. On April 8, 2024, the Company filed an Answer and New Matter denying the material allegations therein. In its Answer and New Matter, the Company alleged, *inter alia*, that the Complainant is a Pennsylvania corporation and not represented by an attorney as required by the Commission’s regulations.

4. A Call-In Telephonic Hearing Notice was issued on May 24, 2024 and scheduled a telephonic hearing for July 1, 2024, before Administrative Law Judge Emily DeVoe.

5. The Call-In Telephonic Hearing Notice specifically states: “**REPRESENTATION.** 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. Only an attorney may represent someone else.”

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

III. Corporate Status

7. Representation before the Commission is governed by the Commission’s regulations.² These regulations provide that “[i]n adversarial proceedings, partnerships, corporations, trusts, associations, agencies, political subdivisions and government entities shall be

² 52 Pa. Code §§ 1.21-1.23.

represented only by . . . an attorney.”³ An adversarial proceeding begins with the filing of an Answer.⁴

8. 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.⁵

9. 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).

10. 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.

³ 52 Pa. Code § 1.21.

⁴ 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).

⁵ *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).

11. At this point, the Company is required to incur the time and expense to prepare for a full evidentiary hearing without knowing if the Complainant will even be represented by counsel.

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

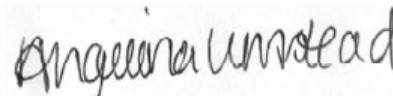
WHEREFORE, for the foregoing reasons, FirstEnergy Pennsylvania Electric Company, respectfully requests that the Commission:

a) Enter an order directing the Complainant to have a Pennsylvania licensed attorney enter an appearance on behalf of Nora Hospitality LLC 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 an appearance on behalf of Nora Hospitality LLC in compliance with any applicable order.

Dated: June 7, 2024

Respectfully submitted,



Angelina Umstead
Attorney No. 309615
FirstEnergy Service Company
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aumstead@firstenergycorp.com

Counsel for FirstEnergy Pennsylvania Electric
Company (Penn Power Rate District)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**NORA HISPITALITY LLC
D/B/A RED ROOF INN**

v.

**FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY**

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Docket No. C-2024-3047524

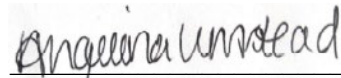
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Answer of FirstEnergy Pennsylvania Electric Company on behalf of its Penn Power Rate District to the Formal Complaint of Nora Hospitality LLC upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by electronic mail as follows:

Nora Hospitality LLC
I0079@@redroof.com

Dated: June 7, 2024



Angelina Umstead
FirstEnergy Service Company
76 South Main Street
Akron, OH 44308
(610) 921-6202
aumstead@firstenergycorp.com

Counsel for FirstEnergy Pennsylvania Electric
Company (Penn Power Rate District)