

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17120**

**Zimoras 1 Stop Beauty Bar**  
vs.  
**PECO Energy Company**

**Public Meeting held June 13, 2024**  
**3042217-ALJ**  
**Docket No. C-2023-3042217**

**STATEMENT OF VICE CHAIR KIMBERLY BARROW**

On August 14, 2023, Janice Thomas filed a Formal Complaint against PECO Energy Company (PECO) alleging incorrect charges, alleging that PECO is threatening to terminate service, and seeking a Commission-issued payment arrangement for utility service provided to Zimoras 1 Stop Beauty Bar (Beauty Bar), noting a small business hardship. PECO filed an Answer generally denying the allegations, noting that Beauty Bar is a commercial customer and required to be represented by counsel<sup>1</sup> as well as averring multiple facts regarding Beauty Bar's service account.

The Administrative Law Judge (ALJ) issued an Initial Call-in Telephonic Hearing Notice, a Prehearing Order, a Second Prehearing Order, and an Initial Hearing Notice rescheduling the telephonic hearing, all of which included the standard language regarding legal representation.<sup>2</sup> Additionally, the Second Prehearing Order,<sup>3</sup> issued on October 18, 2023, directed Ms. Thomas to have an attorney enter an appearance to represent Beauty Bar by November 14, 2023, and that failure to have an attorney enter an appearance may result in dismissal of the Formal Complaint. Ms. Thomas was granted a continuance to December 15, 2023, to secure counsel.

Ms. Thomas did not attend the telephonic hearing scheduled for January 9, 2024, and an attorney did not enter his/her appearance on behalf of Ms. Thomas. Accordingly, an Initial Decision was issued on April 24, 2024, dismissing the Formal Complaint with prejudice.

While I agree with the Initial Decision's dismissal of the Formal Complaint, I do not agree that it should be dismissed with prejudice. Also, I want to take this opportunity to highlight the Commission's Notice of Proposed Rulemaking at Docket No. L-2023-3041347 which sought comment on revisions to Sections 1.21 and 1.22 of the Commission's Regulations relating to

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<sup>1</sup> PECO argued that proceedings become adversarial when the respondent files an Answer, and that a complaint by a corporation will be dismissed for failure to be represented by an attorney in an adversarial proceeding. 52 Pa. Code §§ 1.8, 1.21(b), 1.22.

<sup>2</sup> The standard language is as follows:

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.

<sup>3</sup> Notably, the Second Prehearing Order referenced a Formal Complaint filed by Ms. Thomas in 2022, Docket No. C-2022-3030694, which was dismissed due to Ms. Thomas' failure to have an attorney enter his/her appearance on her behalf.

Appearance by an Attorney or Certified Legal Intern.<sup>4</sup> Consistent with my Motion,<sup>5</sup> I believe that a more permissive approach to representation for small business corporations or partnerships could better facilitate the ability of those entities to conduct business in Pennsylvania, and allow them to seek redress or address utility issues before the Commission. As shown in this matter, Ms. Thomas was unable to participate in the adjudication of her claim against PECO due to her ownership of a small business on two occasions. Notably, Ms. Thomas explained in her Formal Complaint that her small business was undergoing hardships and that she sought an affordable payment arrangement. It seems counter-productive to require small businesses who are struggling with their utility bills to incur the extra expense of legal counsel to seek a payment arrangement or litigate whether the bills rendered were accurate. The Commission should be promoting and encouraging small business owners to seek assistance or bring their utility claims to the Commission, not discourage by imposing additional monetary burdens.

**June 13, 2024**



**Kimberly Barrow, Vice Chair**

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<sup>4</sup> *Regulations Governing the Public Utility Commission's General Provisions, 52 Pa. Code Chapters 1, 3, and 5 (relating to Rules of Administrative Practice and Procedure; Special Provisions; and Formal Provisions)*, Docket No. L-2023-3041347 (Order entered December 20, 2023).

<sup>5</sup> *Regulations Governing the Public Utility Commission's General Provisions, 52 Pa. Code Chapters 1, 3, and 5 (relating to Rules of Administrative Practice and Procedure; Special Provisions; and Formal Provisions)*, Docket No. L-2023-3041347 (Order entered December 20, 2023)(Motion of Vice Chair Kimberly Barrow, dated November 9, 2023).