

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Carriage Manor LLC	:	
	:	
v.	:	C-2024-3048423
	:	
First Energy Pennsylvania	:	
Electric Company	:	

**INTERIM ORDER  
DIRECTING COMPLAINANT TO CAUSE COUNSEL TO ENTER APPEARANCE OR  
SHOW CAUSE WHY IT IS NOT REQUIRED TO BE REPRESENTED BY COUNSEL**

On April 15, 2024, Carriage Manor LLC d/b/a (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against the Penn Power Rate District of FirstEnergy Electric Company (FE PA, Penn Power, or Respondent), alleging FE PA was threatening to shut off or had already shut off service at 3102 Ellwood Road, New Castle, PA (service location) and requesting a payment arrangement. The Complaint was filled out and signed by Leah Laffey (Ms. Laffey), who identified herself as the “owner.” Ms. Laffey identified three different accounts involved in her Complaint – x1385, x0960, and x2233.

In the “other” box, Ms. Laffey explained, “I have had the business for 7 years and never had any issues. The Dept of Health closed my business of caring for the elderly last week and all my sources of revenue are gone. This was due to a mix up of paperwork and the new owner was not given 2 weeks to get his information in order.” Ms. Laffey further claimed that the total amount due for the three accounts is \$8,000. She requests she be put on a payment plan of \$800 per month for 10 months to void bankruptcy. She notes that Penn Power will have a new owner of the building in 60 days and he needs to have the electric on to complete renovations. Finally, she explains there are three elderly people in their late 80s still at the service location waiting to be placed in new homes and they need electric service.

On May 9, 2024, FE PA filed an Answer and New Matter to the Complaint. Respondent admitted it provides electric service to Complainant under two different accounts – x1385 and x0960. Respondent avers account x2233 is not in Complainant’s name.

Regarding account x1385, FE PA avers Complainant does not pay the monthly bills in full or by the due date. It avers late payment charges and a security deposit were lawfully billed and all bills were correct as rendered. As of April 20, 2024, the account balance was \$3,870.58. FE PA admits it sent a termination notice dated April 11, 2024, but that it stayed termination upon receipt of the instant Complaint.

Regarding account x0960, FE PA avers Complainant does not pay the monthly bills in full or by the due date. It avers late payment charges and a security deposit were lawfully billed and all bills were correct as rendered. As of April 20, 2024, the account balance was \$5,447.44. FE PA admits it sent a termination notice dated April 11, 2024, but that it stayed termination upon receipt of the instant Complaint.

Regarding account x2233, FE PA argues Complainant is not the customer for that account and lacks standing to file or to prosecute a complaint on the customer’s behalf.

In its New Matter, Respondent argues that under the Commission’s regulations, Complainant, as a corporation, must be represented by counsel. Further, as a non-residential customer, Complainant is ineligible for a PAR under the Commission’s regulations. Finally, FE PA argues Complainant lacks standing to file a complaint on behalf of the customer listed for account x2233.

The New Matter was accompanied by a Notice to Plead, which advised Complainant that, pursuant to the Commission’s regulations, it was required to file a response to the New Matter.

Complainant did not file a response.

On June 20, 2024, the Commission issued a Hearing Notice assigning this matter to me and scheduling an evidentiary hearing for July 30, 2024. The Hearing Notice reads, in pertinent part,

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.

*See* Hearing Notice, pg, 2.

On June 20, 2024, I issued a Prehearing Order, which reads, in pertinent part,

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 an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. And, unless you are an attorney, you may not represent someone else.

*See* Prehearing Order, pg. 4 (citations omitted).

The Commission’s 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).

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, 3005); *Snyderville*

*Community Development Corporation v. Philadelphia Gas Works*, Docket No. C-20055032 (Order entered July 31, 2006).

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).

Since FE PA has now filed an Answer in this proceeding, it is considered adversarial. In order to prosecute the Complaint, Complainant must cause counsel to enter an appearance on its behalf or show cause why it is not required by the Commission's regulations to be represented by counsel.

THEREFORE,

IT IS ORDERED:

1. That, by **July 19, 2024**, Carriage Manor LLC shall either: (1) cause its counsel to enter his or her appearance in accordance with the provisions of 52 Pa.Code § 1.24(b),

or (2) show cause why it is not required to be represented by counsel under the Commission's rules.

2. That the evidentiary hearing scheduled to be held on **July 30, 2024**, shall convene as scheduled.

3. That Complainant's failure to comply with Ordering Paragraph 1 may result in dismissal of the Complaint.

Date: June 21, 2024

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/s/  
Emily I. DeVoe  
Administrative Law Judge

**C-2024-3048423 - CARRIAGE MANOR LLC v. FIRSTENERGY PENNSYLVANIA  
ELECTRIC COMPANY**

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