

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Domenic Reda	:	
	:	
v.	:	C-2024-3047908
	:	
Philadelphia Gas Works	:	

INTERIM ORDER #1
DIRECTING COMPLAINANT TO HAVE AN ATTORNEY ENTER
THEIR APPEARANCE

This Order directs Complainant to have an attorney enter his or her appearance on behalf of the Estate of Orlando Bottiglieri **on or before July 26, 2024.**

Procedural History

On March 26, 2024, Domenic Reda (“Mr. Reda”) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (“Commission”) against Philadelphia Gas Works (“PGW”). In his Complaint, Mr. Reda indicated that his Complaint involves utility service provided to the Estate of Orlando Bottiglieri (“the Estate”). Mr. Reda identified himself as the administrator for the Estate. On the Complaint form, Mr. Reda checked the box “other” as reason for the Complaint, and stated the following:

PGW is billing the estate of Orlando Bottiglieri (1136 Mercy St. Phila.) for the use of gas by Squatters, that being Syreeta Slaughter who had no legal rite [sic] to enter property this is NOT a case of a rental agreement between renter and landlord.

Complaint ¶ 4. For relief, Mr. Reda stated, “[w]e seek relief of total cost and the lifting of liens and/or judgments against the property.” Complaint ¶ 5.

The Complaint was served on PGW on March 28, 2024.

On April 19, 2024, PGW filed an Answer admitting or denying the allegations of the Complaint. In its New Matter, properly endorsed with a Notice to Plead, PGW averred that there are outstanding liens on the Estate for gas service pursuant to the Municipal Claim and Tax Lien Law, and that the Commission has no jurisdiction over the filing or administration of liens that exist pursuant to the Municipal Claim and Tax Lien Law. PGW concluded its Answer with New Matter by requesting dismissal of the Complaint.

Also on April 19, 2024, PGW filed Preliminary Objections, properly endorsed with a Notice to Plead, to the Complaint. In its Preliminary Objections, PGW argued that the Commission lacks jurisdiction over the Complaint, pursuant to 52 Pa. Code § 5.101(a)(1), stating that Mr. Reda is challenging PGW's right to collect on municipal claims owed to PGW for gas service pursuant to the Municipal Claim and Tax Lien Law and that the Commission has repeatedly held that it does not have subject matter jurisdiction in cases involving a dispute over a municipal lien. PGW concluded its Preliminary Objections by requesting dismissal of the Complaint.

Mr. Reda did not file a Reply to PGW's New Matter nor an Answer to PGW's Preliminary Objections.

On May 29, 2024, the Commission issued a Motion Judge Assignment Notice, assigning me as Presiding Officer to this proceeding.

On June 24, 2024, I issued an Order sustaining in part, and denying in part, PGW's Preliminary Objections.

On June 25, 2024, a Hearing Notice was issued to the parties, scheduling this matter for an evidentiary hearing on August 8, 2024. Of relevance, the Hearing Notice states the following:

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.

June 25, 2024, Hearing Notice.

On June 26, 2024, a Prehearing Order was issued to the parties, providing the parties with the procedural rules that would govern the hearing. Of relevance, the Prehearing Order states the following:

7. **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*. And, unless you are an attorney, you may not represent someone else.

June 26, 2024, Prehearing Order.

Attorney Representation

The Complaint in this matter was filed by Mr. Reda on behalf of the Estate, as the Estate's administrator. Mr. Reda did not indicate that he was an attorney licensed to practice law in Pennsylvania, further, no attorney is listed on paragraph 10 of the Complaint titled "legal representation." Once PGW filed an Answer to the Complaint, this proceeding became adversarial in nature. See 52 Pa. Code § 1.8. The Commission's regulations require that persons in adversarial proceedings be represented by an attorney. See 52 Pa. Code § 1.21(b). It is well-settled in Commission practice that participation in a formal adversarial proceeding before the Commission constitutes the practice of law. See, e.g., *Lesley A. Scheaffer for Leslie W. Scheaffer v. Pa. Pub. Util. Comm'n*, Docket No. F-2016-2577647 (Opinion and Order entered

Apr. 3, 2018). As such, that participation is limited to those who either file as individuals and represent themselves or to attorneys who are representing others. *Id.*

Accordingly, upon the filing of the Answer in this matter, the Estate was required to be represented by an attorney. *See Daniel v. Phila. Gas Works*, Docket No. F-2019-3013371 (Initial Decision issued May 20, 2020; Final Order entered July 10, 2020) (estates must be represented by an attorney in adversarial proceedings before the Commission). The absence of an attorney where one is required deprives the Commission of jurisdiction to adjudicate the matter. *Adventure Alley CLC, LLC v. PECO Energy Co. and Great Am. Power*, Docket No. C-2014-2430850 (Final Order entered Nov. 25, 2014) (citing *McCain v. Curione, Pa. Bd. of Prob. and Parole*, 527 A.2d 591 (Pa. Cmwlth. 1987)).

Accordingly, this Order directs Mr. Reda to have an attorney enter his or her appearance on the Estate's behalf **on or before July 26, 2024**. Failure of Mr. Reda to comply with this Order will result in cancellation of the hearing and dismissal of the Complaint. *See, e.g., New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009); *Snyderville Cmty. Dev. Corp. v. Phila. Gas Works*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006) (citing *Treffinger v. PPL Elec. Util. Corp.*, Docket No. C-20027978 (Opinion and Order entered Mar. 3, 2003); *Franconia Mennonite Conf. v. Verizon Pa. Inc.*, Docket No. C-2010-2193709 (Order entered June 6, 2003).

ORDER

THEREFORE,

IT IS ORDERED:

1. That Domenic Reda shall have an attorney enter his or her appearance on behalf of the Estate of Orlando Bottiglieri in this proceeding on or before July 26, 2024.

**C-2024-3047908 - ORLANDO BOTTIGIERI C/O DOMENIC REDA v. PHILADELPHIA
GAS WORKS**

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