

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ya Davi LLC	:	
	:	C-2024-3048451
v.	:	
	:	
FirstEnergy Pennsylvania Electric Company	:	

**INTERIM ORDER ACCEPTING AVERMENTS AS DEEMED ADMITTED AND
CLOSING THE EVIDENTIARY RECORD**

Ya Davi LLC (Complainant) filed a Formal Complaint (Complaint) against FirstEnergy Pennsylvania Electric Company (Company or Respondent), on or about April 16, 2024, regarding electric service provided known or designated as 515 South Avenue, Bradford, PA 16701 (Service Address or Property). In the Complaint, Complainant disputes electric bills issued by Respondent and seeks a payment arrangement.

On May 6, 2024, Respondent filed an Answer which was accompanied by a Notice to Plead. In the New Matter, Respondent alleged, *inter alia*, that Complainant, as an LLC, needs to be represented in this proceeding by an attorney licensed to practice law in the Commonwealth of Pennsylvania; and that Prakash Patel, who signed the Formal Complaint and verification for Complainant is not an attorney and that Complainant has not caused an attorney to enter his appearance on behalf of Complainant.

On May 23, 2024, a Call-In Telephone Hearing Notice was issued scheduling the evidentiary hearing for July 1, 2024. The Notice also advised the Parties that provided, *inter alia*, 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 an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*.¹

On May 24, 2024, a prehearing order was entered in this proceeding that provided, *inter alia*, 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 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.

On June 10, 2024, Respondent filed a Motion to Dismiss, averring that Complainant is required to obtain legal representation and its failure to comply with this requirement should result in dismissal of the Formal Complaint without a hearing. A Notice to Plead was attached to the Motion permitting Complainant to file a responsive pleading by Monday, July 1, 2024. No responsive pleading was filed by Complainant.

The hearing convened as scheduled. Respondent appeared with legal counsel and a witness and indicated that Respondent was prepared to present its case. Prakash Patel appeared for Complainant without legal counsel and requested a continuance, stating that Complainant needed a few days to obtain counsel.

According to Sections 1.21 through 1.23 of the Pennsylvania Public Utility Code, if a party is an individual, he or she may represent him or herself, or the individual may be represented by an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *Pro Hac Vice*. However, if a party is not an individual, such as a partnership, limited

¹ 52 Pa. Code §§ 1.21 & 1.22.

² 52 Pa. Code §§ 1.21 & 1.22.

liability company, corporation, trust, association, or governmental agency or subdivision, the party must have an attorney licensed to practice law in the Commonwealth of Pennsylvania or admitted *Pro Hac Vice* to represent the party at the hearing. If a party is not an individual, and the party is not represented by an attorney, the party is not permitted to participate in the hearing.

On July 1, 2024, an Interim Order was entered extending the deadline for Complainant, Ya Davi LLC to obtain legal counsel and to cause a notice of appearance with the Commission Secretary and serve a responsive pleading to the Motion To Dismiss filed by Respondent, to July 12, 2024. The Interim Order further provided that the failure of Complainant to cause legal counsel to enter his or her appearance for Complainant by July 12, 2024, consistent with the terms set forth in the Order, may result in all of the factual averments set forth in the Motion To Dismiss being deemed admitted and a decision being entered against the Complainant, and in favor of the Respondent, without a hearing or further notice in this proceeding.

Complainant did not file a responsive pleading to Respondent's Motion to Dismiss the Complaint or cause a notice of appearance to be filed by legal counsel. Complainant did not request a further extension to the deadline of July 12, 2024. In addition, Complainant did not comply with the terms of the July 1, 2024, Interim Order. Further, the averments of fact set forth in Respondent's Motion to Dismiss will be deemed admitted and the Motion to Dismiss will be treated as a Motion for Judgment on the Pleadings (MJOP) seeking dismissal of the Complaint.

The MJOP is ripe for decision and the evidentiary record will be closed.

THEREFORE,

IT IS ORDERED:

1. That the averments of fact set forth in Respondent's Motion to Dismiss will be deemed admitted.
2. That the Motion to Dismiss filed by Respondent will be treated as a Motion for Judgment on the Pleadings seeking dismissal of the Complaint.
evidentiary record at Docket Number A-2022-3036737 is closed.
3. That the evidentiary record at Docket No. C-2024-3048451 is closed.
4. That an Initial Decision will be issued in this proceeding.

Date: July 23, 2024

_____/s/
Jeffrey A. Watson
Administrative Law Judge

C-2024-3048451 - YA DAVI LLC v. FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY

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