

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Chelsea Page	:	
	:	
v.	:	C-2024-3049321
	:	
Duquesne Light Company	:	

**INTERIM ORDER JOINING INDISPENSIBLE PARTY
DISMISSING PRELIMINARY OBJECTION AND
REFERRING COMPLAINT TO MEDIATION**

On May 30, 2024, Chelsea Page (Complainant) filed a formal complaint against Duquesne Light Company, checking the boxes noting that the utility threatened to shut off Complainant’s service and there were incorrect charges on the bill. In narrative, Complainant notes that in response to the shut off notice the Complainant had conversations with Duquesne Light wherein the Complainant learned that there were charges from NRG on the Complainant’s account and that Complainant had never authorized NRG to provide service.

On June 20, 2024, Duquesne Light filed an answer and new matter to the complaint. Duquesne Light notes that between February 2, 2023 until December 7, 2023, Complainant received electric generation supply from Reliant Energy Northeast LLC d/b/a NRG Retail Solutions (NRG). Duquesne Light denied any violation of statute or regulation regarding its billing and termination procedures in regard to Complainant’s account.

Duquesne Light also filed preliminary objections which seek dismissal of the complaint because the Complainant failed to join NRG as an indispensable party. Complainant did not file a response to the preliminary objection.

By notice dated July 25, 2024, the Office of Administrative Law Judge assigned the preliminary objection to me for disposition.

In Pennsylvania, “an indispensable party is one whose rights are so directly connected with and affected by litigation that he must be a party of record to protect such rights, and his absence renders any order or decree of court null and void for want of jurisdiction.”¹ Failure to join an indispensable party goes to the court’s jurisdiction and, if not raised by the parties, should be raised *sua sponte*.² The Pennsylvania Supreme Court has established that “the basic inquiry in determining whether a party is indispensable concerns whether justice can be done in the absence of a third party. In order to make the analysis, however, one must refer to the nature of the claim and the relief sought.”³

Based on the current record, NRG is an indispensable party to this action. This complaint presents issues regarding switching suppliers, notice of termination of service, and customer service. That is, a decision based upon the complaint in this case involves a determination of whether the account was properly billed, whether termination notices were properly given, whether customer service was appropriately provided, and whether there was an error in switching or failing to switch suppliers. The relief sought by Complainant necessarily involves NRG, and may also involve Duquesne Light as well. NRG’s interests are essential to the merits of the case.

It is not appropriate to dismiss the complaint on the ground that Complainant, who is self represented, failed to specifically name NRG as a respondent to her complaint. However, I will *sua sponte* join NRG as an indispensable party to the complaint and shall direct that the Secretary’s Bureau serve the complaint upon NRG. NRG shall be given twenty days

¹ Columbia Gas Transmission Corp. v. Diamond Fuel Co., 346 A.2d 788, 789 (Pa. 1975).

² Posel v. Redevelopment Authority of Philadelphia, 456 A.2d 243 (Pa. Cmwlth.1983).

³ Cry, Inc. v. Mill Service, Inc., 640 A.2d 372, 375-76 (Pa. 1994).

from the date of service within which time to file an answer to said complaint. Meanwhile, this matter shall be referred to the Office of Administrative Law Judge's Mediation Unit for review and I encourage the parties to discuss settlement of the issues.

The basis for Duquesne Light's preliminary objection is the Complainant's failure to join NRG. As I am directing the joinder of NRG as a party to this complaint, Duquesne Light's preliminary objections are now moot.⁴

ORDER

THEREFORE,

IT IS ORDERED:

1. That Reliant Energy Northeast LLC d/b/a NRG Retail Solutions is hereby joined to C-2024-3049321, as an additional Respondent to this proceeding and shall be included in service lists and the caption of this proceeding.
2. That the parties shall serve Reliant Energy Northeast LLC d/b/a NRG Retail Solutions with all future filings in this matter.
3. That the Secretary's Bureau is directed to serve a copy of the Complaint upon Reliant Energy Northeast LLC d/b/a NRG Retail Solutions.

⁴ In other complaint proceedings before the Commission, it is not uncommon for the distribution utility to simply file a motion to join a supplier as an indispensable party, rather than requiring a self-represented consumer to respond to a motion on a technical point of procedure. See also *Dennis v. Metropolitan Edison Co.*, Docket F-2022-3034485 (Opinion and Order entered June 28, 2023) (noting on remand that energy suppliers should have been joined as indispensable parties by the administrative law judge).

4. That Duquesne Light Company shall serve a copy of its pleadings filed to date upon Reliant Energy Northeast LLC d/b/a NRG Retail Solutions with a certificate of service.

5. That Reliant Energy Northeast LLC d/b/a NRG Retail Solutions shall have twenty days (20) from the date of service of the New Matter of Energy Service Providers, Inc. d/b/a Pennsylvania Gas & Electric Complaint within which time to answer the New Matter.

6. That the complaint filed by Complainant at Docket No. C-2024-3049321 be referred to the Commission's Mediation Unit for mediation review

Date: 7/30/2024

_____/s/
Mary D Long
Administrative Law Judge

C-2024-3049321 - CHELSEA PAGE v. DUQUESNE LIGHT COMPANY

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