

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Potoka Trucking	:	
	:	
v.	:	C-2024-3049031
	:	
FirstEnergy Pennsylvania Electric Company	:	

INTERIM ORDER GRANTING REQUEST FOR CONTINUANCE

On May 15, 2024, Potoka Trucking (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against FirstEnergy Pennsylvania Electric Company (FE PA, Company or Respondent). Complainant checked the boxes on the Complaint form stating that it would like a payment arrangement. Complainant also claimed that it was being charged the incorrect rate by FE PA.

By Hearing Notice dated July 23, 2024, an Initial Call-In Telephonic Hearing was scheduled for October 3, 2024, at 10:00 a.m. and the matter was assigned to me.

On July 25, 2023, Respondent filed a Motion to Dismiss alleging that the Complaint should be dismissed because an attorney had not yet entered an appearance on behalf of the Complainant.

On October 1, 2023, Complainant emailed me requesting to reschedule the October 3, 2023 hearing. Complainant stated that it was unaware it needed an attorney for the hearing and is in the process of attaining one. I forwarded the email to FE PA's attorney.

On October 2, 2023, Respondent replied, objecting to the continuance request. FE PA alleged that the request does not constitute good cause.

Instead of filing a motion for continuance, Complainant sent its request via email. An error or defect of procedure which does not affect the substantive rights of the parties may be disregarded. 52 Pa. Code § 1.2(a). While Section 5.571(a) of the Commission's regulations requires a petition to be filed with the Commission and served on the parties, allowing Complainant's email to stand in lieu of filing a formal motion with the Commission would not affect the substantive rights of the parties.

I disagree with FE PA's assertion that the continuance request does not constitute good cause. Whether Complainant has an attorney present or not has a direct bearing on whether it can participate in the hearing and have its grievances heard.¹ Therefore, Complainant should be given one last chance to secure one. Since this matter has not been continued previously, the continuance request will be granted.

The hearing in this matter will be rescheduled to Tuesday, November 12, 2024 at 10:00 a.m. However, if Potoka Trucking does not cause an attorney to enter an appearance on its behalf on or before Monday, November 4, 2024, the November 12, 2024, hearing will be cancelled, and this matter will be dismissed.

THEREFORE,

IT IS ORDERED:

1. That the request for a continuance filed by the Complainant, Potoka Trucking, in the above-captioned case is granted;

¹ The Commission's regulations provide that only an individual may represent themselves. 52 Pa. Code § 1.22(a). 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*. 52 Pa. Code §§ 1.21, 1.22. These regulations are consistent with the rules of the Pennsylvania Supreme Court and may not be waived. *Smaha v. Landy*, 638 A.2d 392 (Pa. Cmwlth. 1994). Accordingly, in order to participate further in these proceedings, Potoka Trucking, must be represented by counsel licensed to practice law in the Commonwealth or admitted *pro hac vice*. *Cars R Us c/o Holman Copeland v. Phila. Gas Works*, Docket No. C-2008-2033437 (Opinion and Order entered Feb. 4, 2010).

2. That a Cancellation and Rescheduling Notice will be served rescheduling this matter, rescheduling the hearing to November 12, 2024 at 10:00 a.m.

3. That Complainant, Potoka Trucking, shall cause an attorney to enter an appearance in accordance with 52 Pa. Code §§ 1.21-1.25, on or before **November 4, 2024**.

4. **That failure to cause an attorney to enter an appearance as set forth in Paragraph 4 will result in the dismissal of the complaint in its entirety.**

Date: October 2, 2024

/s/
Michael J. Mroczka
Special Agent

**C-2024-3049031 - POTOKA TRUCKING v. FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY**

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