

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Anna Marie Davis	:	
	:	
v.	:	C-2024-3050994
	:	
PPL Electric Utilities Corporation	:	

**ORDER  
DIRECTING ATTORNEY APPEARANCE ON BEHALF OF THE COMPLAINANT**

*Procedural Background*

On August 30, 2024, Anna Marie Davis filed a Formal Complaint against PPL Electric Utilities Corporation (PPL or Company) with the Pennsylvania Public Utility Commission (Commission or PUC). In her Complaint, Ms. Davis requested a Commission payment arrangement. She also indicated that she was represented by counsel, M. Jacqueline Gross, Esquire. (Complaint ¶10).

On September 23, 2024, the Company timely filed an Answer. Through its Answer, the Company admitted that it issued a non-residential termination notice to the Complainant on July 22, 2024, but service has not been terminated since the filing of the Complaint. The Company also averred that the account at issue is a commercial account for the restaurant Annie’s Farmhouse Bar & Grill. (Answer ¶ 4).

On October 2, 2024, a Hearing Notice was issued scheduling a telephone hearing for December 4, 2024. On October 6, 2024, a Prehearing Order was issued advising the parties of various procedures that would govern the hearing. On November 20, 2024, I granted the Company’s request to continue the hearing because Attorney Gross had indicated to the Company’s counsel that she may not be representing the Complainant since it involved a commercial account.

By Hearing Notice dated November 25, 2024, the December hearing was continued and rescheduled for January 15, 2025, at 10:00 a.m.<sup>1</sup>

On January 8, 2025, attorney Gross emailed me, copying the Company and Ms. Davis, that she does not represent Ms. Davis on this matter.<sup>2</sup> By Hearing Notice dated and issued on January 9, 2025, the hearing scheduled for January 15, 2025, was converted to a prehearing conference. I advised the parties via email that at this conference we would discuss whether Ms. Davis needs attorney representation and if so, whether she intends to obtain counsel. Although it was clear that the account at issue concerned a commercial account for Annie's Farmhouse Bar & Grill, I noted that the record was unclear how the business was organized, whether, for example, as a corporation, limited liability company (LLC), partnership, or sole proprietorship.

As explained in the Hearing Notices and Prehearing Order served on Ms. Davis, an individual may represent him or herself or be represented by an attorney, but all others including a partnership, corporation, LLC, trust, or association must be represented by an attorney.<sup>3</sup> A sole proprietor stands in the same position as an individual. *BIE v. Ruffo*, No. A-00122379 (Opinion and Order entered Jan. 24, 2013); 52 Pa. Code §§ 1.21-1.23. The absence of an attorney where one is required deprives the forum of jurisdiction to adjudicate the matter. *Adventure Alley CLC, LLC v. PECO Energy Co.*, No. C-2014-2430850 (Final Order entered November 25, 2014) (*citing McCain v. Curione, Pa. Bd of Prob. & Parole*, 527 A.2d 591 (Pa. Cmwlth. 1987)).

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<sup>1</sup> A corrected Hearing Notice was issued the following day on November 26, 2024, which corrected minor typographical errors. The date and time of the Hearing, January 15, 2025, at 10:00 a.m., as well as the call-in information, remained the same as the previous Notice.

<sup>2</sup> There was no need for Attorney Gross to withdraw her appearance, as she never entered her appearance on behalf of the Complainant.

<sup>3</sup> See Hearing Notices at 2, Prehearing Order ¶ 7.

### Prehearing Conference

The Prehearing Conference convened on January 15, 2025, at 10:00 a.m., as scheduled. Alice A. Wade, Esquire, appeared on behalf of the Company. Ms. Davis did not appear. Therefore, the conference proceeded in Ms. Davis' absence. At this conference, attorney Wade stated that her research showed that Annie's Farmhouse & Grill was organized as an LLC by Ms. Davis in 2022, with the same address at the account at issue, and with an entity number ending in \*9504.<sup>4</sup>

Using the Complaint form made available by the PUC for the convenience of customers wishing to file a complaint against a public utility, Ms. Davis selected the option that she wanted to be served all documents from the PUC, including all hearing notices, orders and related documents, by eService. (Complaint ¶ 9). The PUC's docketing system shows that eService to Ms. Davis of the Notice of the prehearing conference was successful. Ms. Davis has not contacted me or the Office of Administrative Law Judge to explain why her absence was unavoidable.

Failure to appear at a prehearing conference where the record does not reflect why the absence was unavoidable, as in the instant case, has been held by the Commission as grounds to dismiss the Complaint. *See, e.g., Chenosky v. Met-Ed Co.*, No. C-201803007622 (Opinion and Order entered Sept. 12, 2024) (dismissal on grounds that the complainant did not appear for a prehearing conference, or explain why appearance was unavoidable). However, in the instant case, Ms. Davis will be given an opportunity to obtain counsel, since there appears there was some effort by Ms. Davis to obtain counsel, albeit unsuccessfully.

Accordingly, in the Ordering Paragraphs below, Ms. Davis will be given approximately three weeks, or until February 7, 2025, to have an attorney enter an appearance on her behalf. Further, the Complainant is also advised that the Commission has long held that failure to comply with an order issued by an administrative law judge warrants dismissal of the

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<sup>4</sup> See <https://file.dos.pa.gov/search/business> (last visited 1/15/2025).

complaint without a hearing. *See, e.g., New Fizon Catering, Inc. v. PECO Energy Co.*, No. C-2008-2065498 (Opinion and Order entered June 24, 2009).

THEREFORE,

IT IS ORDERED:

1. That the Complainant, Ms. Anna Marie Davis, shall cause an attorney to enter an appearance on behalf of the account at issue, Annie's Farmhouse Bar & Grill, no later than February 7, 2025.

2. That the failure of Ms. Davis to cause an attorney to enter an appearance as set forth above will result in the dismissal of the Complaint in its entirety without a hearing.

Date: January 17, 2025

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/s/  
Gail M. Chiodo  
Administrative Law Judge

**C-2024-3050994 - ANNA DAVIS v. PPL ELECTRIC UTILITIES CORPORATION**

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