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January 29, 2025

VIA E-FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

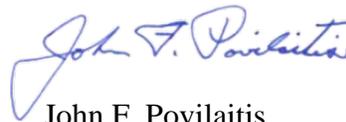
Re: Clovernote Holdings LLC v. Hudson Energy Services and Duquesne Light Company
Docket No. F-2024-3048157

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Motion to Dismiss of Hudson Energy Services LLC in the above-captioned proceeding.

Copies are being served in accordance with the attached Certificate of Service. Please contact me with any questions or concerns.

Respectfully submitted,



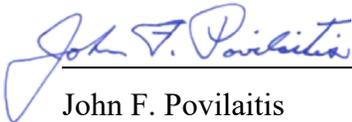
John F. Povilaitis

JFP/psm
Enclosure
cc: Certificate of Service

Special Agent Michael Mroczka
Commonwealth of Pennsylvania
Pennsylvania Public Utility
Commission Office of
Administrative Judge
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Counsel for Duquesne Light Company

Dated: January 29, 2025



John F. Povilaitis

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Clovernote Holdings, LLC	:	
	:	
v.	:	Docket No: F-2024-3048157
	:	
Hudson Energy Services, LLC and	:	
Duquesne Light Company	:	

MOTION TO DISMISS FORMAL COMPLAINT

TO SPECIAL AGENT MICHAEL J. MROCZKA:

Pursuant to 52 Pa. Code § 5.103, Hudson Energy Services LLC (“Hudson”) by and through their attorneys, John F. Povilaitis, Alan M. Seltzer and Buchanan Ingersoll and Rooney PC, move the Pennsylvania Public Utility Commission (“Commission”) and Special Agent Michael J. Mroczka (“Special Agent”) for the entry of an order dismissing the Formal Complaint filed by Clovernote Holdings LLC (“Clovernote” or “Complainant”) for failure to comply with the rules and procedures of the Commission, specifically, failure to comply with the Commission’s regulations, its precedents and an Order of the Special Agent. In support of this Motion to Dismiss, Hudson states as follows:

I. INTRODUCTION AND PROCEDURAL HISTORY

1. This matter commenced on March 13, 2024, when Clovernote filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) against Hudson alleging incorrect charges on its bill. An Initial Call-In Telephonic Hearing was scheduled for July 24, 2024, at 10:00 a.m. and the matter was assigned to the Special Agent. Hudson filed a request for additional time to file an Answer. This extension was granted by Secretarial Letter on May 29, 2024. Hudson also requested a continuance of the July 24, 2024, hearing, which was granted. Subsequently, a hearing was rescheduled for September 11, 2024.

2. On June 12, 2024, Hudson filed an Answer and New Matter to the Complaint which *inter alia* denied the material allegations in the Complaint. In its New Matter, Hudson claimed that Clovernote, as a business entity and not an individual, was required to be represented in the Complaint by counsel. Clovernote did not respond to Hudson’s Notice to Plead and did not Answer Hudson’s New Matter. Therefore, pursuant to Section 5.63 of the Commission’s regulations, Clovernote failed to timely reply to Hudson’s New Matter. Clovernote is therefore in default and the relevant facts in the New Matter may be deemed to be admitted. 52 Pa. Code § 5.63.

3. On August 23, 2024, Mr. Robert Eckenrode, on behalf of Clovernote emailed the Special Agent requesting: 1) a continuance of the hearing, and 2) that Duquesne Light Company (“Duquesne”) be “called in to court with the PAPUC to justify their numbers that they suggested.” The Special Agent queried the Parties as to whether Duquesne was an indispensable Party and advised Mr. Eckenrode that he must have an attorney enter an appearance on Clovernote’s behalf, citing Sections 1.21 and 1.22(a) of the Commission’s regulations. 52 Pa. Code §§ 1.21, 1.22(a). On August 30, 2024, counsel for Hudson advised the Special Agent that it did not object to Duquesne being added as an indispensable Party to the Complaint. In his Order of September 9, 2024, the Special Agent directed Clovernote to have counsel enter an appearance on its behalf in this Complaint matter. *Interim Order Joining an Indispensable Party, Granting Request for Continuance, and Requiring Complainant to Cause an Attorney to Enter an Appearance on its Behalf* at 2 (“*Interim Order*”).

4. As of the date of this Motion, no attorney has entered an appearance at this docket to represent Clovernote.

II. LEGAL STANDARDS AND ARGUMENT

5. As explained in *Application of King Cab LLC for Approval to Provide Taxi Service Between Points in Dauphin, Cumberland and Lancaster Counties*, Docket No. A-2015-2514005

(Order entered August 8, 2016), “[a]lthough the Commission’s regulations do not specifically provide for a motion to dismiss, Section 5.103 allows ‘a request may be made by motion for relief desired.’” Pursuant to Commission regulations, a “motion must set for the ruling or relief sought, and state the grounds therefore and the statutory or other authority upon which it relies.” 52 Pa. Code § 5.103(a).

6. Hudson’s New Matter provided notice to Clovernote that no counsel had entered an appearance on its behalf and that it was required to obtain counsel in order to proceed with its Complaint. In addition, the Special Agent in his Order of September 9, 2024, directed Clovernote to “cause an attorney to enter their appearance on its behalf.” *Interim Order* at 2. Pursuant to Section 5.63 of the Commission’s regulations, Clovernote’s need for counsel may be deemed admitted. 52 Pa. Code § 5.63.

7. A substantial period of time has passed since Clovernote was directed to obtain counsel. Clovernote’s failure to respond to Hudson’s New Matter or to respond to the Special Agent’s directive to obtain counsel has required Hudson to incur the time and expense of filing this Motion to Dismiss.

8. Accordingly, Hudson respectfully requests that the Special Agent enter an Order dismissing Clovernote’s Complaint, with prejudice, because such dismissal is in accordance with the law and will conserve the Commission’s and the Parties’ further expenditure of resources. The Complaint’s noncompliance with the applicable rules of the Commission is flagrant, prejudicial and warrants the entry of an order dismissing the Complaint with prejudice, to avoid further cost to the Commission and the Parties.

9. A business entity must be represented by counsel at all stages of a Commission contested proceeding because such an entity may not represent itself. *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Order entered June 24, 2009); *Cars R Us v.*

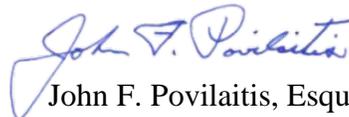
Philadelphia Gas Works, Docket No. C-2008-2033437 (Order entered February 4, 2020); *Torino Inc. v. PECO Energy Co.*, Docket No. C-2008-2034595 (Order entered February 2, 2010. A limited liability corporation is required under Pennsylvania law to obtain legal counsel in a Commission proceeding. *Adventure Alley CLC, LLC v. PECO Energy Co. and Great American Power*, Docket No. C-2014-2430850 (ALJ Order entered August 21, 2014, *affirmed by Commission*, November 25, 2014). Moreover, parties must comply with the orders of an administrative law judge and a complainant's failure to do so is a sufficient basis to support dismissal of the matter. *Application of Empire Ambulance, Inc.*, Docket No. A-2011-2278221 (ALJ Initial Decision dated May 8, 2012), citing *Snyderville Community Development Corp. v. Philadelphia Gas Works*, Docket No. C-20055032 (Final Order entered July 31, 2006).

III. CONCLUSION

For the reasons set forth above, Hudson respectfully requests that the Special Agent enter an Order dismissing the Formal Complaint of Clovernote Holdings, LLC, with prejudice, and grant such further relief as is just and reasonable.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY, P.C.



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Alan M. Seltzer, Esquire
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Harrisburg, PA 17101-1357

Attorneys for Hudson Energy Services LLC

Dated: January 29, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Clovernote Holdings, LLC	:	
	:	
v.	:	Docket No: F-2024-3048157
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CERTIFICATE OF SERVICE

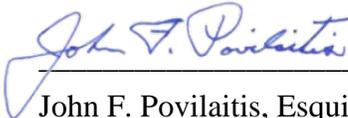
I hereby certify that this day I served a copy of the foregoing document upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54.

Robert Eckenrode
Clovernote Holdings LLC
P.O. Box 13282
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Via First Class Mail and Email
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Special Agent Michael Mroczka
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Pennsylvania Public Utility Commission
Office of Administrative Judge
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Date: January 29, 2025



John F. Povilaitis, Esquire