

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

AILBF Hospitality, LL	:	
	:	
v.	:	C-2024-3051511
	:	
Columbia Gas of Pennsylvania	:	
nTherm, LLC	:	

CONTINUANCE ORDER

On October 3, 2024, AILBF Hospitality LLC (AILBF Hospitality or Complainant) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against Columbia Gas of Pennsylvania (Columbia Gas) and nTherm, LLC (nTherm) at Docket No. C-2024-3051511. The Complaint was verified by Sameer Ailawadi as Member of AILBF Hospitality. Mr. Ailawadi alleged there are incorrect charges on Complainant’s bill. Specifically, Mr. Ailawadi alleges that nTherm put itself as Complainant’s supplier without authorization. As relief, Mr. Ailawadi requests that nTherm reimburse AILBF Hospitality for the amounts nTherm billed Complainant through Columbia Gas.

On October 23, 2024, Columbia Gas filed an answer to AILBF Hospitality’s Complaint. Columbia Gas denied there are incorrect charges on Complainant’s bill. Columbia Gas avers that Complainant is a Pennsylvania Limited Liability Company and is being billed at a commercial rate. Columbia Gas also averred that, to the best of its knowledge and belief, nTherm’s charges were properly billed on behalf of nTherm for natural gas supply after notice of Complainant’s choice of nTherm as a natural gas supplier was provided to Columbia Gas on May 11, 2023.

On December 5, 2024, the Commission issued an initial telephonic hearing notice setting a formal call-in telephonic hearing for this matter for Wednesday, February 19, 2025 at 10:00 a.m. and assigned me as the presiding officer. In anticipation of that hearing, I issued a

prehearing order on December 6, 2024 setting forth various rules that would govern that proceeding. The prehearing order noted that non-individuals must be represented by an attorney.

On January 7, 2025, the Commission issued a corrected initial telephonic hearing notice, and on January 8, 2025, I issued a corrected prehearing order. The corrected hearing notice and corrected prehearing order were identical to the previously issued hearing notice and prehearing order but provided updated conference and pin numbers.

On January 27, 2025, nTherm filed an answer and new matter to AILBF Hospitality's Complaint, which included a notice to plead. NTherm denies that Complainant was enrolled without authorization. NTherm avers that Complainant was billed at all times in full accordance with the terms of its natural gas supply. NTherm's new matter asserts that Complainant must be represented by an attorney; that enrollment was conducted by an individual who identified themselves as being authorized to complete the enrollment on behalf of Complainant; that, upon information and belief, the Complainant's utility also mailed the Complainant a letter to inform the Complainant about the change in supplier; nTherm billed the Complainant in full accordance with the terms of the agreed upon energy supply contract; and that nTherm's charges for natural gas supply were reflected on the Complainant's utility bill each month.

Complainant did not file an answer to nTherm's new matter.

On February 10, 2025, counsel for nTherm e-mailed the undersigned, Mr. Ailawadi, and counsel for Columbia Gas, requesting that the February 19, 2025 hearing be postponed or converted to a prehearing conference because an attorney had not yet entered an appearance on behalf of Complainant. Counsel for nTherm indicated that counsel for Columbia Gas agreed with the request. On February 11, 2025, Mr. Ailawadi responded by e-mail, stating that he agreed with counsel for nTherm's request for a postponement because he would not be able to have an attorney available by the February 19, 2025 hearing. On February 11, 2025, I responded by e-mail to the parties, stating that the February 19, 2025 hearing would be continued and would be rescheduled if AILBF Hospitality has an attorney enter an appearance on its

behalf. I also stated that the Complaint may be dismissed if an attorney does not enter its appearance on behalf of AILBF Hospitality. The purpose of this order is to memorialize the continuance and provide further instructions for AILBF Hospitality if it wishes to pursue its Formal Complaint.

Section 5.483 of the Commission's regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa.Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa.Code § 5.485(a). Furthermore, the Commission's regulations are to be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties. 52 Pa.Code § 1.2(a).

On February 10, 2025, counsel for nTherm sent an e-mail to the undersigned and parties requesting a postponement (i.e., continuance), or conversion of the February 19, 2025 hearing to a prehearing conference. In this case, there is good cause to continue the February 19, 2025 hearing. The Complaint regards service provided to an LLC, and the Commission requires an LLC, i.e., AILBF Hospitality, to be represented by counsel in an adversarial proceeding. 52 Pa.Code § 1.21; *see Pa. Pub. Util. Comm'n v. Harrisburg City Cab, Inc., t/d/b/a Harrisburg City Cab & Liberty Cab*, Docket No. C-2019-3015167 (Opinion and Order entered July 6, 2020); *Cars R Us c/o Holman Copeland v. Phila. Gas Works*, Docket No. C-2008-2033437 (Opinion and Order entered February 4, 2010); *Torino Inc. v. PECO Energy Co.*, Docket No. C-2008-2034595 (Opinion and Order entered February 2, 2010); *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket Nos. C-2008-2065498 & C-2008-2079076 (Order entered June 24, 2009).

Without counsel, AILBF Hospitality will be unable to pursue its Complaint against Columbia Gas or NTherm at a formal evidentiary hearing. Therefore, AILBF Hospitality is ordered to have an attorney enter his or her appearance on its behalf to pursue the Complaint at a formal evidentiary hearing.¹ Additionally, although the request for a continuance was not presented as a motion, the Commission's regulations are to be liberally construed to secure the

¹ Representation before the Commission is governed by 52 Pa. Code §§ 1.21-1.27.

**C-2024-3051511 - AILBF HOSPITALITY LLC v. COLUMBIA GAS OF PENNSYLVANIA
INC AND N THERM LLC**

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Served via eService February 14, 2025

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