

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Darryl Shawfield c/o Donna L. Shawfield Bennett	:	
	:	
v.	:	F-2024-3052032
	:	
Duquesne Light Company	:	

INTERIM ORDER #1

This Order directs Ms. Shawfield Bennett to have an attorney enter his or her appearance on behalf of the Trust of Darryl Shawfield **on or before April 3, 2025.**

HISTORY OF THE PROCEEDINGS

On November 8, 2024, Donna L. Shawfield Bennett (“Ms. Shawfield Bennett”) filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) against Duquesne Light Company (“Duquesne”) concerning utility service provided to Darryl S. Shawfield. Complainant identified herself as the “Trustee for Darryl S. Shawfield.” Complaint ¶ 1. The Complaint concerns allegations that there are mystery charges on the Darryl Shawfield account and that the account was not properly credited for payments made.

On November 14, 2024, Ms. Shawfield Bennett filed a document with the Commission titled “Additional Info to Formal Complaint,” wherein she goes into additional detail concerning misapplied payments to the account in question.

On November 27, 2024, Duquesne filed an Answer to the Complaint, admitting or denying the allegations in the Complaint. Duquesne in its Answer noted that the account in question is in the name of Darryl Shawfield and that Ms. Shawfield Bennett is an authorized user on the account. Duquesne specifically denied that there were mystery charges on the account in

question and that the account was not properly credited for payments made. Duquesne concluded its Answer by requesting that the Complaint be denied.

Also on November 27, 2024, Duquesne filed Preliminary Objections to the Complaint.

On December 27, 2024, the Commission issued a Motion Judge Assignment Notice assigning me as Presiding Officer over this proceeding.

On December 31, 2024, Ms. Shawfield Bennett filed a Letter with the Commission, wherein she stated that her husband recently passed away, and that she wished to be given the month of January to get her affairs in order before continuing with further proceedings.

On February 3, 2025, the Commission issued my Order Granting Preliminary Objections. The Order did not dispose of the Complaint in its entirety. Thus on the same date, a Hearing Notice was issued to the parties scheduling this matter for an evidentiary hearing on April 17, 2025. Of relevance, the Hearing Notice states the following:

REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. Only an attorney may represent someone else.

February 3, 2025, Hearing Notice.

On February 5, 2025, a Prehearing Order was issued to the parties, providing the parties with the procedural rules that would govern the hearing. Of relevance, the Prehearing Order states the following:

8. REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. And, unless you are an attorney, you may not represent someone else.

February 5, 2025, Prehearing Order.

Attorney Representation

This proceeding was initiated through the filing of a Formal Complaint in this matter by Ms. Shawfield Bennett, as trustee of the Darryl S. Shawfield trust. Once Duquesne filed an Answer to the Complaint, this proceeding became adversarial in nature. *See* 52 Pa. Code § 1.8 (“adversarial proceeding”). The Commission’s regulations require that persons in adversarial proceedings be represented by an attorney. *See* 52 Pa. Code § 1.21(b). The Commission’s regulations define a “person” as a term that includes individuals, corporations, partnerships, associations, joint ventures, other business organizations, *trusts*, trustees, legal representatives, receivers, agencies, governmental entities, municipalities, municipal corporations or other political subdivisions. *See* 52 Pa. Code § 1.8 (“person”).

Accordingly, upon the filing of the Answer in this matter, the Darryl S. Shawfield trust was required to be represented by an attorney. I note that Ms. Shawfield Bennet being an authorized user on the Darryl Shawfield account, as asserted by Duquesne in its Answer, does not allow her to represent the trust in this adversarial proceeding. Ms. Shawfield Bennett did not indicate that she was an attorney licensed to practice law in Pennsylvania, further, no attorney is listed on paragraph 10 of the Complaint titled “legal representation.” The absence of an attorney where one is required deprives the Commission of jurisdiction to adjudicate the matter. *Adventure Alley CLC, LLC v. PECO Energy Co. and Great Am. Power*, Docket No. C-2014-2430850 (Final Order entered Nov. 25, 2014) (citing *McCain v. Curione, Pa. Bd. of Prob. and Parole*, 527 A.2d 591 (Pa. Cmwlth. 1987)). I note that Duquesne did not raise this issue in its Preliminary Objections, however, an issue of subject matter jurisdiction may be raised at any stage of a proceeding by a party or *sua sponte* by the presiding officer or by the Commission. *Blackwell v. State Ethics Comm’n*, 567 A.2d 630 (Pa. 1989).

Accordingly, this Order directs an attorney enter his or her appearance on behalf of the trust **on or before April 3, 2025**. Failure to comply with this Order will result in cancellation of the hearing and dismissal of the Complaint. *See, e.g., New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009); *Snyderville Cmty. Dev. Corp. v. Phila. Gas Works*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006) (citing *Treffinger v. PPL Elec. Util. Corp.*, Docket No. C-20027978 (Opinion and Order entered Mar. 3, 2003); *Franconia Mennonite Conf. v. Verizon Pa. Inc.*, Docket No. C-2010-2193709 (Order entered June 6, 2003).

ORDER

THEREFORE,

IT IS ORDERED:

1. That Donna Shawfield Bennett shall have an attorney enter his or her appearance on behalf of the Trust of Darryl Shawfield on or before **April 3, 2025**.
2. That failure of Donna Shawfield Bennett to comply with this Order will result in dismissal of the Complaint.

Date: February 26, 2025

/s/
Alphonso Arnold III
Administrative Law Judge

F-2024-3052032 - DONNA L SHAWFIELD BENNETT v. DUQUESNE LIGHT COMPANY

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Served via eService February 26, 2025

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