

COMMONWEALTH OF PENNSYLVANIA



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March 6, 2025

Via Electronic Filing

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

Re: Regulations Governing the Public Utility
Commission's General Provisions,
52 Pa. Code Chapters 1, 3, and 5
(relating to Rules of Administrative
Practice and Procedure; Special
Provisions; and Formal Proceedings)
Docket No. L-2023-3041347

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Reply
Comments in the above-referenced proceeding.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully submitted,

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CERTIFICATE OF SERVICE

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Commission's General Provisions, :
52 Pa. Code Chapters 1, 3, and 5 (relating to : Docket No. L-2023-3041347
Rules of Administrative Practice and :
Procedure; Special Provisions; and Formal :
Proceedings) :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Reply Comments, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 6th day of March 2025.

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Regulations Governing the Public Utility :
Commission's General Provisions, :
52 Pa. Code Chapters 1, 3, and 5 (relating to : Docket No. L-2023-3041347
Rules of Administrative Practice and :
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Proceedings) :

REPLY COMMENTS
OF THE
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TABLE OF CONTENTS

I. INTRODUCTION..... 1

II. REPLY COMMENTS 2

 1. 52 Pa. Code § 1.8. Definitions..... 2

 A. “Adversarial Proceeding” 2

 B. “Authorized Agent” 4

 2. 52 Pa. Code §§ 1.21 – 1.23. Rules Regarding Appearance and Representation Before the Commission..... 7

 3. 52 Pa. Code § 5.245 Failure to Appear..... 14

 4. 52 Pa. Code § 5.351. On the Record Data Requests. 22

III. CONCLUSION 25

Appendix A – Summary of Proposed Changes to 52 Pa. Code Sections 1.21-1.23

Appendix B – Philadelphia Municipal Court Appointment of Authorized Representative Form

I. INTRODUCTION

On January 31, 2025, the Office of Consumer Advocate (OCA) submitted its comments on the November 4, 2024, Corrected, Clarified Notice of Proposed Rulemaking of the Public Utility Commission (Commission) regarding amendments to the Commission’s regulations contained in 52 Pa. Code Chapters 1, 3, and 5 (NOPR), or the rules of administrative practice and procedure, special provisions, and formal proceedings, respectively. On February 5, 2025, comments were submitted by the Industrial Energy Consumers of Pennsylvania (IECPA), the Office of Small Business Advocate (OSBA), PPL Electric Utilities Corporation (PPL), the Large Users Groups¹, the Energy Association of Pennsylvania (EAP), the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania and Tenant Union Representative Network (CAUSE-PA/TURN), FirstEnergy Pennsylvania Electric Company (FirstEnergy), Pennsylvania-American Water Company (PAWC), and a collective of Pennsylvania social and legal service providers, legal clinics, and advocacy organizations (CLS *et al*)². Also on February 5, 2025, letters were submitted in lieu of comments by the Citizens’ Electric Company of Lewisburg, PA, Wellsboro Electric Company and Valley Energy, Inc. (C&T Utilities), Columbia Gas of Pennsylvania, Inc. (Columbia), Peoples Natural Gas Company LLC (Peoples), and National Fuel Gas Distribution Corporation (NFGD). Each of the letters submitted in lieu of comments was supportive of the comments submitted by EAP.

¹ The Large Users Groups contain Met-Ed Industrial Users Group, Penelec Industrial Customer Alliance, Philadelphia Area Industrial Energy Users Group, PP&L Industrial Customer Alliance, and West Penn Power Industrial Intervenors.

² CLS *et al* includes the Community Legal Services of Philadelphia, Pennsylvania Utility Law Project, Pennsylvania Legal Aid Network, Community Justice Project, Community Action Association of Pennsylvania, Housing Alliance of Pennsylvania, Public Interest Law Center, Legal Clinic for the Disabled, Face to Face, United Neighborhood Center of NEPA, Centre Helps, AIDS Resource, Congolese Community of Scranton, Conservation Voters of Pennsylvania, POWER Interfaith, SeniorLAW Center, Len Riser Esq., Jennifer J. Lee Esq., Lucy Johnston-Walsh Esq., and Salma Elmallah PhD.

Through the NOPR, the Commission seeks to modernize its regulations which establish the rules of procedure before it, as the last amendment to Chapters 1, 3, and 5 of the Commission's regulations was made in 2006. *Final Rulemaking for the Revision of Chapters 1, 3, and 5 of Title 52 of the Pennsylvania Code Pertaining to Practice and Procedure Before the Commission*, Docket No. L-00020156 (Final Rulemaking Order entered January 4, 2006). The OCA appreciates the opportunity to update the Commission's regulations governing its rules of procedure to better align with the current way in which parties practice before the Commission, especially as this creates opportunities for the Commission's regulations to be improved to provide greater access to consumers and improve transparency for all parties.

In these Reply Comments, the OCA will specifically address the comments filed by FirstEnergy, PPL, and EAP. Further, the OCA fully supports the position advanced by CAUSE-PA/TURN and CLS *et al* with respect to changes to the rules governing representation before the Commission, Sections 1.21 through 1.23 of the Commission's regulations in both their Comments and Reply Comments. While the OCA does not specifically address the comments of other parties, its silence in response should not be viewed as agreement or endorsement of the other parties' comments.

II. REPLY COMMENTS

1. 52 Pa. Code § 1.8. Definitions

A. "Adversarial Proceeding"

Commission Proposal

In the NOPR, the Commission proposed to modify the definition of "adversarial proceeding" as follows:

Adversarial proceeding—A proceeding initiated **[by a person]** to seek authority, approvals, tariff changes, enforcement, fines, remedies or other relief from the Commission which is contested by one or more **[other persons]** parties and which will be decided on the basis of a formal record.

According to the Commission, this change is being proposed to be consistent with the new definition of “person.” NOPR at 5. Additionally, the Commission’s proposed revision of the definition of “party” would add “corporation” and “municipal corporation” to “person” in the list of potential participants who or which may appear “in a proceeding before the Commission.” NOPR at 60.

FirstEnergy Comments

In its Comments, FirstEnergy recommended that the Commission insert a requirement “that only authorized parties may initiate an Adversarial proceeding.” FirstEnergy Comments at 2. FirstEnergy did not supply, in its Comments, a definition for the term “authorized party,” which is not included in the Commission’s regulations or the Public Utility Code. *Id.*; *see also* 52 Pa. Code § 1.08 and 66 Pa. C.S. § 102. FirstEnergy expressed its concern that the use of the term “party” may imply that an individual or entity has, “either by right or by authorized intervention, the legal prerogative to participate in a legal proceeding.” FirstEnergy Comments at 2.

OCA Reply

The OCA opposes FirstEnergy’s recommendation to insert a requirement “that only authorized parties may initiate an adversarial proceeding” as this is already a requirement protected under the long-standing, foundational legal test of standing. Whether a party has standing is a legal test that applies in Commission proceedings. To insert language that is different from or additional to the standing test is unnecessary, inappropriate, and confusing.

Standing means that a party has a sufficient stake in an otherwise justiciable controversy to obtain a judicial resolution of that controversy. It is a concept utilized to determine if a party is

sufficiently affected so as to ensure that a justiciable controversy is presented. *Application of Bucks Cab Co.*, Docket No. A-2008-2025262, 2008 Pa. PUC LEXIS 924, *6 (Initial Decision entered Oct. 24, 2008). The requirement of standing is satisfied if it can be said that the party has a legally protectible and tangible interest at stake. *Id.* (citing Black's Law Dictionary, 5th Ed., 1979, p. 1260). The Commission has adopted the criteria used in Pennsylvania civil law practice to determine if a party has standing. *Id.* (citing *Courier Express, Inc. v. F.L. Shaffer Co.*, Docket No. C-892462 (Order dated April 11, 1990)). In determining a question of standing, it is assumed that the action complained of is in fact contrary to some rule of law, but the question is whether the plaintiff is the proper person to challenge the alleged illegality. *Id.* (citing *Wm. Penn Parking Garage v. City of Pittsburgh*, 346 A.2d 269 (Pa. 1975)). Standing requires that an aggrieved party have an interest which is substantial, direct, and immediate, and all these criteria have further defined meaning in case law. *Id.* at **6-7 (citing *In re Francis Edward McGillick Foundation*, 642 A.2d 467 (Pa.1994)).

Changes to the Commission's procedural regulations should be an improvement to the existing requirements with the aim of increasing efficiency and clarity in PUC proceedings and to make PUC proceedings operate in a more efficient manner. Clarified NOPR, p. 3. FirstEnergy's recommendations do not improve efficiency or clarity but rather would increase confusion by adding language that competes with the existing legal test of standing and would reduce efficiency as a result.

B. "Authorized Agent"

Commission Proposal

In the NOPR, the Commission proposed to modify the definition of "authorized agent" as follows:

Authorized agent—A [person] representative of a filing user with permission to [legally act] submit filings on behalf of the filing user.

According to the Commission, this change is being proposed to be consistent with the new definition of “person” and “to allow anyone with permission to submit filings to do so, which lowers the previous standard from anyone with permission to ‘legally act’ on behalf of the filing user.” NOPR at 5.

PPL/EAP Comments

PPL and EAP submitted comments on this proposed change. Namely, they argued that changing the definition of “authorized agent” as proposed by the Commission in the NOPR could operate to permit the unauthorized practice of law before the Commission. PPL Comments at 2; EAP Comments at 2. PPL further averred that this change to the definition “may inadvertently create a class of ‘PUC Agents’ who represent customers without the necessary knowledge of PUC practices and procedures. These agents would not be bound by any ethical rules, which could compromise the quality of representation and the integrity of the proceedings.” PPL Comments at 2. EAP does not raise the same issue as PPL, but clarified that, if the proposed change is connected to the Commission’s proposed changes to Sections 1.21 and 1.22, then it should be rejected. EAP Comments at 2.

OCA Reply

The OCA did not submit comments on the Commission’s proposed amendment to the definition of “authorized agent.” Based on the discussion which follows, the OCA supports the Commission’s proposed amendment without modification.

PPL and EAP overstated the harm which would result from the Commission’s proposed change to the definition of “authorized agent.” Rather, the Commission’s proposed changes make no operative difference to practice before the Commission. The term “authorized agent” appears

in only one of the Commission’s procedural rules, in Section 1.35 (Execution). 52 Pa. Code § 1.35. In Section 1.35, the Commission’s regulations provide for, among other things, the use of electronic filing system by filing users and authorized agents. *Id.* Under this provision, “authorized agents” are permitted to submit electronic filings on behalf of the filing user and filing users are prevented from providing their user ID and password to anyone other than an authorized agent. *Id.* Section 1.35 contains no provision which otherwise polices who or what an authorized agent is permitted to be: authorized agents are not required to submit some sort of indication that they have provided an authorized agent with the legal authority to submit filings on their behalf because they have retained the agent as an attorney. *Id.*

The Commission’s proposed changes to the definition of “authorized agent” does not, therefore, constitute an expansion of legal practice by non-lawyers. Rather, it is a consumer-friendly practice which permits individuals in proceedings before the Commission who use e-filing to call on the assistance of another so they can navigate the e-filing process. For example, elderly consumers who struggle with technology but are participants in proceedings before the Commission may ask their adult child – who may not have the same struggles with technology – for assistance with e-filing documents through the Commission’s e-filing system. In this example, access to the e-filing system is expanded, by permitting someone technologically competent to submit filings on behalf of the elderly consumer who may otherwise be unable to, which improves efficiency.

Furthermore, the amended definition of “authorized agent” does not permit the “authorized agent” to author legal documents on behalf of a filing user or otherwise engage in something akin to the practice of law. Filing documents on the Commission’s e-filing system is not the practice of law. *See Harkness v. Unemployment Compensation Bd. of Rev.*, 920 A.2d 162, 166-169 (Pa. 2007)

(outlining the factors the Pennsylvania Supreme Court considers when determining if an act constitutes the unauthorized practice of law). The Commission’s proposed change is strictly limited to creating greater ease of access to the e-filing system and reducing barriers to consumers who may otherwise be unable to e-file and may need to use paper filings.

Therefore, the Commission’s proposed amendment to the definition of “authorized agent” should be incorporated without modification.

2. 52 Pa. Code §§ 1.21 – 1.23. Rules Regarding Appearance and Representation Before the Commission.³

Commission Proposal

In the NOPR, the Commission proposed to rework the current rules regarding appearance and representation before the Commission. Namely, the Commission sought to changes its rules governing appearance and appearance by an attorney to instead govern appearance in non-adversarial and adversarial proceedings. NOPR at 11-14. In these amendments, the Commission seeks to expand opportunities for business entities to be represented by corporate officials and individuals experiencing a period of disability or incapacity to be represented by someone holding a power of attorney on their behalf. *Id.* Under these amendments, representation before the Commission would be more similar to representation before other Commonwealth agencies and Magisterial District Judges (MDJs) than at present. *Id.* However, the Commission would remove the ability for a party to be represented by a certified legal intern.

³ In the interests of improving understandability, the OCA includes as an Appendix A to these Reply Comments an abbreviated summary of the current state of 52 Pa. Code Sections 1.21-1.23, the Commission’s proposed modifications, the OCA’s Comments, PPL and EAP’s Comments on this issue, and the OCA’s Reply Comments. *See* App’x A.

PPL/EAP Comments

PPL and EAP objected to the Commission's proposed revisions, though PPL's objections are limited to the proposed amendments to Section 1.22 regarding representation in adversarial proceedings and EAP objects to the proposed changes to both Sections 1.21 and 1.22. Namely, PPL and EAP asserted that the Commission would be permitting the unauthorized practice of law if it implemented the proposed changes. PPL Comments at 3-4; EAP Comments at 3-9.

As in the comments to the proposed changes to the definition of "authorized agent," PPL expressed concern about the development of a cottage industry of "PUC Agents" who would provide unauthorized legal representation without the adequate knowledge or experience of Commission practices and procedures. PPL Comments at 2. PPL also distinguished proceedings before the Commission from those before MDJs, arguing that the evidentiary record in a proceeding before an MDJ is reviewable *de novo* on appeal to a Court of Common Pleas, while an appeal of a Commission proceeding is only reviewable *de novo* with respect to legal issues by the Commonwealth Court. *Id.* at 3. Further, PPL argued that permitting business entities to be represented by a designated official may cause confusion if the official does not have the authority to bind the business during settlement negotiations. *Id.* at 4.

EAP's concerns are similar. EAP objected to the Commission's amendment which would permit individuals experiencing a period of disability or incapacity to be represented by another holding a power of attorney on their behalf, arguing that it would constitute the unauthorized practice of law. EAP Comments at 4. EAP went on to aver that practice before the Commission is distinguishable from practice before other Commonwealth agencies. *Id.* at 5. First, EAP argued that agencies such as the Unemployment Compensation Board of Review permit non-attorney representation because (1) it is contemplated in the enabling statute and (2) such proceedings are

factually, but not legally intensive, whereas the Public Utility Code provides no express contemplation of non-attorney representation and proceedings before the Commission are more legally intensive. *Id.* Second, EAP argued that agencies which permit non-attorney representation that receive federal funding, such as the Department of Human Services' Office of Hearings and Appeals, are required – pursuant to their federal funding – to permit such representation. *Id.* Third, EAP alleged that agencies such as the Department of Revenue's Board of Appeals only permit non-attorney representation where the representative has the required subject matter expertise to effectively represent the individual, a requirement which is not proposed by the Commission in its proposed amendments. *Id.* at 6 (citing 61 Pa. Code § 7.15(a)(2)(i)). EAP also made the same argument as PPL in attempting to distinguish practice before MDJs from practice before the Commission. *Id.* at 6. EAP concluded its argument by pointing to the Commission's rejection of a similar rule in 1996 and raising several questions regarding its procedural concerns flowing from the Commission's proposed changes. *Id.* at 7-9.

OCA Reply

The OCA submitted a thorough discussion and analysis regarding the Commission's proposals in its Comments, supporting the Commission's proposal with significant modifications and arguing that non-attorney representation should be expanded in specific types of factually intensive, adversarial proceedings. OCA Comments at 8-19. Namely, in adversarial proceedings regarding Chapters 56 and 64 of the Commission's regulations as well as Chapters 14 and 15, Subchapter B, of the Public Utility Code, parties should be able to be represented by a non-attorney, just as is permitted in non-adversarial proceedings at present. *See* 52 Pa. Code § 1.21(d). Further, representation should be permissible by individuals holding the power of attorney on

behalf of a party to a Commission proceeding without the need to establish a period of incapacity or disability due to the fiduciary obligations a holder of a power of attorney owes to the subject.

EAP and PPL provided no analysis to demonstrate how Commission proceedings are so legally intensive as to require representation by an attorney in all circumstances. Namely, under *Harkness*, the Pennsylvania Supreme Court established factors to consider when determining whether representation constitutes the unauthorized practice of law, which contemplates: advising on legal rights and obligations; preparing legal documents; appearing on behalf of clients to assist a presiding officer in interpreting the law; holding oneself out as capable of legal analysis; a formal or lengthy representation before a tribunal; and/or the public's interest in restricting representation outweighs the public benefit which would result from not permitting it. *Harkness*, 920 A.2d at 166-169.

While PPL avers that “[t]he rules against unauthorized practice of law are designed to protect the public by ensuring that only qualified individuals provide legal representation,” PPL fails to advance how the Commission's proposal would constitute legal representation or how it would endanger the public interest to restrict access to representation in limited categories of Commission proceedings. PPL Comments at 3. EAP similarly concludes that the Commission's “proposed changes to Sections 1.21 and 1.22 of the Commission's regulations should be rejected because they would permit the unauthorized, and unlawful, practice of law” without demonstrating how they constitute the unauthorized practice of law. EAP Comments at 4. The OCA's analysis in its Comments, however, addressed each of the relevant factors described in *Harkness* instead of simply reaching a conclusion. *See* OCA Comments at 13-15. Moreover, the OCA's recommendation was not broad sweeping; rather, it was tailored to specific types of proceedings which the Commission can ascertain as more likely to be factually intensive than legally intensive

due to the subject matter and in which Section 1.21(d) currently permits non-attorney representation.

Though EAP's argument that powers of attorney cannot be used as a vehicle to provide legal representation is correct in a general sense, it is incorrect if the representation provided fails to constitute the practice of law under the factors enunciated by the Pennsylvania Supreme Court. EAP Comments at 4. By limiting the types of proceedings in which a power of attorney can be used to empower a non-attorney representative (i.e., not legally intensive proceedings such as Section 1308(d) rate increase requests), EAP's concerns are easily addressed and overcome. Similarly, EAP's attempt to distinguish proceedings before the Unemployment Compensation Board of Review as less legally intensive than proceedings before the Commission fails when the proceedings before the Commission in which non-attorney representation would be permitted are only those which are factually, and not legally, intensive. *Compare* EAP Comments at 4 *with* OCA Comments at 14-15.

EAP's argument that the Commission is not required by its receipt of federal funding to permit non-attorney representation is well-made. The OCA is not aware of any requirement under federal law for the Commission to require non-attorney representation in proceedings before it. However, EAP's concern that a non-attorney representative could adversely affect the development of a complete evidentiary record in a proceeding before the Commission – which is not subject to *de novo* review on appeal, unlike the record before an MDJ – is misplaced. EAP Comments at 6. Namely, an attorney could also make such an error in representing the interest of their client; the selection of an appropriate representative, for those seeking counsel or representation from a non-attorney, is an individual consideration which a party makes knowing that they bear the burden of any error made by their representative. The burden falls on the

Commission – whether for *pro se* individuals at present or those providing non-attorney representation under the proposed amendments to Sections 1.21 and 1.22 – in ensuring that access to proceedings before it is clear and transparent, and that the practices and procedures before it are understandable.

Furthermore, depending on the Commission’s final determination on the ultimate language contained in Sections 1.21 through 1.23, the Commission could easily establish parameters for initiating non-attorney representation. The OCA recommends that the Commission consider the implementation of a form similar to that in use by the Philadelphia Municipal Courts for designating an authorized representative.⁴ *See* Phila. M.C.R. Civ.P.No. 102, 131. This form lays out the rights of parties to appoint authorized representatives, the requirements of authorized representation, permits parties to limit the authority of the authorized representative, providing that the party can terminate the representation at any time with a subsequent filing, and is relatively clear, concise, and understandable. It also includes an attestation that the representative has personal knowledge of the facts and circumstances of the case and that the representative will act in the interests of the named party. MDJs provide a similar form.⁵ Adopting such a form makes it clear to all parties involved in a proceeding what the authorized representative can do – such as negotiate a settlement on behalf of a business – and what it cannot do, addressing EAP and PPL’s concerns about the authority of a representative of a business entity to bind that business to an agreement. EAP Comments at 9; PPL Comments at 4; *see also* EAP Comments at 9-10 (regarding notice of appearance or withdrawal for non-attorney representatives).

⁴ Available at: <https://www.courts.phila.gov/pdf/forms/mc/03-127W-Appointment-of-Authorized-Representative.pdf>. This form is appended to these Reply Comments as Appendix B.

⁵ Available at: <https://www.pacourts.us/Storage/media/pdfs/20221115/152545-220318-authorizationofrepresentativeform317-003474.pdf/>.

The use of an established procedure to recognize non-attorney representation will alleviate concerns regarding a “cottage industry” of “PUC Agents” which would have materialized in this proceeding. At the outset, however, PPL provided no evidence that there is the potential for the growth of a class of “PUC Agents”; rather, PPL expressed a concern which is not based in fact and would only deprive consumers of the opportunity to improve their access to practice before the Commission. The OCA is not aware of a “cottage industry” of non-attorney representatives which has developed regarding practice before any of the agencies or court systems which were referenced in its Comments. However, by establishing a certification process which requires a representative to attest in a legally binding document that they have personal knowledge of the facts of the matter and will act in the interests of their client, the Commission can alleviate any concerns regarding a class of “PUC Agents” developing. In the OCA’s estimation, it is more likely that reducing the barrier to representation in proceedings before the Commission will be a boon to consumers and small businesses that lack the resources to retain an attorney to litigate against large utility companies in disputes over billing, terminations, or other such critical concerns.

Additionally, the proposals by CAUSE-PA/TURN would address the concerns of PPL and EAP. Namely, CAUSE-PA/TURN recommend the Commission permit non-attorneys acting under the direct supervision of an attorney to represent individuals in proceedings before the Commission in adversarial proceedings. CAUSE-PA/TURN Comments at 20-31. According to CAUSE-PA/TURN, as legal aid organizations, permitting non-attorneys acting under the supervision of a licensed attorney may permit them to represent more of the consumers who go unrepresented because there are simply too many consumers in need of legal assistance before the Commission. *Id.* at 30. Permitting such representation would alleviate the concerns of EAP and PPL regarding the potential lack of experience with Commission rules and regulations or ethical obligations for

such representatives, as the attorneys supervising the non-attorneys can provide any needed assistance with navigating Commission procedures and are required to ensure that non-attorneys under their supervision are complying with their ethical obligations. *See* 204 Pa. Code Rule 5.3 (Responsibilities Regarding Nonlawyer Assistance). As a result, the recommendations of CAUSE-PA/TURN dovetail with those of the OCA to ensure that representation in proceedings before the Commission is more accessible without permitting the unauthorized practice of law.

For these reasons, the OCA continues to support the recommendations made in its Comments regarding the proposed changes to Sections 1.21 through 1.23. The OCA also supports the Comments and Reply Comments submitted by CAUSE-PA/TURN on this issue, due to the organizations' familiarity with advocating for low-income customers who – if not permitted to seek non-attorney representation – may be unable to fully address their claims before the Commission.

3. 52 Pa. Code § 5.245 Failure to Appear

Commission Proposal

The Commission proposed amending Section 5.245 of its regulations to prohibit: (1) “the section from applying to a party who is not required to secure counsel if there is no finding that the party has committed an abuse of process”; and (2) “the dismissal of a complaint, petition, or application with prejudice for a procedural failure on the complainant, petitioner, or applicant’s behalf.” NOPR at 42.

EAP Comments

In its Comments, EAP requested that the Commission withdraw these proposals. EAP stated that public utilities must dedicate significant time and resources to (1) customer complaint proceedings, many of which are initiated by “serial filers who do not appear at the hearing”; and (2) prepare for and participate in the hearings as well. EAP Comments at 11. EAP stated that by

eliminating one of the key deterrents to parties failing to abide by the Commission's procedural rules and appear at hearings, the Commission's proposed regulations would require public utilities to commit even more significant time and resources to these cases and would lead to increased arrearages on customers' accounts, which would increase the costs that are passed onto other customers. *Id.*

In addition, EAP agreed with Commissioner Coleman that the proposed regulations conflict with Section 332(f) of the Public Utility Code, and argued that nothing in the Commission's proposed regulations requires the party to demonstrate that the "failure to be represented was unavoidable and that the interests of the other parties and the public would not be prejudiced by permitting such reopening or further examination," as required by Section 332(f) of the Public Utility Code. EAP Comments at 12. EAP pointed out that the Commission's proposed Section 5.245(d) states that "[s]ubsection (a)(1) – (3) does not apply if the party is not required to secure counsel and there is no finding that the party has committed an abuse of process." NOPR at 92. Of more concern, EAP noted that the proposed Section 5.245(e) bars, in all circumstances, the "[d]ismissal of a complaint, petition, or application with prejudice of the complainant, petitioner, or applicant for the failure to appear." NOPR at 92. EAP argued that the Commission's regulations must conform to and cannot conflict with the applicable statutes. EAP Comments at 12, n.11 (citing *Hommrich v. Pa. PUC*, 231 A.2d 1027, 1038-41, 1044 (Pa. Cmwlth. 2020)). Thus, EAP stated that these proposed changes to Sections 5.245 of the Commission's regulations should not move forward. EAP Comments at 12.

PPL Comments

PPL opposed the proposed changes to Section 5.245. PPL Comments at 8. Expressing its understanding that conflicts can arise that prevent a *pro se* party from attending a hearing, PPL

submitted that attending a scheduled hearing is vital to the integrity of the formal complaint hearing process. PPL Comments at 8. Additionally, PPL Electric stated that it is often very accommodating to requests by consumers to reschedule hearings but further stated that it can do nothing when the complainant simply fails to show up to the hearing. PPL Comments at 8-9. PPL argued that to prevent this behavior, there needs to be some consequence for not attending a hearing without any notice. PPL Comments at 9.

PPL asserted that when a *pro se* complainant fails to show for a hearing, “the Company is harmed” due to the expended time and resources in preparing for the hearing, scheduling witnesses, and coordinating outside counsel. PPL Comments at 9. PPL asserted that at a minimum, if a customer files a complaint, it should be incumbent on the customer to show up for the hearing they requested or at least provide notice that they are unable to attend. *Id.* PPL argued that allowing the “no-show customer” to simply restart the case requires the utility to duplicate resources in preparing the case again. *Id.* Further, PPL argued that “it may also be a strategy to avoid termination without any intention of attending the hearing” and that such behavior should be discouraged, as it leads to excessive utility debt amounts. *Id.* PPL concluded that customers should be encouraged to enroll in Customer Assistance Programs to obtain a bill that they can afford. *Id.*

OCA Reply

The OCA finds questionable EAP’s and PPL’s arguments that public utilities are harmed when a consumer-complainant fails to appear at a hearing. Rather, public utilities employ/engage legal counsel for the purpose of representing their interests in adversarial proceedings before the Commission and such costs are recoverable in rates; therefore, a consumer-complainant’s failure to appear, at least in the first or second instance, is at most neutral, and not harmful, to the public utility’s interests.

Nevertheless, should the Commission be persuaded that judicial economy requires further exploration of the EAP's or PPL's comments or Commissioner Coleman's Statement, the OCA submits that the Commission's existing practices and regulations are inadequate to ensure that the due process guaranteed by Section 332(f) is protected for *pro se* consumer-complainants. The OCA believes that the Commission's regulations should be modified to specify the process and procedure that the Commission's staff should follow to ensure that the statute is carried out where a consumer-complainant is not represented by counsel.

Section 332(f) of the Public Utility Code provides as follow:

Any party who shall fail to be represented at a scheduled conference or hearing after being duly notified thereof, shall be deemed to have waived the opportunity to participate in such conference or hearing, and shall not be permitted thereafter to reopen the disposition of any matter accomplished thereat, or to recall for further examination of witnesses who were excused, *unless the presiding officer shall determine that failure to be represented was unavoidable and that the interests of the other parties and the public would not be prejudiced by permitting such reopening or further examination.* If the actions of a party or counsel in a proceeding shall be determined by the commission, after due notice and opportunity for hearing, to be obstructive to the orderly conduct of the proceeding and inimical to the public interest, the commission may reject or dismiss any rule or order in any manner proposed by the offending party or counsel, and, with respect to counsel, may bar further participation by him in any proceedings before the commission.

66 Pa. C.S. § 332(f) (emphasis added).

The Commission's Regulations at 52 Pa. Code § 5.245 mirror the language in Section 332(f) of the Code, providing as follows:

(a) After being notified, a party who fails to be represented at a scheduled conference or hearing in a proceeding will:

(1) Be deemed to have waived the opportunity to participate in the conference or hearing.

(2) Not be permitted thereafter to reopen the disposition of a matter accomplished at the conference or hearing.

(3) Not be permitted to recall witnesses who were excused for further examination.

(b) *Subsection (a)(1)-(3) does not apply if the presiding officer determines that the failure to be represented was unavoidable and that the interests of the other parties and of the public would not be prejudiced by permitting the reopening or further examination.* Counsel shall be expected to go forward with the examination of witnesses at the hearing under § 5.242 (relating to order of procedure), or as has been otherwise stipulated or has been directed by the presiding officer.

(c) If the Commission or the presiding officer finds, after notice and opportunity for hearing, that the actions of a party, including an intervenor, in a proceeding obstruct the orderly conduct of the proceeding and are inimical to the public interest, the Commission or the presiding officer may take appropriate action, including dismissal of the complaint, application, or petition, if the action is that of complainant, applicant, or petitioner.

52 Pa. Code § 5.245 (emphasis added).

Pursuant to Section 332(f) of the Code and Sections 5.245(a)-(b) of the Commission's Regulations, if the presiding officer determines that: (1) the consumer-complainant's failure to appear was “unavoidable”; and (2) the interests of the utility and the public will not be “prejudiced” by permitting reopening or further examination, the consumer-complainant cannot be deemed to waive the hearing and a rescheduling of the hearing by the ALJ is permitted.

Based on the plain language of the statute and regulation, where a complainant's failure to appear at a scheduled hearing is unavoidable, the ALJ may reschedule the hearing.⁶ However, under the current processes, if a complainant fails to bring the situation to the attention of the presiding officer prior to the issuance of the Initial Decision, the record closes and the presiding officer can no longer exercise that discretion.⁷

⁶ 66 Pa. C.S. § 332(f); 52 Pa. Code § 5.245(a)-(b).

⁷ See *Alice Anderson v. PECO Energy Company*, Docket No. F-2017-2614241 (Order entered July 18, 2018).

Whether the complainant's failure to appear at the hearing was "unavoidable" is a fact-based question.⁸ The presiding officer must make the determination based on the facts presented by the consumer explaining their failure to appear after the consumer is given notice and the opportunity to be heard on the issue. This process can be done through either a paper hearing⁹ or telephonic hearing. Either way, the consumer-complainant must be given a meaningful opportunity to be heard as to their reason for failing to appear.

It is the OCA's understanding that the process for determining whether the *pro se* consumer-complainant's failure to appear was unavoidable is ad hoc. A standard process should be employed to ensure that the *pro se* consumer-complainant's due process is guaranteed, and the *pro se* consumer-complainant is not inappropriately barred with prejudice from being heard by the Commission on the subject matter of the underlying complaint. Accordingly, the OCA recommends that the Commission add language to Section 5.245 that, in the event a *pro se* consumer-complainant fails to appear, the presiding officer is required to issue a hearing notice rescheduling the hearing and issue an interim evidentiary order that will permit the consumer-complainant to explain on the record the reason for the failure to appear. Based on the information provided by the *pro se* consumer-complainant, the presiding officer can then determine whether the complainant's failure to appear was "unavoidable."

⁸ Based on prior Commission cases, to meet the "unavoidable" standard, the Commission will require a complainant to show, with supporting information, that the failure to appear was due to exigent circumstances. *See, e.g., El-Ayazra v. West Penn Power Co.*, Docket No. F-2015-2509292 (Opinion and Order entered June 30, 2016); *Cynthia Santore Smith v. PECO Energy Co.*, Docket No. F-2014-2446204 (Order entered September 3, 2015); *Osuji v. PECO Energy Co.*, Docket No. C-2008- 2071982 (Order entered July 24 2009); *Charles Nichols v. Bell-Atlantic-PA*, Docket No. C-00956667 (Opinion and Order entered August 4, 1995). According to Merriam-Webster's dictionary, "exigent" means "requiring immediate aid or action." Definition of exigent at <https://www.merriam-webster.com/dictionary/exigent>, last visited March 3, 2025. Also based on prior Commission decisions, whether the complainant demonstrated a "good faith attempt" to appear at the hearing will meet the standard. *See, e.g., Yomari Then v. Philadelphia Gas Works*, Docket No. F-2012-2318264 (Order entered June 13, 2013); *see also Windell C. Wiggins v. PECO Energy Company*, Docket No. C-2010-2190335 (Order entered October 27, 2011).

⁹ *See Diamond Energy, Inc. v. Pa. PUC*, 653 A.2d 1360, 1366-67 (Pa. Cmwlth. 1995) (paper hearing rather than oral hearing conducted by PUC did not violate due process in administrative proceeding where there were no disputed facts).

Based on the foregoing, the OCA recommends that Section 5.245(b) of the regulations be amended as shown below.

Current subsection (b):

(b) Subsection (a)(1)-(3) does not apply if the presiding officer determines that the failure to be represented was unavoidable and that the interests of the other parties and of the public would not be prejudiced by permitting the reopening or further examination. Counsel shall be expected to go forward with the examination of witnesses at the hearing under § 5.242 (relating to order of procedure), or as has been otherwise stipulated or has been directed by the presiding officer.

OCA proposed modifications to subsection (b):

(b) Subsection (a)(1)--(3) does not apply if the presiding officer determines that the failure to be represented was unavoidable and that the interests of the other parties and of the public would not be prejudiced by permitting the reopening or further examination. **Except as provided in (b)(1) below,** Counsel shall be expected to go forward with the examination of witnesses at the hearing under § 5.242 (relating to order of procedure), or as has been otherwise stipulated or has been directed by the presiding officer.

- (1) **Where a consumer-complainant who is not represented by counsel fails to appear at a scheduled hearing after being duly notified thereof, the presiding officer shall rule to hold the record open and can exercise discretion to not require counsel for the public utility to go forward with examination of witnesses. Nothing in this subsection (b)(1) shall be construed to prohibit a public utility from exercising its procedural rights at the initial hearing.**
- (2) **After a presiding officer's ruling to hold the record open pursuant to subsection (b)(1), the presiding officer shall issue a hearing continuance notice rescheduling the hearing and issue an interim evidentiary hearing consistent with the form shown below. The rescheduled hearing shall not take place sooner than five business days from the date of the initial hearing.**

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

[Name of Complainant], Complainant
No. C-xxxx-xxxxxx

Docket

v.

[Name of Utility Company], Respondent

INTERIM EVIDENTIARY ORDER

AND NOW, this _____ day of _____, [year], it is hereby ORDERED:

The initial hearing was convened, as scheduled, in the above-captioned matter. Consumer-complainant is not represented by counsel and did not appear. Counsel for Respondent appeared on behalf of Respondent. [optional: Counsel for Respondent moved to dismiss the complaint with prejudice for failure to appear and prosecute. I took this motion under advisement.] At the hearing, I ruled to hold the record open.

TO COMPLAINANT: *A rescheduled hearing notice has been issued on the same date as this order in the above-captioned docket. If you still wish to pursue your Complaint against the public utility, you must appear at the rescheduled hearing and respond to this Order and explain the reason you failed to appear at the initial hearing. Supporting documentation is permitted and could help the presiding officer render a decision in this matter.*

Your failure to respond to this Order at the rescheduled hearing may result in dismissal of your Complaint with prejudice. Your failure to include supporting documentation to support your absence at the hearing may also result in dismissal of your Complaint with prejudice.

TO RESPONDENT: *At the rescheduled hearing, Respondent may respond or object to the reasons provided regarding the consumer-complainant's absence at the initial hearing.*

I will consider Consumer-complainant's reason(s) and supporting documentation and Respondent's objection, if any, and supporting reasons thereof.

[Judge's Name]
[Administrative Law Judge]

[Docket No. _____]

- (3) At the rescheduled hearing, while on the record, the consumer-complainant shall be permitted to present the reasons for the failure to appear at the initial hearing and the public utility shall be permitted to respond. While on the record, the presiding officer can exercise

discretion to make a ruling on the matter at the rescheduled hearing or take the reasons under advisement. If the presiding officer rules that the failure to appear was unavoidable or takes the reasons under advisement, the presiding officer shall permit the parties to go forward with the presentation of evidence and examination of witnesses. If the presiding officer rules that the failure to appear was avoidable, the presiding officer may conclude the hearing.

(4) If the consumer-complainant fails to appear at the rescheduled hearing, the presiding officer may proceed in their discretion without having to repeat steps in (b)(1)-(3) above.

Changes to the Commission's procedural regulations should be an improvement to the existing requirements with the aim of increasing efficiency and clarity in PUC proceedings and to make PUC proceedings operate in a more efficient manner. NOPR at 3. The OCA's recommendations above would improve efficiency and clarity and make Commission proceedings operate in a more efficient manner.

4. 52 Pa. Code § 5.351. On the Record Data Requests.

Commission Proposal

In the NOPR, the Commission proposed to remove the requirement that on the record data requests may only be requested in rate proceedings. NOPR at 47-48.

EAP Comments

In its Comments, EAP objected to the Commission's proposal. EAP claimed that, because of the availability of robust discovery prior to hearings, on the record data requests during a hearing are unnecessary and may be unduly burdensome. EAP Comments at 13-14. EAP was concerned that parties will engage in discovery at hearings through the use of on the record data requests but argues that presiding officers may order a party to provide documents in support of testimony from cross-examination as late-filed exhibits. *Id.*

OCA Reply

The OCA supports the Commission's proposal in the NOPR. First, rate proceedings are not the only proceedings with statutory deadlines and compressed litigation time frames; specifically, proceedings brought under Sections 1307(f) and 1329 are – similar to rate proceedings – set on a shorter time frame than other, non-rate proceedings. In such proceedings, despite being under an abbreviated litigation schedule, parties are not afforded the opportunity, at present, to request a witness support cross-examination testimony with applicable documentation. The Commission's proposal would address such proceedings and fill an important gap in the current rules for such requests.

Second, on the record data requests are only available in incredibly narrow circumstances and are not frequently used. This is a procedure limited to hearings and limited to supporting cross-examination testimony. A witness may provide cross-examination testimony which requires further elaboration or support which the examining party does not anticipate prior to commencing cross-examination in any proceeding, regardless of the thoroughness of the discovery process. Outside of rate cases, if a witness provides such testimony, there is no recourse for the examining party to procure any supporting documentation.

Furthermore, the process described by EAP whereby the presiding officer permits late-filed exhibits in the event that such exhibits are required is nearly identical to the process of making on the record data requests. *See* EAP Comments at 14. Section 5.351(b) provides that “[a]nswers [to on the record data requests] shall be supplied as directed by the presiding officer. If no time period is set, the response period may be no later than 10 days after the request is made.” 52 Pa. Code § 5.351(b). This section confers upon the presiding officer the ability to determine whether necessary supporting documentation is provided, in what form, and on what time frame. Giving parties a

procedure codified in the Commission's regulations provides transparency with respect to how such a request ought to be made, instead of permitting parties which know that presiding officers may permit late-filed exhibits from utilizing such a mechanism that is not as clear from the text of the Commission's regulations. The Commission's proposal to remove the rate case requirement from on the record data requests increases transparency and provides procedural tools without imposing arbitrary requirements on parties tied exclusively to familiarity with Commission practice and procedures. In sum, it is a net benefit to those unfamiliar with Commission practices without imposing a burden on any party. Therefore, the OCA supports the Commission's proposal.

III. CONCLUSION

The OCA respectfully submits these reply comments in pursuit of its attempt to reduce barriers to participation in proceedings before the Commission for consumers, ensure greater predictability for the nature of proceedings before the Commission and Office of Administrative Law Judges, and create a measure of consistency and accessibility to litigation proceedings.

Respectfully submitted,

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Dated: March 6, 2025

Summary of Proposed Changes to 52 Pa. Code Sections 1.21-1.23

At present:

- Addresses representation before the Commission. Currently divided as: 1.21, Appearance; 1.22, Appearance by an Attorney or Certified Legal Intern; and, 1.23 Other Forms of Representation Prohibited.
- Under 1.21, in nonadversarial proceedings, an agent of a business/government entity is permitted to represent that entity.
- Under 1.21, in informal proceedings brought under Chapters 14 and 15 (Subsection B) of the Public Utility Code and under Chapters 56 and 64 of the Commission's regulations (1.21(d) proceedings), a paralegal acting under the supervision of an attorney or an "appropriate individual" with "oral or written authority" could represent an individual before the Commission.
- Under 1.22, a certified legal intern can represent an individual before the Commission.

Commission's proposal:

- Convert 1.21 and 1.22 into pertaining to appearance before the Commission in nonadversarial and adversarial proceedings, respectively.
- Would permit non-attorney third-parties holding power of attorney to represent an individual during periods of disability and/or incapacity and for authorized corporate officials to represent small business or partnerships in adversarial Commission proceedings.
- Would remove ability for certified legal interns to represent individuals in Commission proceedings.

OCA Comments:

- Recommends non-attorney, third-party representation be permissible in proceedings under 1.21(d) proceedings, adversarial or nonadversarial, specifying the ability for individuals acting under the supervision of attorneys to provide representation.
- Outlined the myriad administrative agencies/minor courts which permit non-attorney representation.¹⁰

¹⁰ Including the Unemployment Compensation Board of Review; Department of Public Welfare's Office of Hearing and Appeals; Labor Relations Board; Department of Health's Bureau of Women, Infants, and Children; Board of Finance and Revenue; Magisterial District Courts; and Philadelphia Municipal Courts. *See* OCA Comments at n. 4.

- Provided legal analysis of what constitutes the impermissible practice of law by non-lawyers.¹¹ Based on this analysis, the OCA concluded that non-attorney representation in 1.21(d) proceedings does not constitute the unauthorized practice of law.

PPL/EAP Comments:

- Claimed that the Commission's proposed revisions constitute the unauthorized practice of law, especially permitting an individual holding power of attorney (POA) to represent the subject of the POA.
- Distinguished non-attorney representation before Unemployment Compensation Board of Review as explicitly contemplated by statute and as not intensely litigated – largely relying on questions of fact and not law – as compared to Commission proceedings.
- Distinguished non-attorney representation before Department of Human Services' (DHS) Office of Hearings and Appeals as DHS's receipt of Medicaid funding requires that the Hearings and Appeals Office permit non-attorney representation. No such requirement exists for the Commission.¹²
- Distinguished non-attorney representation before Department of Revenue's Board of Appeals because such representation requires a showing of technical education, training, or experience, something the Commission does not propose to add in the NOPR.
- Distinguished non-attorney representation before Magisterial District Judges (MDJs) because MDJs' factual and legal determinations are subject to a *de novo* rehearing on appeal before the Courts of Common Pleas, whereas the Commonwealth Court only hears legal issues *de novo* from appeals of Commission orders.
- Raised that, in 1996, the Commission considered and decided not to permit certain non-attorney, third-party representation, citing to the Pennsylvania Supreme Court's strict regulation of the practice of law.
- Raised that non-lawyers are not subject to ethical standards in the same manner as licensed attorneys, including the duty of confidentiality. Further, it may lead to the development of a cottage industry of PUC agents may develop which exploits consumers and is not bound by ethical standards.
- Described several administrative concerns regarding how to permit such representation, whether appearances will need to be entered, etc.

¹¹ *Harkness v. Unemployment Compensation Bd. of Rev.*, 920 A.2d 162 (Pa. 2007) (providing legal advice, preparing legal documents, assisting presiding officer in interpreting the law, holding oneself out as capable of legal analysis, and the public's interest in restricting representation weigh towards being the unauthorized practice of law).

¹² The Supreme Court has determined that a state's regulation of the practice of law is preempted by a federal statutory provision which attaches federal funding to a state agency's ability to require non-attorney, third-party representation. *Sperry v. Florida*, 373 U.S. 379 (1963).

OCA Reply Comments:

- Emphasize that the OCA's recommendations only pertain to Section 1.21(d) proceedings, both nonadversarial and adversarial, which the OCA determined to be factually intensive and not legally intensive and the public interest significantly weighs in favor of permitting non-attorney representation in such proceedings.
- EAP and PPL submitted no analysis under guiding Pennsylvania precedent to support the claim that Commission proceedings are so legally intensive, as compared to proceedings before other Commonwealth agencies, that the Commission must have a stricter regulation of non-attorney representation. EAP and PPL also did not address how the public interest would weigh in such an analysis. EAP and PPL's comments on this issue are conclusory and not supported by the applicable facts or law.
- The Commission can establish parameters for non-attorney representation – such as the use of a form like that employed by the Philadelphia Municipal Courts – to clearly advise parties of their rights should they use a non-attorney representative, as well as providing the ability to limit the scope of such representation and terminate it easily.
- No proof has been provided that a class of non-attorney representatives has developed before other Commonwealth agencies or courts that permit non-attorney representation, which makes it unlikely that such a class would develop specific to Commission practice.
- In sum, targeted and narrow adjustments to the scope of non-attorney representation in proceedings before the Commission would act to empower consumers with difficulty engaging fully in Commission proceedings due to stumbling blocks such as, *inter alia*, the intimidating nature of such a proceeding, lack of familiarity with Commission practices and procedures, struggles with technology, or an inability to take time from work to appear in a Commission proceeding. Specific adjustments would not open the door for parties represented by non-attorneys to be exploited, but would operate to level the playing field in proceedings which can have dire consequences, including the loss of essential utility services.

**APPOINTMENT OF AUTHORIZED REPRESENTATIVE FORM
(RULES 102 AND 131)**

In the Philadelphia Municipal Court



Instructions for Appointing a Representative in a Philadelphia Municipal Court Civil Case

Philadelphia Municipal Court Rule of Civil Procedure 131 authorizes a party in a civil case to appoint a representative who is authorized to act on behalf of a party.

An **Authorized Representative** is a person who acts on behalf of a party (another person) in a case. **The Authorized Representative can ONLY act for a party that has completed an Appointment of Authorized Representative Form.**

Parties need to verify that they are allowed to appoint an Authorized Representative. Filling out this form will provide the required information to verify they can.

To appoint an Authorized Representative, a party **must**:

- Believe and verify that the Authorized Representative knows enough about the facts of the case,
- Fill out the Appointment of Authorized Representative Form,
- Have the Authorized Representative fill out Section 3 of the Appointment of Authorized Representative Form, **and**
- Submit the form to the court **BEFORE** the court proceeding starts.

A party is always allowed to limit or cancel an Authorized Representative's right to act on behalf of the party. The party would need to file a document with the court to do so.

There are **3 sections** in this form.

Section 1: The party asking for an Authorized Representative will fill out Section 1. This section verifies that they are allowed to have an Authorized Representative.

Section 2: The party asking for an Authorized Representative will also fill out Section 2. This section verifies what the Authorized Representative can do.

Section 3: The person appointed as an Authorized Representative will fill out Section 3. This section verifies the Authorized Representative's qualifications in this case. It verifies they have personal knowledge of the facts and circumstances of the case.

In the Philadelphia Municipal Court



NO.

Plaintiff(s)

Defendant(s)

**APPOINTMENT OF AUTHORIZED REPRESENTATIVE FORM
(RULES 102 AND 131)**

Section 1

The person appointing an Authorized Representative in this case must fill out this Section.

This Section verifies that the party named in the case can have an Authorized Representative.

Please enter the name of the party appointing an Authorized Representative in the text box below.

Name of the party listed in the case name (could be your own name)

By signing this form, I verify that the party named above is one of the following: **(check one)**

- a person;
- the sole proprietor (owner of a business);
- a corporation;
- a general partnership;
- a limited partnership;
- a limited liability company;
- a professional association; or
- a business trust.

By signing this form, I verify that I am one of the following: **(check one)**

- the person named in the case;
- the sole proprietor (owner) named in the case;
- an officer of the corporation named in the case;
- a partner of the general partnership named in the case;
- a general partner of the limited partnership named in the case;
- a manager of the limited liability company named in the case;
- an officer of the board of governors of the professional association named in the case; or
- a trustee of the business trust named in the case.

AUTHORIZATION

I now authorize _____ *(Name of the person being appointed as an Authorized Representative)*

to act as an Authorized Representative of the party named above. I also verify that the Authorized Representative has personal knowledge of the facts and circumstances of the matter. I certify that the Authorized Representative will act in the interest of the named party.

Section 2

The person appointing an Authorized Representative must fill out this Section.

This Section requires you to select the actions you want the Authorized Representative to do. Below is a list of all the actions an Authorized Representative can do.

NOTE: You may limit or end the Authorized Representative's authority at any point by filing a document with the court limiting or terminating the Appointment.

The Authorized Representative may do any of the following on my behalf: **(check as many as apply)**

- file a claim;
- file a landlord-tenant complaint;
- negotiate an agreement to the matter;
- participate at trial by testifying, submitting documents into evidence, asking witnesses questions, and making arguments; and
- file or respond to a petition of default judgment (a judgment entered against a party when that party fails to appear in court).

 **Lying on this court form is a crime that is punishable by the penalties outlined in 18 Pa. C.S. § 4904**

By signing below, you are verifying that all the information in Sections 1 AND 2 of this form are true and correct to the best of your knowledge, information, and belief.

Printed Name: _____

Signature of Appointing Individual: _____

Date: _____

Section 3

The Authorized Representative must complete this section:

Your Name: _____

I verify, to the best of my knowledge, information, and belief, that I have personal knowledge of the facts and circumstances of the matter above.

 **Lying on this court form is a crime that is punishable by the penalties outlined in 18 Pa. C.S. § 4904**

By signing below, you are verifying that all the information in **Section 3** of this form is true and correct to the best of your knowledge, information, and belief.

Printed Name: _____

Signature of Authorized Representative: _____

Date: _____