

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Thomas Albert	:	
	:	
v.	:	C-2025-3054574
	:	
Peoples Natural Gas Company, LLC	:	

**INTERIM ORDER  
JOINING INDISPENSIBLE PARTY**

On April 14, 2025, Thomas Albert (Complainant or Mr. Albert) filed a Formal Complaint against Peoples Natural Gas Company, LLC (Peoples, Respondent, or Company) regarding gas service at 1307 Creedmoor Avenue, Pittsburgh, PA 15226 (service location). Complainant checked the “other” box on the Formal Complaint form, writing,

My mother Teresa Albert who was 96 years old. In the past a company somehow had her or my father switch over the gas provider. And I consider a bait and switch. The amount they were paying was I believe was usuary. I requested in an informal complaint. Case # 4043746 for Reference. Ms. Marsh was on the case.

Complaint ¶ 4. As relief, he requests, “Refund a quarter of the ridiculous over charge.”

Complaint ¶ 5. Regarding service by the Commission, Complainant checked the box and initialed next to the option for eService. Complaint ¶ 9.

On May 9, 2025, Peoples filed an Answer denying it had violated any regulations, policies, or procedures of the Commission. Answer ¶ 4. Further, Peoples argues the Complaint includes no allegations against Peoples and the issues complained of are directed to Complainant’s mother’s former natural gas supplier, Major Energy Services, LLC (MES). *Id.* Peoples requests that this case be dismissed, or in the alternative, MES be joined as an indispensable party. Answer ¶ 5.

On May 9, 2025, Peoples filed a Motion to join MES as an indispensable party to this proceeding (Motion). In its Motion, Peoples submits that the primary allegations of the Complaint appear to involve the natural gas supply charges assessed to Complainant's mother's account, which had MES or its predecessor as the natural gas supplier since 2019. Motion ¶ 3. Peoples further avers that its records show the Company was requested to remove MES as the account's natural gas supplier effective February 18, 2025. Motion ¶ 4. Respondent argues that the balance for which Complainant is seeking a 25% discount is the balance resulting from the natural gas supplier charges charged by MES. Motion ¶ 5. Finally, Peoples notes that MES is a separate and distinct company from Peoples, and Peoples has no affiliation with MES. Motion ¶ 6.

The Motion contained a Notice to Plead, directing Complainant to file a response within 10 days.<sup>1</sup>

On May 19, 2025, the Commission issued a Motion Judge Assignment Notice, assigning this matter to me.

The Commission's regulations provide that responses to motions must be filed within 20 days of service. 52 Pa Code § 5.102. Although the time period for Complainant to file a response to the Motion has not yet run, I am exercising my discretion to issue this Order now. 52 Pa. Code § 5.321 (b).

In Pennsylvania, "an indispensable party is one whose rights are so directly connected with and affected by litigation that he must be a party of record to protect such rights, and his absence renders any order or decree of court null and void for want of jurisdiction." *Columbia Gas Transmission Corp. v. Diamond Fuel Co.*, 346 A.2d 788, 789 (Pa. 1975). Failure to join an indispensable party goes to the court's jurisdiction and, if not raised by the parties, should be raised *sua sponte*. *Posel v. Redevelopment Authority of Philadelphia*, 456 A.2d 243

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<sup>1</sup> The Commission's regulations provide that responses to motions must be filed within 20 days of service. 52 Pa Code § 5.102.

(Pa. Cmwlth.1983). The Pennsylvania Supreme Court has established that “the basic inquiry in determining whether a party is indispensable concerns whether justice can be done in the absence of a third party.... In order to make the analysis, however, one must refer to the nature of the claim and the relief sought.” *Cry, Inc. v. Mill Service, Inc.*, 640 A.2d 372, 375-76 (Pa. 1994).

Adopting criteria articulated in *Mechanicsburg Area School District v. Kline*, 494 Pa. 476, 481 (Pa. 1981), the court’s test for determining indispensability involved “at least” the following considerations: 1. Do absent parties have a right or interest related to the claim? 2. If so, what is the nature of that right or interest? 3. Is that right or interest essential to the merits of the issue? 4. Can justice be afforded without violating the due process rights of absent parties?

In the instant matter, Complainant writes, “[i]n the past a company somehow had her or my father switch over the gas provider,” expressly referencing a natural gas provider separate from Peoples. Complaint ¶ 4. Based on the averments made in Peoples’ Answer, this gas supplier is MES.

Regarding the first consideration, MES has a right or interest to the claim. Complainant’s billing dispute relates, in most part, to charges from MES.

With respect to the second consideration of the test, Complainant’s allegations of violation of Commission rules may subject MES to enforcement action against it which would entitle it to defend themselves and/or avail themselves of the opportunities to settle. *See id.*

With respect to the third consideration of the test, MES’s interests are essential to the merits of the case because much of Complainant’s focus revolves around the charges for natural gas supply from MES. Peoples cannot answer for MES, as they are a separate and distinct company. Additionally, Complainant is requesting that 25% of the natural gas supplier charges be removed from his bill. Complaint ¶ 5. As these charges are not charges from Peoples, but charges from MES, Peoples may not be able to provide the relief he is seeking. Additionally, to the extent Complainant is claiming that MES improperly switched his mother’s

account from Peoples without the required consent, MES would be in the best position to provide evidence to on this claim, not Peoples. *See* 52 Pa. Code § 59.97.

With regard to the fourth consideration, not joining MES, when its actions and policies are so central to the Complaint, would violate its due process rights. MES was Complainant's natural gas supplier during the period in question, and it is MES's charges that are central to Complainant's claims. Complainant's allegations go directly to MES's rates, services, and policies, and any adjudication concerning MES's business practices, without their presence, would violate their due process rights.

Based on claims made in the Complaint, as well as the Company's averments in the Motion, MES is an indispensable party to this action. This Complaint presents issues regarding compensation to the Complainant. The relief sought by Complainant necessarily involves Peoples, but MES's interests are essential to the merits of the case.

It is not appropriate to dismiss the Complaint on the ground that Complainant, who is self-represented, failed to specifically name MES as a respondent to his Complaint. However, I will grant Peoples Motion to join MES as an indispensable party to the Complaint and shall direct that the Secretary's Bureau serve the Complaint upon MES. MES shall be given 20 days from the date of service of this Order within which time to file an answer to the Complaint.

#### ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion of Peoples Natural Gas Company, LLC to Join Major Energy Services, LLC is granted in that Major Energy Services, LLC is hereby joined to C-2025-

3054574, as an additional respondent and shall be included in service lists and the caption of this proceeding.

2. That the parties shall serve Major Energy Services, LLC with all future filings in this matter.

3. That the Secretary's Bureau shall serve a copy of the Complaint of Thomas Albert at Docket No. C-2025-3054574, upon Major Energy Services, LLC.

4. That Peoples Natural Gas Company, LLC shall serve a copy of its pleadings filed to date upon Major Energy Services, LLC and shall file a certificate of service upon doing so.

5. That Major Energy Services, LLC shall have twenty days (20) from the date of service of the Complaint to file an answer or other responsive pleading.

6. That the scheduling of an evidentiary hearing in this matter be delayed until the deadline for Major Energy Services, LLC to file an answer or other responsive pleading has passed.

Date: May 22, 2025

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/s/  
Emily I. DeVoe  
Administrative Law Judge

**C-2025-3054574 - THOMAS ALBERT v. PEOPLES NATURAL GAS COMPANY LLC**

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Served via eService May 22, 2025

MAJOR ENERGY SERVICES LLC  
12140 WICKCHESTER LANE SUITE 100  
HOUSTON TX 77079  
**888.625.6760**  
**845.323.4915**

Served via USPS First Class Mail May 22, 2025

JENNIFER PETRISEK ESQUIRE  
PEOPLES NATURAL GAS COMPANY LLC  
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Served via eService May 22, 2025

*(Counsel for Peoples Natural Gas Company LLC)*