

May 28, 2025

**Via Electronic Filing**

Matt Homsher, Esquire  
Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Docket No. C-2025-3054296  
John Brooks v. FirstEnergy Pennsylvania Electric Company  
Motion to Dismiss of FE PA (Met-Ed Rate District)**

Dear Secretary Homsher:

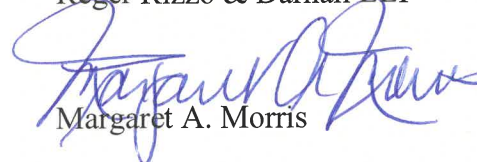
Attached for filing is the Motion of FirstEnergy Pennsylvania Electric Company to dismiss the Formal Complaint filed by John Brooks (Complainant) on behalf of Lynnville Holdings LLC (Complainant) in the above-referenced proceeding.

A copy of the Motion to Dismiss has been forwarded to the Complainant in the manner indicated on the attached Certificate of Service.

If there are any questions, please contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/co  
Enclosures

cc: The Hon. Chad L. Allensworth, PA Public Utility Commission [w/encls.]  
Tori Giesler, Esquire, FirstEnergy Service Company [w/encls.]  
John Brooks, Lynnville Holdings LLC [w/encls.]

**Re: Docket No. C-2025-3054296  
John Brooks v. FirstEnergy Pennsylvania Electric Company  
Motion to Dismiss of FE PA (Met-Ed Rate District)**

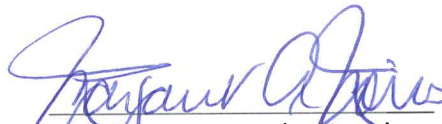
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been served upon the person(s) listed below, in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

**Via Electronic Mail**

John Brooks  
[johnbrooks118@msn.com](mailto:johnbrooks118@msn.com)

Dated: May 28, 2025

  
Margaret A. Morris, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN BROOKS

v.

FIRSTENERGY PENNSYLVANIA ELECTRIC  
COMPANY

:  
:  
:  
:  
:  
:

Docket No. C-2025-3054296

**NOTICE TO PLEAD**

Pursuant to 52 Pa. Code § 5.103, you are hereby notified that if you do not file a written response to the enclosed Motion to Dismiss of FirstEnergy Pennsylvania Electric Company within **twenty (20) days** from service of this Notice, the facts set forth by FirstEnergy Pennsylvania Electric Company in the Motion to Dismiss may be granted. All pleadings, such as an Answer to the Motion to Dismiss, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for FirstEnergy Pennsylvania Electric Company, Margaret A. Morris, Esq., and to the Honorable Chad L. Allenworth, the Presiding Officer in the above-captioned proceeding.

**File by Mail or e-file with:**

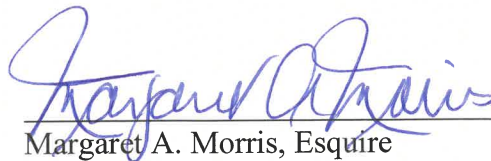
Matt Homsher, Esquire  
Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**With a copy to:**

Margaret A. Morris, Esquire  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
Philadelphia, PA 19104  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

The Honorable Chad L. Allenworth  
[callenswor@pa.gov](mailto:callenswor@pa.gov)

Date: May 28, 2025



Margaret A. Morris, Esquire  
Attorney ID No. 75048  
Reger Rizzo & Darnall LLP  
Cira Centre, 13<sup>th</sup> Floor  
2929 Arch Street  
Philadelphia, PA 19104  
(215) 495-6524 (tel.)  
[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

*Counsel for FirstEnergy Pennsylvania Electric  
Company (Met-Ed Rate District)*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

JOHN BROOKS	:	
	:	
v.	:	Docket No. C-2025-3054296
	:	
FIRSTENERGY PENNSYLVANIA	:	
ELECTRIC COMPANY	:	

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**MOTION OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY  
TO DISMISS THE FORMAL COMPLAINT OF JOHN BROOKS**

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TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

FirstEnergy Pennsylvania Electric Company, West Penn Rate District, (Respondent or Company), by and through its attorneys, Reger Rizzo and Darnall, LLP, files this Motion to Dismiss, pursuant to 52 Pa. Code § 5.103. In support, the Respondent avers as follows:

**I. Introduction**

1. In this Motion, the Respondent seeks the dismissal of the Formal Complaint captioned *John Brooks v. FirstEnergy Pennsylvania Electric Company* filed by John Brooks (Complainant) on behalf of Lynnville Holdings LLC. Lynnville Holdings LLC, the customer of record (Customer), is a Pennsylvania business entity registered on or about September 17, 2021. As a Pennsylvania corporation with the Pennsylvania Bureau of Corporations, the Customer is required at this stage of the proceeding to be represented by an attorney at law in accordance with Commission regulations, 52 Pa. Code §§ 1.21-1.23.

## **II. Factual Background**

2. The Formal Complaint was filed against the Company on March 31, 2025, requesting a Commission payment arrangement (PAR) for delinquent charges billed to the non-residential electric under Account Nos. 100150881199 (Restaurant Account) and 100150878591 (Hotel Account) in the Customer's name to 8148 Bausch Road, New Tripoli, Pennsylvania (Service Location).

3. On April 21, 2025, the Company filed an Answer and New Matter denying that a Commission PAR was permitted for a non-residential account. In its Answer, the Company specifically denied that the Complainant is the customer of record. In its New Matter, the Company avers that the Customer is a Pennsylvania corporation and is not represented by an attorney as required by the Commission's regulations. A copy of the Customer's corporate status with the Commonwealth of Pennsylvania is provided as Attachment 1.

4. A Hearing Notice, dated May 23, 2025, was issued for the Initial Call-in Telephonic Hearing on June 30, 2025, before the Honorable Chad Allensworth (Judge Allensworth).

5. As of the filing of this Motion, no attorney has filed an Entry of Appearance on behalf of the Customer in the instant proceeding.

## **III. Corporations Must be Represented by Counsel**

6. Representation before the Commission is governed by the Commission's regulations at 52 Pa. Code §§ 1.21-1.23. These regulations provide that "[i]n adversarial proceedings, partnerships, corporations, trusts, associations, agencies, political subdivisions and government entities shall be represented only by . . . an attorney." 52 Pa. Code § 1.21. An adversarial proceeding begins with the filing of an Answer. 52 Pa. Code § 1.8 *New Fizon*

*Catering, Inc. v. PECO Energy Company*, Docket Nos. C-2008-2065498 and C-2008-2079076 (Order entered June 24, 2009).

7. A non-attorney owner/operator of a limited liability corporation may file a formal complaint pleading, without an attorney, but thereafter must be represented by counsel. *Tyler Run, LLC v. Penelec*, Docket No. C-200438888 (Order entered January 5, 3005) and *Snyderville Community Development Corporation v. Philadelphia Gas Works*, Docket No. C-20055032 (Order entered July 31, 2006).

8. The Commission's obligation to require attorneys in adversarial proceedings for parties other than individual *pro se* proceedings is well-settled:

In Pennsylvania, the Supreme Court is responsible for regulating the practice of law, and this Commission is bound by the Supreme Court's rules. The only persons authorized to practice law in Pennsylvania are as follows: (1) persons fully admitted to the Pennsylvania Bar; (2) persons admitted *pro hac vice* under Rule 301; and (3) persons qualified as certified legal interns under Rule 321. The Pennsylvania Supreme Court in *Shorz v. Farrell*, 327 Pa. 81, 193 A.20 (1937), held that if the nature of an administrative hearing is to determine questions of fact or interpretation of administrative law, then the hearing is of a judicial character. Any participation in such a hearing constitutes the practice of law. Accordingly, it would be unlawful to allow non attorney representation in adversarial proceedings before the Commission.

*James and Judith Simon v. Franklin Water Company*, Docket No. C-00956589 (Order entered January 29, 1996).

9. Consequently, a corporation that files a formal complaint with the Commission must obtain counsel to proceed with all other aspects of the proceeding, including, without limitation, responsive pleadings, discovery, testimony preparation, attendance at hearing, examination of witnesses and briefing.

10. At this point, the Company is required to incur the time and expense to prepare for a full evidentiary hearing without knowing if the Customer will even be represented by counsel.

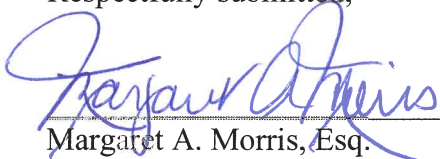
11. In order to minimize any further prejudice, time and/or expense by the Company, the Complainant should be ordered to have a Pennsylvania licensed attorney file an Entry of Appearance within ten (10) days of the issued order, or the proceeding will be dismissed.

**WHEREFORE**, for the foregoing reasons, FirstEnergy Pennsylvania Electric Company, respectfully requests that the Commission:

a) Enter an order directing the Complainant to have a Pennsylvania licensed attorney enter an appearance on behalf of Lynnville Holdings LLC within ten (10) days of the issued order; and

b) Dismiss the Formal Complaint in this proceeding if a Pennsylvania licensed attorney does not enter an appearance on behalf of Lynnville Holdings LLC in compliance with any applicable order.

Respectfully submitted,



Margaret A. Morris, Esq.

Attorney ID No. 75048

Reger Rizzo & Darnall LLP

Cira Centre, 13<sup>th</sup> Floor

2929 Arch Street

Philadelphia PA 19104

(215) 495-6524 tel.

[mmorris@regerlaw.com](mailto:mmorris@regerlaw.com)

Dated: May 28, 2025

*Counsel for FirstEnergy Pennsylvania Electric  
Company (Met-Ed Rate District)*

Docket No. C-2025-3054296  
John Brooks v. FirstEnergy Pennsylvania Electric Company  
(Met-Ed Rate District)

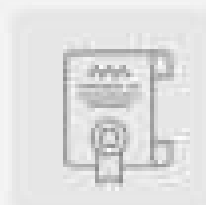
Attachment 1

Corporate Filing

# Lynnville Holdings LLC (7365241)



**File Annual Report**



**Request Certificate**

*Initial Filing Date*

**09/17/2021**

*Status*

**Active**

*Formed In*

**PENNSYLVANIA**

*Filing Type*

**Domestic Limited Liability Company**

*Filing Subtype*

**Limited Liability Company**

*Annual Report Due Date*

**09/30/2025**

*Registered Office*

**8144 Bausch Road  
New Tripoli, PA 18066  
County: Lehigh**