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June 9, 2025

VIA ELECTRONIC FILING

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Kitten Scoop v. FirstEnergy Pennsylvania Electric Company
Docket No. C-2024-3052118

Dear Secretary Homsher:

Enclosed please find the Motion of FirstEnergy Pennsylvania Electric Company on behalf of its West Penn Rate District to Dismiss the Complaint of Kitten Scoop. This document has been served on the Complainant as shown in the Certificate of Service.

Please contact me if you have any questions regarding this matter.

Very truly yours,

A handwritten signature in black ink that reads "Angelina Umstead". The signature is written in a cursive style and is positioned above the printed name.

Angelina Umstead

AU/mlr

Enclosures

c: As Per Certificate of Service

II. Factual Background

2. The Formal Complaint was filed against the Company on November 14, 2024, and contained requests for a discounted non-profit rate as well as deduction of the income tax billed to the non-residential electric under Account No. 100157044890 in the Complainant's name to 323 Oakland Avenue, Greensburg, Pennsylvania 15601.

3. On December 4, 2024, the Company filed an Answer and New Matter denying the material allegations therein. In its New Matter, the Company alleged, *inter alia*, that the Complainant is a Pennsylvania corporation and is not represented by an attorney as required by the Commission's regulations.

4. A Hearing Notice, dated March 31, 2025, was issued for the Initial Call-in Telephonic Hearing on May 20, 2025, before the Honorable Mary D. Long ("ALJ Long").

5. By Interim Order dated May 20, 2025, ALJ Long granted Complainant's request for continuance of the hearing and canceled the May 20, 2025, hearing.

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

III. Corporations Must be Represented by Counsel

7. 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).

8. 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, 2005) and *Snyderville Community Development Corporation v. Philadelphia Gas Works*, Docket No. C-20055032 (Order entered July 31, 2006).

9. 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).

10. 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.

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

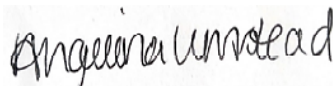
12. In order to minimize any further prejudice, time and/or expense by the Company, the Complainant should be ordered to have a Pennsylvania licensed attorney file an Entry of Appearance within ten (10) days of the issued order, or the proceeding will be dismissed.

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 Kitten Scoop 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 Kitten Scoop in compliance with any applicable order.

Respectfully submitted,



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Dated: June 9, 2025

Counsel for FirstEnergy Pennsylvania Power
Company, West Penn Rate District

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

KITTEN SCOOP

v.

**FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY**

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Docket No. C-2024-3052118

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Motion of FirstEnergy Pennsylvania Electric Company on behalf of its West Penn Rate District to Dismiss the Formal Complaint of Kitten Scoop upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by electronic mail as follows:

Kitten Scoop
kittenscoop@gmail.com

Administrative Law Judge Mary D. Long
malong@pa.gov

Dated: June 9, 2025



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Counsel for FirstEnergy Pennsylvania Electric
Company, West Penn Rate District