

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

INITIAL DECISION

Before
Alphonso Arnold III
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses the Formal Complaint filed by Donna L. Shawfield Bennett on behalf of Darryl S. Shawfield for Ms. Bennett’s failure to comply with an Interim Order of the Presiding Officer.

HISTORY OF THE PROCEEDING

On November 8, 2024, Donna L. Shawfield Bennett (“Ms. Bennett”) filed a Formal Complaint (“Complaint”) with the Pennsylvania Public Utility Commission (“Commission”) against Duquesne Light Company (“Duquesne”) concerning utility service provided to Darryl S. Shawfield (“Mr. Shawfield”). Ms. Bennett identified herself as the “Trustee for Darryl S. Shawfield.” Complaint ¶ 1. Ms. Bennett checked

the boxes on the Complaint form indicating “Incorrect charges are on my bill” and “Other” and explained the following:

This is about Mystery Charges and not one but several lost or uncredited payments, and bills sent to them for mishandling payments and billing. This is a cumulative issue concerning accounting, clarification of billing, incorrect assumptions of Disputed Amounts, navigation of the payment process, and several mishandled payments which have remained unresolved beginning in December 2023.

Complaint ¶ 4.

For relief, Ms. Bennett stated the following:

I want the P.U.C. to order Duquesne Light to clarify and correct the billing discrepancies, admit their technology is fallible, and clear the poor credit rating it has created. To take responsibility, and make reparations, for their actions. Their actions have ignored Pennsylvania codes Title 13: §3310, §3311, §3502, & §3603, along with others noted in the enclosed letter dated March 2, 2024, for which they have been billed \$446.00 with penalties of \$5,000.00 under Title 18 Chapter 41 §4107. I would like to have the laws followed, and the reparation of \$5,446.00 under these laws credited to this account. Duquesne Light has not disputed the bills I sent to them concerning breaking the Pennsylvania Codes, they simply ignored the bills.

Complaint ¶ 5.

Further, there are several attachments to the Complaint containing letters between Ms. Bennett and Duquesne regarding alleged misapplied payments and incorrect charges concerning Mr. Shawfield’s Duquesne account. Copies of Mr. Shawfield’s electric bills with due dates ranging from January 2024 to October 2024 were also attached to the Complaint.

On November 14, 2024, Ms. Bennett filed a document with the Commission docketed as “Additional Info to Formal Complaint,” wherein she provided additional details concerning alleged misapplied payments to Mr. Shawfield’s account.

On November 27, 2024, Duquesne filed an Answer to the Complaint. Duquesne in its Answer noted that the account in question is in the name of Darryl Shawfield and that Ms. Bennett is an authorized user on the account. Duquesne 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, properly endorsed with a Notice to Plead. Duquesne argued that the portions of the Complaint raising claims under Title 13 and Title 18 of the Pennsylvania Code should be dismissed, pursuant to 52 Pa. Code § 5.101(a)(1), as the Commission lacks subject matter jurisdiction over such claims. Duquesne also argued that the portion of the Complaint requesting monetary damages should be dismissed, pursuant to 52 Pa. Code § 5.101(a)(2), as impertinent matter.

Ms. Bennett did not file an Answer to the Preliminary Objections.

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. 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. My Order granted the Preliminary Objections and dismissed the portions of the Complaint raising claims under Title 13 and Title 18 of the Pennsylvania Code and the portions of the Complaint seeking monetary damages.

Also on February 3, 2025, the Commission issued an Initial Call-In Telephonic Hearing Notice scheduling an evidentiary hearing for April 17, 2025. The Hearing Notice explained the following concerning representation:

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, Initial Call-In Telephonic Hearing Notice.

On February 5, 2025, the Commission issued my Prehearing Order which explained the procedural rules that would govern the evidentiary hearing. The Prehearing Order explained the following concerning representation:

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. 2 And, unless you are an attorney, you may not represent someone else.

February 5, 2025, Prehearing Order.

On February 26, 2025, the Commission issued my Interim Order #1, which directed Ms. Bennett to have an attorney enter his or her appearance on behalf of the trust of Darryl Shawfield on or before April 3, 2025.

On March 4, 2025, Ms. Bennett filed a “Motion to Court Complaint” wherein she requested a “Summary Finding in Favor of the Complainant.” In her Motion, Ms. Bennet moved for summary judgment pursuant to 52 Pa. Code § 5.102(c). Attached to this Motion is a document titled “Addendum Complaint F-2024-3052032” wherein Ms. Bennett provided a response to Duquesne’s Answer. This Motion did not include a Notice to Plead. *See* 52 Pa. Code § 5.102(a).

On March 27, 2025, Duquesne filed its “Answer of Duquesne Light Company to Ms. Bennett’s Motion for Summary Judgment” wherein it requested that Ms. Bennett’s “Motion to Court Complaint” be denied.

Also on March 27, 2025, Duquesne filed its “Motion to Strike the Reply to Answer” wherein Duquesne requested that the “Addendum Complaint F-2024-3052032” attached to Ms. Bennett’s “Motion to Court Complaint” be struck from the record in this proceeding. Duquesne’s Motion included a Notice to Plead which informed Ms. Bennett that she had 20 days from the date of service to respond to the Motion. Ms. Bennett did not respond to this Motion.

On March 28, 2025, Ms. Bennett filed a “Notice to the Court.” On March 31, 2025, the Commission’s Secretary docketed Ms. Bennett’s “Notice to the Court” as a Motion to Withdraw. A copy of this document was not served upon Duquesne. In this document, Ms. Bennett petitions for the Commission to withdraw the Complaint. As her reason for the withdrawal request, Ms. Bennett stated the following:

“Based on the obvious prejudice and bias the court has exhibited in its Order#1, previous rulings in favor of the Respondent, and lack of any ruling on the Complainant’s motions for an impartial audit or the motion to transfer this matter to the District Attorney, I see it is futile to continue in this course of action.”

Notice to the Court, p. 1.

On April 1, 2025, I provided Duquesne with a copy of the “Notice to the Court” and directed Duquesne to file a response to the document by April 11, 2025.

On April 7, 2025, Duquesne filed a Letter indicating that it had no objection to the withdrawal of the Complaint but objected to Ms. Bennett’s characterization of the procedural history of the Complaint and her allegations that this proceeding has been biased against her and/or the Complainant.

On April 8, 2025, the Commission issued a Hearing Cancellation Notice cancelling the April 17, 2025, evidentiary hearing.

On April 9, 2025, the Commission issued my Order Closing Record, wherein I closed the evidentiary record in this proceeding.

For the reasons discussed below, the Complaint will be dismissed.

FINDINGS OF FACT

1. Complainant is Darryl S. Shawfield.
2. Respondent is the Duquesne Light Company.

3. On November 8, 2024, Ms. Bennett filed a Complaint with the Commission against Duquesne concerning utility service provided to Mr. Shawfield.

4. Donna L. Shawfield Bennett identified herself on the Complaint form as the Trustee for Darryl S. Shawfield. Complaint ¶ 1.

5. Ms. Bennett did not state that she was an attorney on the Complaint.

6. No attorney was listed on paragraph 10 of the Complaint, titled “legal representation.” Complaint ¶ 10.

7. On November 27, 2024, Duquesne filed an Answer to the Complaint.

8. On February 3, 2025, the Commission issued an Initial Call-In Telephonic Hearing Notice scheduling an evidentiary hearing for April 17, 2025.

9. On February 5, 2025, the Commission issued my Prehearing Order which explained the procedural rules that would govern the evidentiary hearing.

10. The Hearing Notice and Prehearing Order informed the parties that only individuals could represent themselves, and that all others must be represented by an attorney.

11. On February 26, 2025, the Commission issued my Interim Order #1, which directed Ms. Bennett to have an attorney enter his or her appearance on behalf of the trust of Darryl Shawfield on or before April 3, 2025.

12. Interim Order #1 warned that failure to comply with the Interim Order would result in dismissal of the Complaint.

13. Ms. Bennett selected to be served documents from the Commission via the Commission's eService process. Complaint ¶ 9.

14. Ms. Bennett was eServed with the Hearing Notice, my Prehearing Order, and my Interim Order #1.

15. The Commission has received no notification that the Hearing Notice, my Prehearing Order, and my Interim Order #1 failed to be electronically served to Ms. Bennett.

16. No attorney entered their appearance in this matter.

17. On April 8, 2025, the Commission issued a Hearing Cancellation Notice, cancelling the April 17, 2025, hearing scheduled in this matter.

18. On April 9, 2025, the Commission issued my Order Closing the Record, which closed the evidentiary record in this matter.

DISCUSSION

Legal Standards

Attorney representation

The Commission's Regulations provide specific requirements concerning representation before the Commission, as set forth in 52 Pa. Code §§ 1.21-1.24.

Specifically, the Commission’s Regulations provide that while individuals may represent themselves, “persons” in adversarial proceedings must be represented in accordance with 52 Pa. Code § 1.22 (relating to appearance by attorneys and legal interns). 52 Pa. Code § 1.21(a), (b). The term “person” is defined as “individuals, corporations, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental entities, municipalities or other political subdivisions.” 52 Pa. Code § 1.8. Further, the term “adversarial proceeding” is defined as “[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, and which will be decided on the basis of a formal record.” *Id.*

The Commission’s regulations further provide that an attorney who signs an initial pleading in a representative capacity shall be considered to have entered an appearance in that proceeding, but that in all other instances shall file with the Secretary a written notice of appearance. 52 Pa. Code § 1.24(b)(1), (2). It is well-settled in Commission practice that participation in a formal adversarial proceeding before the Commission constitutes the practice of law. *See, e.g., Lesley A. Scheaffer for Leslie W. Scheaffer v. Pa. Pub. Util. Comm’n*, Docket No. F-2016-2577647 (Opinion and Order entered Apr. 3, 2018). As such, that participation is limited to those who either file as individuals and represent themselves or to attorneys who are representing others. *Id.* The Commission cannot empower an individual to engage in the unauthorized practice of law, which is conduct prohibited by Section 2524 of the Judicial Code, 42 Pa.C.S. § 2524.¹

¹ **(a) General rule.**--Except as provided in subsection (b), any person, including, but not limited to, a paralegal or legal assistant, who within this Commonwealth shall practice law, or who shall hold himself out to the public as being entitled to practice law, or use or advertise the title of lawyer, attorney at law, attorney and counselor at law, counselor, or the equivalent in any language, in such a manner as to convey the impression that he is a practitioner of the law of any jurisdiction, without being an attorney at law or a corporation complying with 15 Pa.C.S. Ch. 29 (relating to

Failure to comply with orders of presiding officers

The Commission has long held that failure to comply with an order issued by a presiding officer warrants dismissal of the application or complaint. *See, e.g., Application of Robert Bautista t/a Collado Luxury Ride, LLC*, Docket No. A-2015-2476824, (Final Order entered Feb. 1, 2016); *Application of And Ex Car*, Docket No. A-2012-2337848 (Final Order entered June 19, 2013); *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No., C-2008-2065498 (Opinion and Order entered June 24, 2009). More specifically, the Commission has dismissed complaints when a complainant failed to comply with an order of the presiding officer directing it to have an attorney enter his/her appearance on its behalf. *See Am. Housing Sols. v. York Water Co.*, Docket No. F-2023-3043623 (Final Order entered July 2, 2024); *Application of Home Concept Servs. LLC for approval to provide paratransit serv. in Phila., Montgomery, Bucks and Delaware Cntys.*, Docket No. A-2022-3034706 (Opinion and Order entered Apr. 20, 2023); *Yea Ryong Church c/o David Wong v. Metro. Edison Co.*, Docket No. C 2017- 2626578 (Final Order entered May 9, 2018).

Commission service

Regarding service of Commission documents, notice electronically served to a party's registered email address with no notification that service failed to be delivered to that email address is presumed to have been received. *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

professional corporations), commits a misdemeanor of the third degree upon a first violation. A second or subsequent violation of this subsection constitutes a misdemeanor of the first degree. 42 Pa.C.S. § 2524(a).

Analysis

First, I will briefly address Ms. Bennett’s “Notice to the Court,” docketed in this matter on March 31, 2025, as a Motion to Withdraw. In this document, Ms. Bennett requests that her Complaint be withdrawn due to “the obvious prejudice and bias the court has exhibited in its Order #1, previous rulings in favor of the Respondent, and lack of any ruling on the Complainant’s motions for an impartial audit or the motion to transfer this matter to the District Attorney.” Notice to the Court, p. 1. Given the cited reasons for the withdrawal request, it would not be in the public interest to permit the withdrawal of her Complaint.² Ms. Bennett’s Notice to the Court will therefore be denied in the Ordering paragraphs below. However, the Complaint filed in this matter will be dismissed due to Ms. Bennett’s failure to comply with my Interim Order #1.

The Complaint was filed by Ms. Bennett and raises incorrect billing allegations concerning electric service provided to Mr. Shawfield. The Complaint became contested once Duquesne filed its Answer to the Complaint. Therefore, once the Answer was filed, this proceeding became an “adversarial proceeding” as defined by the Commission’s regulations. *See* 52 Pa. Code § 1.8. Persons in adversarial proceedings must be represented by an attorney or certified legal intern. 52 Pa. Code § 1.21(b).

In the Complaint, Ms. Bennett identified herself as the trustee for Mr. Shawfield. In her “Notice to the Court,” Ms. Bennett explained that she is the trustee of Mr. Shawfield’s special needs trust. Ms. Bennett did not indicate that she was an attorney licensed to practice law in Pennsylvania in the Complaint. Further, no attorney is identified in paragraph 10 of the Complaint form titled “legal representation.”

² Pursuant to the Commission’s regulations, the public interest must be considered when determining whether the withdrawal will be permitted. *See* 52 Pa. Code § 5.94(a).

Ultimately, the Complaint concerns service provided to Mr. Shawfield and as such, Mr. Shawfield must represent himself or be represented by an attorney or certified legal intern. 52 Pa. Code § 1.21(b). Ms. Bennett is not a licensed attorney and cannot be permitted to represent Mr. Shawfield in this adversarial proceeding.

Ms. Bennett was informed of the Commission's attorney representation requirements in the February 3, 2025, Hearing Notice and February 5, 2025, Prehearing Order. Both documents were eServed upon Ms. Bennett and the Commission has received no notification that the documents failed to be electronically served. Therefore, I must presume that Ms. Bennett received both documents. *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016- 2553416 (Final Order entered Jan. 31, 2017). On February 26, 2025, I issued an Interim Order ordering Ms. Bennett to have an attorney enter his or her appearance on behalf of the trust of Mr. Shawfield in this proceeding. Ms. Bennett failed to comply with this Order, as no attorney entered his or her appearance in this proceeding on behalf of Mr. Shawfield by the April 3, 2025 deadline. As failure to comply with an order of a presiding officer warrants dismissal of a Complaint, the Complaint filed in this matter will be dismissed in the Ordering paragraphs below.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties in this proceeding. 66 Pa.C.S. § 701.

2. Notice electronically served to a party's registered email address with no notification that service failed to be delivered to that email address is presumed to have been received. *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final

Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

3. Persons in adversarial proceedings must be represented by legal counsel or a certified legal intern in proceedings before the Commission. 52 Pa. Code § 1.21(b).

4. An attorney who signs an initial pleading in a representative capacity shall be considered to have entered an appearance in that proceeding, but that in all other instances shall file with the Secretary a written notice of appearance. 52 Pa. Code § 1.24(b)(1), (2).

5. The term “person” is defined as “individuals, corporations, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental entities, municipalities or other political subdivisions.” 52 Pa. Code § 1.8.

6. The term “adversarial proceeding” is defined as “[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 and which will be decided on the basis of a formal record.” 52 Pa. Code § 1.8.

7. It is well-settled in Commission practice that participation in a formal adversarial proceeding before the Commission constitutes the practice of law. *See, e.g., Lesley A. Scheaffer for Leslie W. Scheaffer v. Pa. Pub. Util. Comm’n*, Docket No. F-2016-2577647 (Opinion and Order entered Apr. 3, 2018).

8. The Pennsylvania Judicial Code prohibits an individual to engage in the unauthorized practice of law. 42 Pa.C.S. § 2524.

9. The Commission has long held that failure to comply with an order issued by a presiding officer warrants dismissal of the application or complaint. *See, e.g., Application of Robert Bautista t/a Collado Luxury Ride, LLC*, Docket No. A-2015-2476824 (Final Order entered Feb. 1, 2016); *Application of And Ex Car*, Docket No. A2012-2337848 (Final Order entered June 19, 2013); *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009).

10. The Commission has dismissed complaints when a complainant failed to comply with an order of the presiding officer directing it to have an attorney enter his/her appearance on its behalf. *See Am. Housing Sols. v. York Water Co.*, Docket No. F-2023-3043623 (Final Order entered July 2, 2024); *Application of Home Concept Sers. LLC for approval to provide paratransit serv. in Phila., Montgomery, Bucks and Delaware Cntys*, Docket No. A-2022-3034706 (Opinion and Order entered Apr. 20, 2023); *Yea Ryong Church c/o David Wong v. Metro. Edison Co.*, Docket No. C-2017-2626578 (Final Order entered May 9, 2018).

ORDER

THEREFORE,

IT IS ORDERED:

1. That Donna L. Shawfield Bennett's Motion to the Court Complaint, filed on March 4, 2025, in the matter of Darryl S. Shawfield c/o Donna L. Shawfield v. Duquesne Light Company, Docket No. F-2024-3052032, is dismissed as moot.

2. That Duquesne Light Company's Motion to Strike the Reply to Answer, filed on March 27, 2025, in the matter of Darryl S. Shawfield c/o Donna L. Shawfield v. Duquesne Light Company, Docket No. F-2024-3052032, is dismissed as moot.

3. That Donna L. Shawfield Bennett's Notice to the Court, filed on March 28, 2025, and docketed as a Motion to Withdraw on March 31, 2025, in the matter of Darryl S. Shawfield c/o Donna L. Shawfield v. Duquesne Light Company, Docket No. F-2024-3052032, is denied.

4. That the Formal Complaint in the matter of Darryl S. Shawfield c/o Donna L. Shawfield v. Duquesne Light Company, Docket No. F-2024-3052032, is dismissed.

