

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tammy’s West Side Deli	:	
	:	
v.	:	C-2025-3053323
	:	
FirstEnergy Pennsylvania Electric Company	:	

**INTERIM ORDER
DIRECTING COMPLAINANT TO CAUSE COUNSEL TO ENTER APPEARANCE OR
SHOW CAUSE WHY IT IS NOT REQUIRED TO BE REPRESENTED BY COUNSEL**

On February 10, 2025, Tammy’s West Side Deli (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against FirstEnergy Pennsylvania Electric Company (FE PA, Company, or Respondent), requesting a payment arrangement (PAR). Complainant checked the “other” box, writing,

Nov 1st I talked to Daniel Garcia which was very nice to talk with. We came to an agreement but he said that if we needed anything in the future to get ahold of him. We have been trying the past 3 weeks to contact him at 724-838-6416, but have not heard back from him. We are waiting on a settlement to come [sic] thru[sic] and when that does we can get the back bill taken care of. Until then we would like to pay the current bill plus \$1000.00 a month.

Complaint ¶ 4.

Regarding service by the Commission, Complainant selected to be served by eService. Complaint ¶ 9.

On March 3, 2025, Respondent filed an Answer to the Complaint. FE PA admits it provides non-residential service to Complainant at 48 West Main Street, Greenville, PA 16125 (service location). It denies Complainant is eligible for a PAR and maintains that at all times

relevant to this proceeding, the Company's actions have been reasonable and performed in accordance with all applicable laws, as well as the Company's Commission-approved tariffs, the Public Utility Code, and Commission regulations and orders. Answer ¶ 4. It further avers that Daniel Garcia has not been employed by the Company since January 2025. *Id.*

Finally, FE PA notes Complainant must be represented by counsel in these proceedings. It notes that Complainant is a limited liability Company (LLC) and the Complaint was signed by Complainant's owner, Tammy Brest, who may not represent Complainant since she is not an attorney.

On March 6, 2025, Chief Administrative Law Judge Charles E. Rainey, Jr. issued an Interim Order Setting Resolution Conference.

The matter did not settle, so on June 30, 2025, the Commission issued an Initial Telephonic Hearing Notice, assigning this matter to me and scheduling an evidentiary hearing for August 14, 2025. The Hearing Notice reads, in pertinent part,

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.

See Hearing Notice, pg. 2.

Also on June 30, 2025, I issued a Prehearing Order, which reads, in pertinent part,

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 an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. And, unless you are an attorney, you may not represent someone else.

See Prehearing Order, pg. 4 (citations omitted).

The Commission's 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 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.

A non-attorney owner/operator of a limited liability corporation may file a complaint, but, once an answer is filed, the limited liability corporation must thereafter be represented by counsel. *Cars R Us c/o Holman Copeland v. PGW*, Docket No. C-2008-2033437 (Order entered February 4, 2010). The absence of an attorney where one is required deprives the Commission of jurisdiction to adjudicate the matter. *Scheaffer v PPL Electric Utilities Corp.*, Docket No. F-2016-2577647 (Opinion and Order entered April 3, 2018).

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).

Complainant clearly identifies itself as “Tammy’s West Side Deli,” in the Complaint, but does not specify what kind of business organization it is. In its Answer, FE PA avers Complainant is a limited liability corporation, which is a business entity that, under the Commission’s rules and applicable case law, must be represented by counsel. Since FE PA has now filed an Answer to the Complaint, this proceeding is considered adversarial.

If Complainant is in fact an LLC, Ms. Tammy Brest may continue to represent Complainant informally in attempts to resolve the Complaint outside of the evidentiary hearing, but in order to proceed with the Complaint at an evidentiary hearing, Complainant must be represented by counsel.

THEREFORE,

IT IS ORDERED:

1. That, by **August 6, 2025**, Tammy’s West Side Deli, shall either: (1) cause counsel to enter his or her appearance in accordance with the provisions of 52 Pa.Code § 1.24(b), or (2) show cause why it is not required to be represented by counsel in this matter.
2. That Complainant’s failure to comply with Ordering Paragraph 1 may result in dismissal of the Complaint.

Date: July 2, 2025

/s/
Emily I. DeVoe
Administrative Law Judge

**C-2025-3053323 – TAMMY’S WEST SIDE DELI v. FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY**

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