

COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST,  
Complainant

v.

FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY,  
Respondent

Docket No.: C-2025-3056017

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COMPLAINANT'S REPLY TO RESPONDENT'S ANSWER AND NEW MATTER

NOW COMES Complainant, ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST (the "Trust" or "Complainant"), by and through its duly authorized Trustee and agent, and submits this Reply to Respondent's Answer and New Matter, stating as follows:

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I. GENERAL REPLY

(a) Complainant's Standing:

The Trust is the lawful party in interest. Utility accounts were opened under the Trust or were duly assigned to the Trust, which lawfully holds all rights, titles, and interests in the accounts in question.

(b) Original Agreements as Collateral:

The original utility applications constitute binding contracts and financial assets that created rights to payment. Respondent accepted these applications, benefitted from them, and monetized them through securitization or other financing arrangements.

(c) Lawful Demand for Accounting:

Complainant made repeated written demands for a full accounting, including identification of any assignments, securitizations, or sales of the receivables related to the accounts. Respondent has failed or refused to provide a certified accounting, and therefore stands in commercial dishonor.

(d) Failure to Respond to Administrative Process and Settlement Tender:

Respondent failed to respond to Complainant's lawful administrative process, including notices of default and presentment of a Bill of Exchange / equitable tender for settlement. Respondent's silence and inaction constitute commercial default and dishonor, and demonstrate its failure to mitigate or resolve the matter prior to this proceeding. Respondent failed to respond to Complainant's lawful administrative process, including notices of default and presentment of a Bill of Exchange / equitable tender for settlement. Respondent's silence and inaction constitute commercial default and dishonor, and demonstrate its failure to mitigate or resolve the matter prior to this proceeding.

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II. SPECIFIC REPLY TO RESPONDENT'S ASSERTION OF "UNAUTHORIZED PRACTICE OF LAW"

Respondent asserts, in substance, that Complainant's Trustee is practicing law without a license. This assertion is baseless and contrary to Pennsylvania law:

1. Trustee is the real party in interest when appearing on behalf of a trust.
2. A Trustee's actions to protect trust property, assert claims, and respond to administrative inquiries do not constitute the practice of law.
3. The Pennsylvania Supreme Court has long recognized that a Trustee or fiduciary may appear to represent the interests of the trust in administrative and quasi-judicial proceedings without a bar license when acting in that fiduciary capacity.

4. Complainant, acting solely in the capacity of Trustee and authorized agent, is asserting proprietary and equitable rights of the Trust—not the rights of third parties—therefore no unauthorized practice of law occurs.
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### III. RECOGNITION OF EQUITY JURISDICTION BEFORE THE PUC

5. The Pennsylvania Public Utility Commission (“PUC”) has authority to resolve matters that invoke equitable principles where the complaint arises from:
    - Unjust or unreasonable utility practices;
    - Disputed billing and collection activity; and
    - Enforcement of tariffs and statutory obligations.
  6. Complainant’s claims sound in equity and commercial law, specifically:
    - Respondent’s failure to provide a complete accounting;
    - Failure to disclose assignments, securitization, or double collection;
    - Breach of the duty to apply credits and offsets in good faith.
  7. Pennsylvania courts and administrative bodies recognize that “he who seeks to enforce a right must come into equity with clean hands.”
    - Respondent’s concealment of the chain of title of receivables and refusal to provide accounting places Respondent in unclean hands.
    - The PUC may and should consider equitable remedies and defenses as part of its determination of just and reasonable practices.
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### IV. RESPONSE TO NEW MATTER

8. Proper Billing and Account Management – Denied.
  - Respondent ignores the assignment of the ERIEN FRAZIER account to the ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST account.

- Such assignment added value to the Trust account and triggered a duty to reconcile both balances.
9. Failure to Provide Accounting – Admitted in part, denied in part.
- Complainant lawfully demanded:
    - (a) Original applications/contracts;
    - (b) All accounting of credits, offsets, securitizations, and assignments;
    - (c) Disclosure of any sale, pledge, or transfer of receivables.
  - Respondent has refused to produce these documents, leaving the accounts in commercial dishonor.
10. Standing to Collect – Denied.
- If receivables were monetized or assigned to a Special Purpose Entity, Respondent acts only as a servicer without beneficial ownership.
  - Failure to disclose the true holder of the receivable is a material omission, defeating Respondent’s standing.
11. Threat of Termination – Denied.
- Respondent’s tariff only permits termination of undisputed service.
  - A lawful and ongoing dispute exists, supported by notices, Bills of Exchange, and Certificates of Default.
  - Any termination would violate PUC regulations and Respondent’s tariff obligations.
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## V. AFFIRMATIVE EQUITABLE DEFENSE

1. Respondent is attempting double recovery by collecting on receivables already monetized through assignment or securitization.

2. Complainant asserts equitable setoff and recoupment against any sums claimed due.
  3. Respondent's unclean hands and material nondisclosure invoke the PUC's equitable jurisdiction.
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## VI. RELIEF REQUESTED

WHEREFORE, Complainant requests that the PUC:

1. Compel a full, certified accounting of both accounts, including chain of title and any securitizations or assignments;
  2. Stay any termination or collection efforts pending resolution of the accounting and equitable claims;
  3. Recognize and enforce Complainant's equitable right to offset obligations against amounts Respondent has already received from monetization of the accounts;
  4. Grant such other relief in law or equity as is just and proper.
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Respectfully submitted,

ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST

By: Erien Frazier

Authorized Trustee and Agent

Date: August 4, 2025

### VERIFICATION

I, Erien Frazier, Trustee for the Erien Lois Frazier Revocable Living Trust, hereby verify that the statements made above are true and correct to the best of my knowledge, information, and belief. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904.

Date: August 4, 2025

Signature: Erien Frazier

Name: Erien Frazier, Trustee

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing Reply to New Matter upon the following individual by email and/or first-class mail:

Margaret A. Morris, Esq.  
Reger Rizzo & Darnall LLP  
2929 Arch Street, 13th Floor  
Philadelphia, PA 19104  
mmorris@regerlaw.com

Dated: August 4, 2025

Signed: Erien Frazier