

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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|---|---|----------------|
| Jeremy Hargrove | : | C-2025-3056404 |
| | : | P-2025-3056405 |
| v. | : | |
| | : | |
| FirstEnergy Pennsylvania Electric Company | : | |

**ORDER
GRANTING INTERIM EMERGENCY RELIEF
AND CERTIFYING MATERIAL QUESTION**

On July 29, 2025, the undersigned presiding officer conducted a hearing concerning the request of Jeremy Hargrove (Mr. Hargrove or Petitioner) for interim emergency relief (Emergency Petition) filed on July 21, 2025, against FirstEnergy Pennsylvania Electric Company, Penn Power District (FE PA or Respondent). Mr. Hargrove filed his Formal Complaint (Complaint) against FE PA on July 21, 2025, which the Commission docketed at Docket No. C-2025-3056404. The Emergency Petition was docketed at the same docket number as the Complaint.

Procedural History

On July 21, 2025, Mr. Hargrove filed the Complaint against FE PA alleging the utility was threatening to shut off electric service or had shut off electric service already. Petitioner alleged he acquired the service address and contacted FE PA to establish an electric service account in his name. Petitioner further alleged FE PA failed to establish a new account and disconnected service to the service address without written notice. Petitioner alleged additional customer service issues, including long wait times, and requested an Emergency Interim Order. In his complaint, Petitioner agreed to receive all documents by email, using the email address he provided.

In his request for an Emergency Interim Order, Petitioner asserted he is entitled to emergency relief during the course of the proceeding. Petitioner seeks an Order from the Commission directing FE PA to restore electric service immediately, pursuant to 52 Pa. Code § 3.3. Petitioner averred he currently is suffering immediate and irreparable harm due to a loss of electricity at his residence, FE PA failed to provide a notice of termination, failed to update the account and caused a disconnection. Petitioner contended there is no adequate remedy at law short of immediate reconnection.

On July 22, 2025, the Office of Administrative Law Judge (OALJ) issued the Telephonic Emergency Hearing Notice setting the Hearing on the Emergency Petition for July 29, 2025. On July 23, 2025, the presiding officer issued the Prehearing Order advising the parties about procedural matters. The presiding officer ordered the parties to provide a prehearing memorandum by 12:00 p.m. (noon) on July 28, 2025. FE PA served its Prehearing Memorandum at 11:56 a.m. on July 28, 2025, and included four proposed exhibits. Petitioner did not provide a Prehearing Memorandum.

On July 28, 2025, FE PA filed a response to the Emergency Relief, entitled Prehearing Memorandum. FE PA averred the Emergency Petition was moot because service was restored on July 21, 2025 at 7:13 p.m. In addition, FE PA averred Mr. Hargrove lacked standing to bring the Emergency Petition on the behalf of the Customer because the Customer was 323 E Wallace Avenue, LLC, and could only be represented by an attorney.

By Hearing Notice issued July 22, 2025, the Commission advised the parties a hearing on the Emergency Petition would be held on Tuesday, July 29, 2025, by telephone. On July 23, 2025, the ALJ issued the Prehearing Order, advising the parties of the hearing date, place and time and outlining various procedural requirements related to the hearing on the Petition. The parties were required to file a prehearing memorandum which outlined the party's position and listed any witnesses which the party intended to present at the time of the hearing on the emergency petition.

The presiding officer conducted the emergency hearing as scheduled on July 29, 2025. FE PA appeared and was represented by Margaret A. Morris, Esq. Petitioner was not present and did not connect to the telephonic hearing. FE PA did not present the testimony of witnesses or offered exhibits, but FE PA was prepared to present testimony and evidence through two witnesses: Laurie Parker and Deborah Adie. During the proceeding, the presiding officer discussed the possibility of consolidating the formal complaint proceeding (Docket No. C-2025-3056404) with the emergency petition proceeding (Docket No. P-2025-3056405). FE PA did not object. The presiding officer advised FE PA that the matter would be taken under advisement, and an order would be issued within a week. In addition, the presiding officer ordered the caption to include both dockets but converted the emergency hearing into a prehearing conference.

Counsel for FE PA advised that Mr. Hargrove had indicated to FE PA on July 21, 2025, that he was considering withdrawing his formal complaint. Counsel noted FE PA would attempt to speak to Mr. Hargrove and determine if Mr. Hargrove was interested in resolving the formal complaint docket with a Certificate of Satisfaction.

On August 1, 2025, the Commission received a copy of the transcript of the emergency hearing, which totaled 18 pages. The emergency hearing record consists of the transcript, and FE PA's memorandum.

FINDINGS OF FACT

1. Petitioner is Jeremy Hargrove.
2. Respondent is FirstEnergy Pennsylvania Electric Company.
3. On July 21, 2025, Petitioner filed a formal complaint against Respondent, docketed at No. C-2025-3056404.

4. The formal complaint requested emergency relief in the form of a Commission Order that would require Respondent to immediately restore electric service at the service address.

5. The request for emergency relief is docketed at No. P-2025-3056405.

6. On July 22, 2025, OALJ served a Telephonic Emergency Hearing Notice on the parties scheduling a hearing on the Petition for Interim Emergency Order on July 29, 2025, at 9:00 a.m. (Tr. 5).

7. On July 23, 2025, the presiding officer served a Prehearing Order Concerning the Request of Jeremy Hargrove for an Interim Emergency Order on Petitioner and Respondent providing additional information to the parties regarding the hearing. (Tr. 5).

8. The Commission served both the Hearing Notice and Prehearing Order on Petitioner to the email address Petitioner provided to the Commission in the formal complaint. (Tr. 5, 6; Complaint ¶ 9).

9. Both the Hearing Notice and Prehearing Order provided Petitioner with the toll-free bridge telephone number and PIN to call and participate in the hearing, and, *inter alia*, the procedure to request a continuance, and the possible consequences of failing to appear at the hearing.

10. Neither the Hearing Notice nor the Prehearing Order was returned to the Commission as undeliverable. (Tr. 6).

11. Petitioner failed to appear and participate in the scheduled emergency telephonic hearing on July 29, 2025. (Tr. 5).

12. The court reporter, Counsel for Respondent and its witnesses were present and prepared to proceed at the July 29, 2025 hearing. (Tr. 5).

13. Petitioner has not contacted the Commission to explain why his failure to appear at the emergency hearing was unavoidable.

14. Electric service was re-established on July 21, 2025. (Tr. 7).

Evidence Presented at the Hearing

Mr. Hargrove did not appear at the Emergency Hearing and did not communicate to the Commission or the presiding officer that he was unavailable to appear at the Emergency Hearing. No evidence was presented at the Emergency Hearing. FE PA did assert at the emergency hearing, however, that electric service was restored to the service address on July 21, 2025. FE PA also asserted Mr. Hargrove indicated to FE PA on July 21, 2025, that he was not interested in pursuing his formal complaint. FE PA appeared at the Emergency Hearing with two possible witnesses who were prepared to testify: Laurie Parker and Deborah Adie. FE PA did not introduce exhibits.

The Standard for Emergency Relief

The issue the Commission must resolve in this emergency proceeding is whether Mr. Hargrove established the requisite need to order FE PA to establish electric service immediately in his name at the service address and maintain electric service until such date as the Commission may grant or dismiss the Complaint at Docket No. C-2025-3056404. For reasons that follow, I conclude there is no proof Mr. Hargrove needs the emergency relief requested.

The purpose of an interim emergency order is to grant or deny injunctive relief during the pendency of a proceeding.¹ The purpose of granting injunctive relief has been described as “to maintain things as they are until the rights of the parties can be considered and determined after a full hearing.”²

¹ 52 Pa.Code § 3.1.

² *Pa. Pub. Util. Comm'n v. Israel*, 52 A.2d 317, (Pa. 1947); at 321.

Emergency relief is governed by the Commission's regulations at 52 Pa.Code §§ 3.1-3.12. The provision at 52 Pa.Code § 3.1 defines an emergency as: "a situation which presents a clear and present danger to life or property or which is uncontested and requires action prior to the next scheduled public meeting."

The Commission's regulation at Section 3.10(a), 52 Pa.Code § 3.10(a), provides that an order which grants or denies interim emergency relief is immediately effective upon issuance by the presiding officer and there will be no stay of the order pending the Commission's review of the order.

In addition, the Commission's regulation at Section 3.10(b), 52 Pa.Code § 3.10(b), requires the presiding officer to certify the question of the grant or denial of relief to the Commission as a material question, in accordance with 52 Pa.Code § 5.305.

Furthermore, provisions at 52 Pa.Code § 5.305(a) to (c) state:

- "(a) During the course of a proceeding, a presiding officer may certify to the Commission for review and answer a material question which has arisen or is likely to arise. The question will be accompanied by the following:
- (1) An explanation of the compelling reasons why interlocutory review will prevent prejudice or expedite the conduct of the proceeding.
 - (2) A statement as to whether a stay of the proceedings has been placed in effect.
 - (3) An extract from the record that will assist the Commission.
- (b) A copy of the question certified and the accompanying information will be served on the parties at the same time it is submitted to the Commission.
- (c) Within 7 days of service of the certification, each party may submit a brief directed to the Commission addressing the merits of the question for which an answer is requested and whether a stay of proceedings is required to protect the substantial rights of a party."

The Elements to Be Proven for Emergency Relief

Before the Commission can grant an interim emergency order, the party seeking relief must prove by a preponderance of the evidence that the facts and circumstances meet all four of the requirements set forth in 52 Pa.Code § 3.6(b). Preponderance of the evidence must be evidence that is more convincing, by even the smallest amounts, than the evidence presented by the other party.³ In addition, any finding of fact necessary to support the Commission's adjudication must be based upon substantial evidence.⁴ Furthermore, more evidence is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established.⁵ If the party seeking relief fails to prove any one of the four requirements, the Commission will deny the relief requested.⁶

As set forth above, the party seeking relief must demonstrate the following: (1) the petitioner's right to relief is clear; (2) the need for relief is immediate; (3) the injury would be irreparable if relief is not granted; and (4) the relief requested is not injurious to the public interest. In this proceeding, Mr. Hargrove did not appear at the emergency hearing and did not provide any evidence in support of his claim for relief. Based on Mr. Hargrove's failure to appear at the emergency hearing and his failure to present evidence, Mr. Hargrove failed to meet the burden of proving: (1) his right to relief was clear; (2) there was an immediate need for relief; (3) there would be irreparable injury if the requested relief was not granted; and (4) the requested relief would not be injurious to the public interest.

Conclusion

The purpose of an interim emergency order is to grant or deny injunctive relief during the pendency of a proceeding. 52 Pa.Code § 3.1. The issue the Commission must resolve

³ *Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa.Cmwlth. 1990); *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

⁴ *Mill v. Pa. Pub. Util. Comm'n*, 447 A.2d 1100 (Pa.Cmwlth. 1982); *Edan Transportation Corp. v. Pa. Pub. Util. Comm'n*, 623 A.2d 6 (Pa.Cmwlth. 1993); 2 Pa.C.S. § 704.

⁵ *Norfolk & Western Railway v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Compensation Bd. of Review*, 166 A.2d 96 (Pa.Super. 1960); *Murphy v. Dep't. of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa.Cmwlth. 1984).

⁶ *Crums Mill Assoc. v. Dauphin Consolidated Water Supply Co.*, 1993 PA PUC LEXIS 90 (1993).

in this emergency proceeding is whether Mr. Hargrove established the requisite need to order FE PA to establish electric service immediately to the service address until such date as the Commission may order a final resolution to the allegations set forth in Mr. Hargrove's formal complaint. The presiding officer finds that Mr. Hargrove did not establish or prove the Commission should order FE PA to re-establish electric service.

Mr. Hargrove did not appear at the Emergency Hearing to provide proof that his request should be granted. Mr. Hargrove did not present any argument or evidence in support of his request. Accordingly, the presiding officer concludes there is no need to grant the emergency relief requested.

Pursuant to 52 Pa.Code § 3.10(b), the question of granting or denying relief by an interim emergency order shall be certified to the Commission as a material question to be processed in accordance with 52 Pa.Code § 5.305(a) to (c). Therefore, this order denying interim emergency relief will be certified to the Commission.

THEREFORE,

IT IS ORDERED:

1. That the transcript of the emergency hearing on July 29, 2025, at Docket No. P-2025-3056405 is admitted into the hearing record.
2. That the request for interim emergency relief, filed by Jeremy Hargrove on July 21, 2025, is denied for failure to meet the burden of proof.
3. That the denial of relief by interim emergency order, in the proceeding at Docket No. P-2025-3056405, is hereby certified to the Commission as the following material question requiring interlocutory review, pursuant to Section 5.305 of the Commission's regulations, 52 Pa.Code § 5.305:

**C-2025-3056404 & P-2025-3056405 - JEREMY HARGROVE v. FIRSTENERGY
PENNSYLVANIA ELECTRIC COMPANY**

Revised July 29, 2025

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