

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Erien Lois Frazier Revocable Living Trust :

v.

FirstEnergy Pennsylvania Electric Company :

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No. C-2025-3056017

INTERIM ORDER DIRECTING COMPLAINANT TO RETAIN COUNSEL

This Order directs Erien Lois Frazier Revocable Living Trust (“Complainant”), as a trust, to retain counsel in conformity with the Pennsylvania Public Utility Commission’s (“Commission”) regulations. FirstEnergy Pennsylvania Electric Company’s (“Respondent” or “FirstEnergy”) Motion to Dismiss the Formal Complaint is held in abeyance pending Complainant’s compliance with this Order.

History of the Proceeding

On June 30, 2025, Complainant filed a Formal Complaint (“complaint”) with the Commission against FirstEnergy. The complaint alleged that FirstEnergy was: (1) threatening to shut off service or already had shut off service, (2) billing on a disputed account, (3) ignoring lawful tender and (4) refusing to provide accounting or contract documentation.

On July 21, 2025, FirstEnergy filed an Answer and New Matter wherein it denied violating the Public Utility Code, Commission regulations, Commission orders or its Commission-approved tariff. Specifically, in its New Matter, FirstEnergy asserted that the Commission does not have jurisdiction to determine what is, or is not, legal tender acceptable for payment of a utility bill and that Complainant must be represented by counsel in this proceeding. Complainant did not file a timely reply to the New Matter.

On August 8, 2025, the Commission issued an Initial Telephonic Hearing Notice scheduling a telephone hearing in this matter for October 29, 2025. That same day, the Commission issued a Prehearing Order in which the parties were advised about procedural matters. Paragraph seven of the Prehearing Order advised both sides that only an individual person can represent himself/herself and all legal entities, including a trust, must be represented by an attorney licensed to practice law in Pennsylvania.

On August 14, 2025, Respondent filed a Motion to Dismiss the Formal Complaint (“motion”) asserting that Complainant must be represented by counsel in this proceeding.

On August 19, 2025, Complainant filed an answer in opposition to the motion asserting that the trustee is the real party in interest, that Complainant should be allowed to amend the complaint name the trustee and that the matter should not be dismissed.

Disposition

Based on the uncontested facts in the pleadings, the customer in this matter is either the Erien Lois Frazier Revocable Living Trust or Erien Frazier, trustee of the Erien Lois Frazier Revocable Living Trust. The law is clear that “persons” in an adversarial proceeding before the Commission, other than an “individual”, must be represented by an attorney that is admitted to practice law in the Commonwealth of Pennsylvania. 52 Pa. Code §§ 1.21 & 1.22; *Famille S. Trust v Duquesne Light Company*, Docket C-2024-2440650 (Opinion and Order Entered Mar. 17, 2016). The Commission’s regulations define “person” as including individuals, corporations, partnerships, associations, joint ventures, other business organizations, *trusts, trustees*, legal representatives, receivers, agencies, governmental entities, municipalities, municipal corporations or other political subdivisions. 52 Pa. Code § 1.8. Because it is uncontested that the customer in this proceeding is either the trust itself or the trustee for that trust, Complainant must be represented by counsel to proceed once the proceeding becomes adversarial.

This proceeding became adversarial once Respondent filed its Answer and New Matter with the Commission. *Tyler Run, LLC v. Penelec*, Docket No. C-20043888 (Order

entered January 5, 2005) and *Snyderville Community Development Corporation v. Philadelphia Gas Works*, Docket No. C-20055032 (Order entered July 31, 2006). Thus, Complainant is now required to be represented by counsel in accordance with 52 Pa. Code § 1.24(b).

Erien Frazier, who filed the complaint, does not assert that they are an attorney and may not represent the trust itself or themselves as the trustee in this litigation. As of this date, no attorney has filed an appearance on behalf of Complainant.

Without representation by counsel, Complainant may not proceed with the litigation of its Complaint. Complainant must timely obtain counsel in conformity with the terms of this Order. Complainant must have counsel enter appearance on its behalf on or before September 22, 2025. Failure to abide by this requirement will be deemed failure to comply with the order of a presiding officer, which would be grounds for the dismissal of the Complaint. “A presiding officer's orders must be complied with, and a lack of compliance presents a sufficient basis to dismiss a complaint.” *Treffinger v. PPL Electric Utilities Corp.*, Docket No. C-20027978 (Order entered March 3, 2003); *Snyderville Community Development Corp. v. PGW*, Docket No. C-20055032 (Order entered July 31, 2006); *Application of Black Diamond Cab Co.*, Docket No. A-00122566 (Order entered December 1, 1966).

THEREFORE,

IT IS ORDERED:

1. That telephonic evidentiary hearing scheduled for October 29, 2025 at 10:00 a.m. at Docket No. C-2025-3056017 is canceled.
2. That the Motion of FirstEnergy Pennsylvania Electric Company to Dismiss the Formal Complaint of Erien Frazier Revocable Living Trust filed at Docket No. C-2025-3056017 is held in abeyance pending compliance with this Order.

**C-2025-3056017 - ERIEN FRAZIER REVOCABLE LIVING TRUST v. FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY - WEST PENN RATE DISTRICT**

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