

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Thomas Albert	:	
	:	
v.	:	C-2025-3054574
	:	
Peoples Natural Gas Company, LLC	:	
Major Energy Services, LLC	:	
Tomorrow Energy	:	

**INTERIM ORDER  
JOINING INDISPENSABLE PARTY**

On April 14, 2025, Thomas Albert (Complainant or Mr. Albert) filed a Formal Complaint against Peoples Natural Gas Company, LLC (Peoples, Respondent, or Company) regarding gas service at 1307 Creedmoor Avenue, Pittsburgh, PA 15226 (service location). Complainant checked the “other” box on the Formal Complaint form, writing,

My mother Teresa Albert who was 96 years old. In the past a company somehow had her or my father switch over the gas provider. And I consider a bait and switch. The amount they were paying was I believe was usuary. I requested in an informal complaint. Case # 4043746 for Reference. Ms. Marsh was on the case.

Complaint ¶ 4. As relief, he requests, “Refund a quarter of the ridiculous over charge.”

Complaint ¶ 5. Regarding service by the Commission, Complainant checked the box and initialed next to the option for eService. Complaint ¶ 9.

On May 9, 2025, Peoples filed an Answer denying it had violated any regulations, policies, or procedures of the Commission. Answer ¶ 4. Further, Peoples argues the Complaint includes no allegations against Peoples and the issues complained of are directed to Complainant’s mother’s former natural gas supplier, Major Energy Services, LLC (MES). *Id.*

Peoples requests that this case be dismissed, or in the alternative, MES be joined as an indispensable party. Answer ¶ 5.

On May 9, 2025, Peoples filed a Motion to join MES as an indispensable party to this proceeding (Motion to Join MES). In its Motion, Peoples submits that the primary allegations of the Complaint appear to involve the natural gas supply charges assessed to Complainant's mother's account, which had MES or its predecessor as the natural gas supplier since 2019. Motion to Join MES ¶ 3. Peoples further avers that its records show the Company was requested to remove MES as the account's natural gas supplier effective February 18, 2025. *Id.* at ¶ 4. Respondent argues that the balance for which Complainant is seeking a 25% discount is the balance resulting from the natural gas supplier charges charged by MES. *Id.* at ¶ 5. Finally, Peoples notes that MES is a separate and distinct company from Peoples, and Peoples has no affiliation with MES. *Id.* at ¶ 6.

The Motion to Join MES contained a Notice to Plead, directing MES to file a response within 10 days.<sup>1</sup>

On May 19, 2025, the Commission issued a Motion Judge Assignment Notice, assigning this matter to me.

On May 22, 2025, I issued an Interim Order granting Peoples' Motion to Join MES. I directed, *inter alia*, that MES be served with a copy of the Complaint and that it file an answer or other responsive pleading within 20 days of service of the Complaint.

On July 8, 2025, MES filed an Answer to the Complaint. It denied charging incorrect rates or switching the account incorrectly. Further, MES averred the contract was assigned to MES from Tomorrow Energy in December of 2024, and MES has only provided natural gas supply service for a total of two (2) billing cycles.

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<sup>1</sup> The Commission's regulations provide that responses to motions must be filed within 20 days of service. 52 Pa Code § 5.102.

On July 10, 2025, the Commission issued an Initial Telephonic Evidentiary Hearing Notice, scheduling a hearing for August 28, 2025.

On July 10, 2025, I issued a Prehearing Order.

On August 25, 2025, counsel for Peoples emailed me, copying Mr. Albert and counsel for MES, explaining that the parties were jointly requesting a continuance. She advised that the parties believe the claims in the Complaint pertain to a time period in which Tomorrow Energy provided commodity, under Energy Choice regulations, to Mr. Albert's deceased mother's natural gas account. She advised that she intended to file a motion to join Tomorrow Energy as an indispensable party to the proceeding.

On August 26, 2025, Peoples filed a Motion to Continue the hearing scheduled for August 28, 2025.

On August 26, 2025, I responded to the parties by email, advising that the continuance request was granted.

On August 26, 2025, the Commission issued a Cancellation Notice.

On August 26, 2025, Peoples filed a Motion to Join Tomorrow Energy. Peoples avers that the primary allegations of the Complaint involve the natural gas commodity charges that were assessed to the account-of-concern from October 2019 to February 2025. It explains that after MES was joined, Peoples learned that MES only provided commodity services to the account-of-concern from December 2024 to February 2025, after Major Energy purchased certain contracts from Tomorrow Energy in Fall 2024. Peoples avers that Mr. Albert's concerns in the Formal Complaint primarily involve a time period in which Tomorrow Energy provided the commodity to the account-of-concern from October 15, 2019 through December 16, 2024. Therefore, Peoples requests that Tomorrow Energy be joined to this proceeding as an indispensable party.

The Motion to Join Tomorrow Energy contained a Notice to Plead, directing Tomorrow Energy to file a response within 10 days.<sup>2</sup>

As of the date of this Order, Tomorrow Energy has not filed a response to the Motion to Join Tomorrow Energy.

The Commission's regulations provide that responses to motions must be filed within 20 days of service. 52 Pa Code § 5.102. Although the time period for Tomorrow Energy to file a response to the Motion to Join Tomorrow Energy has not yet run, I am exercising my discretion to issue this Order now. 52 Pa. Code § 5.321 (b).

In Pennsylvania, “an indispensable party is one whose rights are so directly connected with and affected by litigation that he must be a party of record to protect such rights, and his absence renders any order or decree of court null and void for want of jurisdiction.” *Columbia Gas Transmission Corp. v. Diamond Fuel Co.*, 346 A.2d 788, 789 (Pa. 1975). Failure to join an indispensable party goes to the court's jurisdiction and, if not raised by the parties, should be raised *sua sponte*. *Posel v. Redevelopment Authority of Philadelphia*, 456 A.2d 243 (Pa. Cmwlth.1983). The Pennsylvania Supreme Court has established that “the basic inquiry in determining whether a party is indispensable concerns whether justice can be done in the absence of a third party.... In order to make the analysis, however, one must refer to the nature of the claim and the relief sought.” *Cry, Inc. v. Mill Service, Inc.*, 640 A.2d 372, 375-76 (Pa. 1994).

In order to make the analysis, however, one must refer to the nature of the claim and the relief sought.” Adopting criteria articulated in *Mechanicsburg Area School District v. Kline*, 494 Pa. 476, 481 (Pa. 1981), the court's test for determining indispensability involved “at least” the following considerations: 1. Do absent parties have a right or interest related to the claim? 2. If so, what is the nature of that right or interest? 3. Is that right or interest essential to the merits of the issue? 4. Can justice be afforded without violating the due process rights of absent parties?

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<sup>2</sup> The Commission's regulations provide that responses to motions must be filed within 20 days of service. 52 Pa Code § 5.102.

In the instant matter, Complainant writes, “[i]n the past a company somehow had her or my father switch over the gas provider,” expressly referencing a natural gas provider separate from Peoples. Complaint ¶ 4. Based on the averments made in Peoples’ Motion to Join Tomorrow Energy, the two gas suppliers at issue are MES and Tomorrow Energy.

With regard to the first factor, Tomorrow Energy has a right or interest to the claim. Allegedly, Mr. Albert’s billing dispute relates, in most part, to charges from Tomorrow Energy.

With respect to the second consideration of the test, Mr. Albert’s allegations of a violation of Commission rules may subject Tomorrow Energy to enforcement action against it which would entitle it to defend themselves and/or avail themselves of the opportunities to settle.

With respect to the third consideration of the test, Tomorrow Energy’s interests are essential to the merits of the case because much of Mr. Albert’s focus within the Complaint revolves around the charges for natural gas supply from a third party supplier, who Peoples and MES aver is Tomorrow Energy. Neither Peoples nor MES can answer for Tomorrow Energy, as they are a separate and distinct company. Additionally, Mr. Albert is requesting that 25% of the natural gas supplier charges be removed from his bill. Complaint ¶ 5. As these charges are not charges from Peoples, but charges from either MES or Tomorrow Energy, neither Peoples nor MES may be able to fully provide the relief he is seeking. Additionally, to the extent Mr. Albert is claiming that a third party supplier improperly switched his mother’s account from Peoples without the required consent, Tomorrow Energy would be in the best position to provide evidence on this claim, since Peoples and MES aver that Tomorrow Energy was the initial supplier to whom the account was switched. *See* 52 Pa. Code § 59.97.

With regard to the fourth consideration, not joining Tomorrow Energy, when its actions and policies are so central to the Complaint, would violate its due process rights. Tomorrow Energy was the account’s natural gas supplier during the period in question, and it is Tomorrow Energy’s and MES’s charges that are central to Mr. Albert’s claims. Mr. Albert’s allegations go directly to MES’s and Tomorrow Energy’s rates, services, and policies, and any

adjudication concerning MES's or Tomorrow Energy's business practices, without their presence, would violate their due process rights.

Based on claims made in the Complaint, as well as the Company's averments in the Motion to Join Tomorrow Energy, Tomorrow Energy is an indispensable party to this action. The relief sought by Mr. Albert necessarily involves Peoples, MES, and Tomorrow Energy, whose interests are essential to the merits of the case.

It is not appropriate to dismiss the Complaint on the ground that Complainant, who is self-represented, failed to specifically name Tomorrow Energy as a respondent to his Complaint. However, I will grant Peoples Motion to Join Tomorrow Energy as an indispensable party to the Complaint and shall direct that the Secretary's Bureau serve the Complaint upon Tomorrow Energy. Tomorrow Energy shall be given 20 days from the date of service of this Order to file an answer or other responsive pleading to the Complaint.

Finally, I note that although neither Peoples nor MES have raised this issue, I am concerned that Mr. Albert is raising claims on behalf of his parents. The Commission has rules and regulations regarding representation. Individuals may represent themselves. 52 § 1.21(a). Except as provided in subsection (a) persons in adversarial proceedings shall be represented in accordance with § 1.22 (relating to appearance by attorneys and legal intern).

This means that if a complainant is an individual, the complainant may represent him- or herself or the complainant may have an attorney represent him or her. 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*. Arguably, this means that unless Mr. Green is an attorney, he may not represent someone else, including his mother, father, or an estate. Nevertheless, Mr. Green may continue to represent someone else informally in attempts to resolve the Complaint outside of an evidentiary hearing.

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).

I expect to address this issue more fully, either before or at an evidentiary hearing, once Tomorrow Energy is joined to this matter,

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion of Peoples Natural Gas Company, LLC to Join Tomorrow Energy is granted in that Tomorrow Energy is hereby joined to C-2025-3054574, as an additional respondent and shall be included in service lists and the caption of this proceeding.
2. That the parties shall serve Tomorrow Energy with all future filings in this matter.
3. That the Secretary's Bureau shall serve a copy of the Complaint of Thomas Albert at Docket No. C-2025-3054574, upon Tomorrow Energy.
4. That Peoples Natural Gas Company, LLC and Major Energy Services, LLC shall serve copies of its pleadings filed to date upon Tomorrow Energy and shall file a certificate of service upon doing so.
5. Tomorrow Energy shall have twenty days (20) from the date of service of the Complaint to file an answer or other responsive pleading.

6. That the scheduling of an evidentiary hearing in this matter be delayed until the deadline for Tomorrow Energy to file an answer or other responsive pleading has passed.

Date: September 5, 2025

\_\_\_\_\_/s/  
Emily I. DeVoe  
Administrative Law Judge

**C-2025-3054574 - THOMAS ALBERT v. PEOPLES NATURAL GAS COMPANY LLC & MAJOR ENERGY SERVICES LLC**

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