



Eckert Seamans Cherin & Mellott, LLC
U.S. Steel Tower
600 Grant Street, 44th Floor
Pittsburgh, PA 15219

TEL: 412 566 6000
FAX: 412 566 6099

Lauren M. Burge
412.566.2146
lburge@eckertseamans.com

September 29, 2025

Via Electronic Filing

Matthew L. Homsher, Secretary
Pa. Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: Cameron Daniels v. FirstEnergy Pennsylvania Electric Company, nTherm LLC, and Reliant Energy Northeast LLC d/b/a NRG Home, Docket No. F-2025-3057072

Dear Secretary Homsher:

Enclosed for electronic filing please find the Preliminary Objections on behalf of Reliant Energy Northeast LLC d/b/a NRG Home (“NRG”) with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

/s/ Lauren M. Burge

Lauren M. Burge

Enclosure

cc: Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the enclosed Preliminary Objections upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa.

Code Section 1.54.

Via Email Only

Cameron Daniels
107 Edgar Street
Kane, PA 16735
Cldaniels58@yahoo.com

Kristy Beattie
Regulatory Director
nTherm LLC
1321 Upland Dr #19675
Houston, TX 77043
kbeattie@ntherm.com

Timothy K. McHugh, Esq.
FirstEnergy Service Company
341 White Pond Drive
Akron, OH 44320
tmchugh@firstenergycorp.com

Date: September 29, 2025

/s/ Lauren M. Burge

Lauren M. Burge, Esquire

*Counsel for Reliant Energy Northeast LLC
d/b/a NRG Home*

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Cameron Daniels, :
Complainant :
v. : Docket No. F-2025-3057072
FirstEnergy Pennsylvania Electric Company, :
nTherm LLC, and Reliant Energy Northeast :
LLC d/b/a NRG Home, :
Respondents

NOTICE TO PLEAD

To: Cameron Daniels
107 Edgar Street
Kane, PA 16735
Cldaniels58@yahoo.com

You are hereby notified that a reply to the **Preliminary Objections** of Reliant Energy Northeast LLC d/b/a NRG Home (“NRG”) must be filed within 10 days of the date of service.

All pleadings, such as a reply to Preliminary Objections, must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for NRG and, where applicable, the Administrative Law Judge (“ALJ”) presiding over this proceeding.

File with:

Matthew L. Homsher, Secretary
Pennsylvania Public Utility
Commission
400 North Street, 2nd Floor
Harrisburg, PA 17120

With a copy to:

Lauren M. Burge, Esquire (I.D. No. 311570)
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
(412) 566-6000 (phone)
(412) 566-6099 (fax)
lburge@eckertseamans.com

Stephen M. Pemberton, Esquire (I.D. No. 336783)
Eckert Seamans Cherin & Mellott, LLC
Two Liberty Place, 22nd Floor
50 South 16th Street
Philadelphia, PA 19102
(215) 851-8385 (phone)
(215) 851-8383 (fax)
spemberton@eckertseamans.com

/s/ *Lauren M. Burge*

Lauren M. Burge, Esquire

*Counsel for Reliant Energy Northeast LLC
d/b/a NRG Home*

Date: September 29, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Cameron Daniels,	:	:	:
	Complainant	:	:
		:	:
v.	:	:	Docket No. F-2025-3057072
		:	:
FirstEnergy Pennsylvania Electric	:	:	:
Company, nTherm LLC, and Reliant	:	:	:
Energy Northeast LLC d/b/a NRG Home,	:	:	:
Respondents	:	:	:

**RELIANT ENERGY NORTHEAST LLC
D/B/A NRG HOME'S
PRELIMINARY OBJECTIONS TO COMPLAINT**

Pursuant to 52 Pa. Code § 5.101, Reliant Energy Northeast LLC d/b/a NRG Home (“NRG” or “Respondent”) submits the following Preliminary Objections to the Formal Complaint of Cameron Daniels (“Complainant” or “Ms. Daniels”), which was served on NRG by the Pennsylvania Public Utility Commission (“Commission” or “PUC”) on September 8, 2025. Pursuant to 52 Pa. Code § 5.61, NRG is also filing an Answer to the Complaint. In support of these Preliminary Objections, NRG avers as follows:

I. INTRODUCTION

1. Ms. Daniels filed a Formal Complaint with the Commission against FirstEnergy Pennsylvania Electric Company (“FirstEnergy”), nTherm LLC (“nTherm”), and NRG.¹ In the Complaint, Ms. Daniels alleges that her electric supplier was switched from NRG to nTherm without her knowledge or consent. The Complaint requests a payment arrangement and that FirstEnergy evaluate the high usage on her account. She also requests that nTherm charge \$0.09 per kWh as opposed to the charges of up to \$0.25 per kWh that were billed. Complaint at ¶ 5.

¹ To the best of NRG’s knowledge and belief, Ms. Daniels is a customer within FirstEnergy’s West Penn Rate Division.

2. NRG's records indicate that Ms. Daniels' electric supply service account was properly enrolled with NRG when the Complainant signed up for FirstEnergy's Standard Offer Program ("SOP"), which automatically refers customers to a qualified electric generation supplier – in this case, NRG. NRG received Ms. Daniels' enrollment from FirstEnergy and started service to her account on April 18, 2024 at a rate of \$0.09297/kWh. On June 3, 2024, NRG received an inbound cancellation order from FirstEnergy and the account ended supply service from NRG on June 3, 2024, as determined by FirstEnergy. The Complainant has not received service from NRG for nearly fifteen months. NRG has no responsibility for the switch away from NRG to nTherm, or for any charges incurred following the termination of NRG's supply service.

3. NRG is filing these Preliminary Objections in an effort to secure the just, speedy and inexpensive dismissal of the Complaint against NRG. For the reasons stated herein and in NRG's Answer to the Complaint, which is incorporated herein by reference, the Complaint should be dismissed because it does not plead with specificity the allegations against NRG, and the Complaint cannot state a legally cognizable claim against NRG.

II. PRELIMINARY OBJECTIONS

A. Applicable Legal Standards

4. The Commission's Rules of Administrative Practice and Procedure permit the filing of preliminary objections. 52 Pa. Code § 5.101(a).

5. Under Section 5.101(a) of the Commission's regulations, 52 Pa. Code § 5.101(a)(1)-(7), preliminary objections must specifically state the legal and factual grounds relied upon and be limited to the following:

1. Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding;

2. Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter;
3. Insufficient specificity of a pleading;
4. Legal insufficiency of a pleading;
5. Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action;
6. Pendency of a prior proceeding or agreement for alternative dispute resolution; and
7. Standing of a party to participate in the proceeding.

6. The moving party may not rely on its own factual assertions but must accept for the purposes of disposition of the preliminary objection, all well-pleaded, material facts of the other party, as well as every inference fairly deducible from those facts.² However, the Commission need not accept as true conclusions of law, unwarranted inferences from facts, argumentative allegations or expressions of opinion.³

7. In deciding the preliminary objections, the Commission must determine whether, based on the well-pleaded factual averments of the party, recovery or relief is possible.⁴

8. While the filing of a formal complaint generally entitles the complainant to a formal hearing, the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest.”⁵ A hearing is necessary only to resolve disputed questions of fact.⁶

B. Dismissal Based on Insufficient Specificity of Complaint, 52 Pa. Code § 5.101(a)(3).

9. Section 5.101(a)(3) permits a party to file a preliminary objection if the complaint is insufficiently specific.⁷

² *County of Allegheny v. Commw. of Pa.*, 490 A.2d 402 (Pa. 1985).

³ *Stanton-Negley Drug Co. v. Dep’t of Pub. Welfare*, 927 A.2d 671, 673 (Pa. Commw. Ct. 2007).

⁴ *Dept. of Auditor General v. SERS*, 836 A.2d 1053, 1064 (Pa. Commw. Ct. 2003); *P.J.S. v. Pa. State Ethics Comm’n*, 669 A.2d 1105 (Pa. Commw. Ct. 1996).

⁵ 52 Pa. Code § 5.21(d).

⁶ *Lehigh Valley Power Comm. v. Pa. P.U.C.*, 128 Pa. Cmwlth. 259, 563 A.2d 548 (1989).

⁷ 66 Pa. C.S. § 5.101(a)(3).

10. Although the Complaint alleges that Ms. Daniels feels “tricked” into signing up with NRG, the Complaint alleges no specific violative action by NRG, including any violation by NRG of the Public Utility Code (“Code”),⁸ a Commission regulation, or a Commission order. As explained above and in NRG’s Answer, Ms. Daniels was enrolled with NRG through FirstEnergy’s SOP, not directly with NRG.

11. The Complaint further alleges no facts that would support a finding that NRG has violated the Code, a Commission regulation, or an order.

12. Indeed, the Complaint’s allegations and relief sought are targeted exclusively at nTherm and FirstEnergy, with no specific allegations aimed at NRG. Ms. Daniels’ complaint appears to be primarily concerned with the switch away from NRG to nTherm. NRG had no involvement or control over this switch away from NRG’s service.

13. Even when all factual averments set forth in the Complaint are accepted as true, there is a lack of specific facts to even loosely allege that NRG violated the Code, a Commission regulation or Commission order. Therefore, the Complaint is insufficiently specific as to any claims applicable to NRG.

C. Dismissal Based on Legal Insufficiency of the Complaint, 52 Pa. Code § 5.101(a)(4).

14. In order to be legally sufficient, a complaint must set forth “an act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the commission has the jurisdiction to administer, or of any regulation or order of the Commission.”⁹

⁸ 66 Pa. C.S. §§ 101 *et seq.*

⁹ 66 Pa. C.S. § 701 (emphasis supplied).

15. Section 5.101(a)(4) permits a party to file a preliminary objection if the complaint is legally insufficient.¹⁰

16. The Complaint alleges no violation by NRG of the Code, a Commission regulation, or a Commission order.

17. Further, the Complaint alleges no facts that would support a finding that NRG has violated the Code, a regulation, or an order.

18. As explained in NRG's Answer, NRG's records show that Ms. Daniels signed up for FirstEnergy's SOP, which automatically refers customers to a qualified electric generation supplier – in this case, NRG.

19. Ms. Daniels' account started supply service with NRG on April 18, 2024

20. NRG received a cancellation request from FirstEnergy on June 3, 2024 and promptly terminated service with Complainant.

21. Indeed, the Complaint's allegations and relief sought are targeted exclusively at FirstEnergy and nTherm's conduct regarding changes to Complainant's supply service.

22. Even when all factual averments set forth in the Complaint are accepted as true, they do not show that NRG violated the Code, a Commission regulation, or Commission order. Therefore, the Complaint should be dismissed against NRG without a hearing, which would needlessly consume valuable resources of NRG and the Commission.

¹⁰ 66 Pa. C.S. § 5.101(a)(4).

CONCLUSION

WHEREFORE, NRG respectfully requests that the Commission (a) grant these Preliminary Objections so as to dismiss the Complaint against NRG; and (b) grant any other relief deemed appropriate.

Respectfully submitted,

/s/ Lauren M. Burge

Lauren M. Burge, Esquire
PA Attorney I.D. #311570
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
(412) 566-6000 (phone)
(412) 566-6099 (fax)
lburge@eckertseamans.com

Stephen M. Pemberton, Esquire
PA Attorney I.D. #336783
Eckert Seamans Cherin & Mellott, LLC
Two Liberty Place, 22nd Floor
50 South 16th Street
Philadelphia, PA 19102
(215) 851-8385 (phone)
(215) 851-8383 (fax)
spemberton@eckertseamans.com

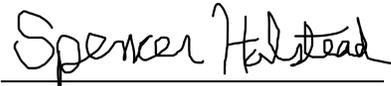
Date: September 29, 2025

*Counsel for Reliant Energy Northeast LLC
d/b/a NRG Home*

Verification

I, Spencer Halstead, am the CSMR Retail Operations Manager – East Escalated Issues for Reliant Energy Northeast LLC d/b/a NRG Home (“NRG”). I hereby state that the facts set forth in the foregoing **Preliminary Objections** are true and correct to the best of my knowledge, information and belief and that I expect NRG to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: September 29, 2025



Spencer Halstead
CSMR Retail Operations Manager- East
Escalated Issues
Reliant Energy Northeast LLC
d/b/a NRG Home