

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joanne Miller	:	
	:	
v.	:	C-2025-3054879
	:	
FirstEnergy Pennsylvania	:	
Electric Company	:	

INITIAL DECISION

Before
Mary D. Long
Administrative Law Judge

INTRODUCTION

A motion to dismiss a complaint is granted. The electricity account is held by a corporation. Corporations must be represented by counsel. The Complainant did not secure representation as required by Commission regulations and an order of the presiding officer.

HISTORY OF THE PROCEEDINGS

On April 29, 2025, Joanne Miller (Complainant) filed a Formal Complaint against FirstEnergy Pennsylvania Electric Company (FirstEnergy) and requested a payment arrangement. Specifically, the Complainant stated that “[w]e have been closed since Jan 16, our public adjustors advised to speak with the utilities to ask for some relief

we are working to reopen the property.” The complaint was signed by Joanne Miller, Accounts Payable/Account Receivable.

FirstEnergy filed an answer and new matter on May 21, 2025. FirstEnergy admitted that it provides services to the service address, but it is alleged that the account is in the name of Nora Hospitality LLC, which is a commercial account. FirstEnergy attached, among other things, an account statement in the name of Nora Hospitality, LLC. FirstEnergy denied the remaining material allegations in the complaint. FirstEnergy also included a new matter along with a notice to plead which stated that the customer, as a commercial enterprise, must be represented by counsel.

By notice dated June 23, 2025, the complaint was assigned to me and scheduled for a hearing on August 6, 2025. On June 23, 2025, I issued my customary prehearing order which set forth the procedures for the conduct of the hearing.

On June 25, 2025, I issued an order directing the Complainant to cause an attorney licensed to practice law in the Commonwealth of Pennsylvania to enter an appearance on behalf of Nora Hospitality, LLC, on or before July 9, 2025. The order also provided the Complainant with the opportunity to seek reconsideration of the direction to secure counsel if she had standing in her individual capacity to proceed.

On July 14, 2025, FirstEnergy filed a motion to dismiss the complaint because the Complainant was a corporation and must be represented by an attorney. By interim order entered on July 15, 2025, I cancelled the August 6, 2025, hearing and directed the Complainant to file a response to FirstEnergy’s motion by August 4, 2025. The Complainant did not file a response to the motion to dismiss, nor has an attorney entered an appearance on behalf of the Complainant.

FINDINGS OF FACT

1. The account at the service address identified in the complaint is in the name of Nora Hospitality LLC and is a commercial account.
2. The Respondent, FirstEnergy, is a jurisdictional public utility.
3. The Complainant was directed to cause an attorney to file an entry of appearance. (Interim Order dated June 25, 2025).
4. To date, no attorney has entered an appearance.

DISCUSSION

The Commission rules require that all non-individuals be represented by counsel in adversarial proceedings.¹ Once the answer is filed, the proceeding becomes adversarial.² This rule is consistent with the Pennsylvania Bar Rules promulgated by the Supreme Court.³

The Complainant did not dispute that the account at issue is in the name of Nora Hospitality, LLC. Nor did the Complainant seek reconsideration of June 25, 2025, Interim Order directing the Complainant to secure representation. Indeed, the language

¹ 52 Pa. Code § 1.21; *see also Cars R Us c/o Holman Copeland v. Phila. Gas Works*, Docket No. C-2008-2033437 (Opinion and Order entered Feb. 4, 2010); *Torino Inc. v. PECO Energy Co.*, Docket No. C-2008-2034595 (Opinion and Order entered Feb. 2, 2010).

² *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009) (*New Fizon Catering*); *see also* 52 Pa. Code § 1.8.

³ *See New Fizon Catering*, at 7-8.

used by the Complainant to describe the dispute is consistent with FirstEnergy’s allegation that the Complainant is a corporation and not an individual. Joanne Miller provided her job title as “Accounts Payable/Accounts Receivable.”

A long line of Commission decisions have held that the failure of a party to secure representation deprives the Commission of jurisdiction to adjudicate the claim.⁴ The Pennsylvania Supreme Court recently considered this issue in *Bisher v. Lehigh Valley Health Network, Inc.*⁵ That case involved the efforts of unrepresented parents to navigate a complex medical malpractice action against medical personnel and corporate entities arising from the death of their son. In addition to representing themselves, the parents also attempted to raise claims on behalf of the estate of their son. The lower courts dismissed the complaints by taking the position that the estate was required to be represented by counsel; therefore, the tribunals lacked subject-matter jurisdiction. The Supreme Court disagreed:

Because the participation of a non-attorney has no connection to the classes of cases that a court may hear, we hold that the unauthorized practice of law is not a subject-matter jurisdiction issue. Accordingly, we disapprove of [*David R. Nicholson, Builder, LLC. v. Jablonski*, 163 A.3d 1048 (Pa. Super. 2017)] and other cases to the extent they suggest the unauthorized practice of law implicates subject-matter jurisdiction.^[6]

⁴ See, e.g., *Angle v. Met-Ed Co.*, Docket No. F-2018-3006055 (Opinion and Order entered Dec. 19, 2019) at 10, wherein the Commission stated: “It is important to note that the absence of an attorney, where one is required, actually deprives the forum of jurisdiction to adjudicate the matter.” (citing *McCain v. Curione*, 527 A.2d 591 (Pa. Cmwlth. 1987)).

⁵ 265 A.3d 383 (Pa. 2021).

⁶ 265 A.3d at 406.

However, the Court went on to explain that where the procedural rules require a party to be represented by counsel, the party cannot be permitted to continue in the action. That is, a tribunal cannot permit the unauthorized practice of law. The failure to secure representation is a “technical defect” that an unrepresented party should have an opportunity to cure.⁷

The Commission cannot allow the unauthorized practice of law.⁸ The account holder, Nora Hospitality LLC, is a corporation and must be represented by an attorney.⁹ The June 23, 2025 Prehearing Order notified the Complainant that a non-individual must be represented by counsel. The June 25, 2025 Interim Order Requiring Representation directly ordered the Complainant to secure representation or to demonstrate that the Complainant had standing to maintain the complaint in an individual capacity. The Complainant’s due process rights have been adequately protected.

CONCLUSIONS OF LAW

1. An organization or business must have counsel to proceed in any legal action because such an entity may not represent itself. *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009); *Cars R Us c/o Holman Copeland v. Phila. Gas Works*, Docket No. C-2008-2033437 (Opinion and Order entered Feb. 4, 2010); *Torino Inc. v. PECO Energy Co.*, Docket No. C-2008-2034595 (Opinion and Order entered Feb. 2, 2010).

2. The failure to secure representation is a technical error. *Bisher v. Lehigh Valley Health Network, Inc.* 265 A.3d 303 (Pa. 2021).

⁷ *Bisher*.

⁸ *Id.*

⁹ 52 Pa. Code § 1.21.

3. After providing an organization or a business with an opportunity to secure representation where representation is required, the Commission cannot permit the unauthorized practice of law and has the discretion to dismiss the case. *Bisher v. Lehigh Valley Health Network, Inc.* 265 A.3d 303 (Pa. 2021).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion to Dismiss of FirstEnergy Pennsylvania Electric Company is granted.
2. That the Formal Complaint of Joanne Miller v. FirstEnergy Pennsylvania Electric Company at Docket No. C-2025-3054879 is dismissed.
3. That the Secretary mark the docket closed.

Date: October 2, 2025

/s/
Mary D. Long
Administrative Law Judge