

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DaJuan Ruff-Kelly	:	
	:	
v.	:	F-2025-3055087
	:	
Philadelphia Gas Works	:	

INITIAL DECISION

Before
Alphonso Arnold III
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses the Formal Complaint filed by DaJuan Ruff-Kelly on behalf of Know Finish LLC for Mr. Ruff-Kelly’s failure to comply with an Interim Order of the Presiding Officer to have an attorney enter his or her appearance on behalf of Know Finish LLC.

HISTORY OF THE PROCEEDING

On May 5, 2025, DaJuan Ruff-Kelly (“Mr. Ruff-Kelly”) filed a Formal Complaint (“Complaint”) with the Pennsylvania Public Utility Commission (“Commission”) against Philadelphia Gas Works (“PGW”).¹ On the Complaint form,

¹ The Complaint is a timely appeal of a decision by the Commission’s Bureau of Consumer Services (“BCS”) at BCS No. 4049066. The timely appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

Mr. Ruff-Kelly indicated that the Complaint concerns utility service provided to Know Finish LLC. Complaint ¶ 1. Mr. Ruff-Kelly alleged that PGW was overcharging Know Finish LLC for utility service. Mr. Ruff-Kelly did not state that he was an attorney on the Complaint form, and no attorney was listed on paragraph 10 of the Complaint form, titled “legal representation.” Complaint ¶ 10.

On June 3, 2025, PGW filed an Answer against the Complaint admitting or denying the allegations of the Complaint. PGW specifically denied that it was charging for extra gas usage at the 6011 Walton Avenue, Philadelphia, PA (“service address”). PGW asserted gas service at the service address was established under Know Finish LLC as of February 8, 2024.

On June 5, 2025, a Hearing Notice was issued to the parties, scheduling this matter for an evidentiary hearing on July 18, 2025. The Hearing Notice explained the following concerning representation:

REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, limited liability company, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted pro hac vice. Only an attorney may represent someone else.

June 5, 2025, Initial Call-In Telephonic Hearing Notice.

On June 6, 2025, the Commission issued my Prehearing Order which explained the procedural rules that would govern the evidentiary hearing. The Prehearing Order explained the following concerning representation:

REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, limited liability company, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted pro hac vice. 2 And, unless you are an attorney, you may not represent someone else.

June 6, 2025, Prehearing Order.

Also on June 6, 2025, the Commission issued my Interim Order #1, which directed Mr. Ruff-Kelly to have an attorney enter his or her appearance on behalf of Know Finish LLC on or before July 8, 2025.

On July 9, 2025, the Commission issued a Hearing Cancellation Notice cancelling the July 18, 2025, evidentiary hearing.

Also on July 9, 2025, the Commission issued my Interim Order #2, wherein I closed the evidentiary record in this proceeding.

Following the closing of the record, Mr. Ruff-Kelly submitted a small business request for mediation form to the Commission's Mediation Unit. PGW informed me that it did not object to this matter being referred to mediation.

On July 23, 2025, the Commission issued my Order Reopening Record and Referring Matter to Mediation, wherein I reopened the evidentiary record in this proceeding and referred this matter to the Commission's mediation unit for mediation review.

Mediation of this matter was unsuccessful. On September 18, 2025, the Commission's mediation unit returned this matter to me.

On September 24, 2025, the Commission issued my Interim Order #3, wherein I closed the evidentiary record in this proceeding.

This matter is ready for resolution. For the reasons discussed below, the Complaint will be dismissed.

FINDINGS OF FACT

1. Complainant is DaJuan Ruff-Kelly.
2. Respondent is the Philadelphia Gas Works.
3. On May 5, 2025, Mr. Ruff-Kelly filed a Complaint with the Commission against PGW concerning utility service provided to Know Finish LLC.
4. Mr. Ruff-Kelly did not state that he was an attorney on the Complaint form.
5. No attorney was listed on paragraph 10 of the Complaint form, titled "legal representation." Complaint ¶ 10.
6. On June 3, 2025, PGW filed an Answer to the Complaint.
7. On June 5, 2025, the Commission issued an Initial Call-In Telephonic Hearing Notice scheduling an evidentiary hearing for July 18, 2025.

8. On June 6, 2025, the Commission issued my Prehearing Order which explained the procedural rules that would govern the evidentiary hearing.

9. The Hearing Notice and Prehearing Order informed the parties that only individuals could represent themselves, and that all others must be represented by an attorney.

10. On June 6, 2025, the Commission issued my Interim Order #1, which directed Mr. Ruff-Kelly to have an attorney enter his or her appearance on behalf of Know Finish LLC on or before July 8, 2025.

11. Interim Order #1 warned that failure to comply with the Interim Order would result in cancellation of the hearing and dismissal of the Complaint.

12. Mr. Ruff-Kelly selected to be served documents from the Commission via U.S. First-Class Mail. Complaint ¶ 9.

13. Mr. Ruff-Kelly was served by U.S. First-Class Mail with the Hearing Notice, Prehearing Order, and Interim Order #1.

14. The Hearing Notice, Prehearing Order, and Interim Order #1 were not returned to the Commission as undeliverable.

15. No attorney entered their appearance on behalf of Know Finish LLC in this matter.

16. On July 9, 2025, the Commission issued a Hearing Cancellation Notice, cancelling the July 18, 2025, hearing.

17. On September 24, 2025, the Commission issued my Interim Order #3 Closing the Record, which closed the evidentiary record in this matter.

DISCUSSION

Legal Standards

Attorney representation

The Commission's Regulations provide specific requirements concerning representation before the Commission, as set forth in 52 Pa. Code §§ 1.21-1.24. Specifically, the Commission's Regulations provide that while individuals may represent themselves, "persons" in adversarial proceedings must be represented in accordance with 52 Pa. Code § 1.22 (relating to appearance by attorneys and legal interns). 52 Pa. Code § 1.21(a), (b). The term "person" is defined as "individuals, corporations, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental entities, municipalities or other political subdivisions." 52 Pa. Code § 1.8. Further, the term "adversarial proceeding" is defined as "[a] proceeding initiated by a person to seek authority, approvals, tariff changes, enforcement, fines, remedies or other relief from the Commission which is contested by one or more other persons, and which will be decided on the basis of a formal record." *Id.*

The Commission's regulations further provide that an attorney who signs an initial pleading in a representative capacity shall be considered to have entered an appearance in that proceeding, but that in all other instances shall file with the Secretary a written notice of appearance. 52 Pa. Code § 1.24(b)(1), (2). It is well-settled in Commission practice that participation in a formal adversarial proceeding before the Commission constitutes the practice of law. *See, e.g., Lesley A. Scheaffer for Leslie W.*

Scheaffer v. Pa. Pub. Util. Comm'n, Docket No. F-2016-2577647 (Opinion and Order entered Apr. 3, 2018). As such, that participation is limited to those who either file as individuals and represent themselves or to attorneys who are representing others. *Id.* The Commission cannot empower an individual to engage in the unauthorized practice of law, which is conduct prohibited by Section 2524 of the Judicial Code, which states the following:

(a) General rule.--Except as provided in subsection (b), any person, including, but not limited to, a paralegal or legal assistant, who within this Commonwealth shall practice law, or who shall hold himself out to the public as being entitled to practice law, or use or advertise the title of lawyer, attorney at law, attorney and counselor at law, counselor, or the equivalent in any language, in such a manner as to convey the impression that he is a practitioner of the law of any jurisdiction, without being an attorney at law or a corporation complying with 15 Pa.C.S. Ch. 29 (relating to professional corporations), commits a misdemeanor of the third degree upon a first violation. A second or subsequent violation of this subsection constitutes a misdemeanor of the first degree.

42 Pa.C.S. § 2524(a).

Failure to comply with orders of presiding officers

The Commission has long held that failure to comply with an order issued by a presiding officer warrants dismissal of the application or complaint. *See, e.g., Application of Robert Bautista t/a Collado Luxury Ride, LLC*, Docket No. A-2015-2476824, (Final Order entered Feb. 1, 2016); *Application of And Ex Car*, Docket No. A-2012-2337848 (Final Order entered June 19, 2013); *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No., C-2008-2065498 (Opinion and Order entered June 24, 2009). More specifically, the Commission has dismissed complaints when a complainant failed to comply with an order of the presiding officer directing it to have an attorney enter

his/her appearance on its behalf. *See Am. Housing Sols. v. York Water Co.*, Docket No. F-2023-3043623 (Final Order entered July 2, 2024); *Application of Home Concept Servs. LLC for approval to provide paratransit serv. in Phila., Montgomery, Bucks and Delaware Cntys.*, Docket No. A-2022-3034706 (Opinion and Order entered Apr. 20, 2023); *Yea Ryong Church c/o David Wong v. Metro. Edison Co.*, Docket No. C 2017- 2626578 (Final Order entered May 9, 2018).

Commission service

Regarding service of Commission documents, notice mailed via U.S. First-Class Mail to a party and not returned to the Commission as undeliverable is presumed received. *Berkowitz v. Mayflower Sec., Inc.*, 317 A.2d 584 (Pa. 1974); *Meierdierck v. Miller*, 147 A.2d 406 (Pa. 1959); *Samaras v. Hartwick*, 698 A.2d 71 (Pa. Super. 1997); *Judge v. Celina Mut. Ins. Co.*, 449 A.2d 658 (Pa. Super. 1982).

Analysis

The Complaint was filed by Mr. Ruff-Kelly and raises overcharging allegations concerning gas service provided to Know Finish LLC. The Complaint became contested once PGW filed its Answer to the Complaint. Therefore, once the Answer was filed, this proceeding became an “adversarial proceeding” as defined by the Commission’s regulations. *See* 52 Pa. Code § 1.8. Know Finish LLC is a limited liability company and as such is a “person” as defined by the Commission’s regulations. *See* 52 Pa. Code § 1.8. Persons in adversarial proceedings must be represented by an attorney or certified legal intern. 52 Pa. Code § 1.21(b). Mr. Ruff-Kelly did not indicate that he was an attorney licensed to practice law in Pennsylvania in the Complaint; therefore, he cannot be permitted to represent Know Finish LLC in this adversarial proceeding. Further, no attorney is identified in paragraph 10 of the Complaint form titled “legal representation” and no attorney has entered their appearance in this

proceeding on behalf of Know Finish LLC. Therefore, Know Finish LLC is unrepresented in this adversarial proceeding.

Mr. Ruff-Kelly was informed of the Commission's attorney representation requirements in the June 5, 2025, Hearing Notice and the June 6, 2025, Prehearing Order. Both documents were served by U.S. First-Class Mail upon Mr. Ruff-Kelly and neither document was returned to the Commission as undeliverable. Therefore, I must presume that Mr. Ruff-Kelly received both documents. *Berkowitz v. Mayflower Sec., Inc.*, 317 A.2d 584 (Pa. 1974); *Meierdierck v. Miller*, 147 A.2d 406 (Pa. 1959); *Samaras v. Hartwick*, 698 A.2d 71 (Pa. Super. 1997); *Judge v. Celina Mut. Ins. Co.*, 449 A.2d 658 (Pa. Super. 1982).

Separately on June 6, 2025, I issued an Interim Order ordering Mr. Ruff-Kelly to have an attorney enter his or her appearance on behalf of Know Finish LLC in this proceeding. Mr. Ruff-Kelly failed to comply with this Order, as no attorney entered his or her appearance in this proceeding on behalf of Know Finish LLC by the July 8, 2025, deadline. As failure to comply with an order of a presiding officer warrants dismissal of a complaint, the Complaint filed in this matter will be dismissed in the Ordering paragraphs below.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties in this proceeding. 66 Pa.C.S. § 701.
2. Notice mailed via U.S. First-Class Mail to a party and not returned to the Commission as undeliverable is presumed received. *Berkowitz v. Mayflower Sec., Inc.*, 317 A.2d 584 (Pa. 1974); *Meierdierck v. Miller*, 147 A.2d 406 (Pa. 1959); *Samaras*

v. Hartwick, 698 A.2d 71 (Pa. Super. 1997); *Judge v. Celina Mut. Ins. Co.*, 449 A.2d 658 (Pa. Super. 1982).

3. Persons in adversarial proceedings must be represented by legal counsel or a certified legal intern in proceedings before the Commission. 52 Pa. Code § 1.21(b).

4. An attorney who signs an initial pleading in a representative capacity shall be considered to have entered an appearance in that proceeding, but that in all other instances shall file with the Secretary a written notice of appearance. 52 Pa. Code § 1.24(b)(1), (2).

5. The term “person” is defined as “individuals, corporations, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental entities, municipalities or other political subdivisions.” 52 Pa. Code § 1.8.

6. The term “adversarial proceeding” is defined as “[a] proceeding initiated by a person to seek authority, approvals, tariff changes, enforcement, fines, remedies or other relief from the Commission which is contested by one or more other persons and which will be decided on the basis of a formal record.” 52 Pa. Code § 1.8.

7. It is well-settled in Commission practice that participation in a formal adversarial proceeding before the Commission constitutes the practice of law. *See, e.g., Lesley A. Scheaffer for Leslie W. Scheaffer v. Pa. Pub. Util. Comm’n*, Docket No. F-2016-2577647 (Opinion and Order entered Apr. 3, 2018).

8. The Pennsylvania Judicial Code prohibits an individual to engage in the unauthorized practice of law. 42 Pa.C.S. § 2524.

9. The Commission has long held that failure to comply with an order issued by a presiding officer warrants dismissal of the application or complaint. *See, e.g., Application of Robert Bautista t/a Collado Luxury Ride, LLC*, Docket No. A-2015-2476824 (Final Order entered Feb. 1, 2016); *Application of And Ex Car*, Docket No. A2012-2337848 (Final Order entered June 19, 2013); *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009).

10. The Commission has dismissed complaints when a complainant failed to comply with an order of the presiding officer directing it to have an attorney enter his/her appearance on its behalf. *See Am. Housing Sols. v. York Water Co.*, Docket No. F-2023-3043623 (Final Order entered July 2, 2024); *Application of Home Concept Sers. LLC for approval to provide paratransit serv. in Phila., Montgomery, Bucks and Delaware Cntys*, Docket No. A-2022-3034706 (Opinion and Order entered Apr. 20, 2023); *Yea Ryong Church c/o David Wong v. Metro. Edison Co.*, Docket No. C-2017-2626578 (Final Order entered May 9, 2018).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed in the matter of DaJuan Ruff-Kelly v. Philadelphia Gas Works, Docket No. F-2025-3055087, is dismissed.

