

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Erien Frazier, Trustee of the	:	
Erien Lois Frazier Revocable Living Trust	:	
	:	
v.	:	No. C-2025-3056017
	:	
FirstEnergy Pennsylvania Electric Company :	:	

SECOND INTERIM ORDER
DIRECTING COMPLAINANT TO RETAIN COUNSEL

This Order directs Erien Frazier, Trustee of the Erien Lois Frazier Revocable Living Trust (“Complainant”), as a trust or trustee, to retain counsel in conformity with the regulations of the Pennsylvania Public Utility Commission (“Commission”). The Motion to Dismiss the Formal Complaint of FirstEnergy Pennsylvania Electric Company (“Respondent” or “FirstEnergy”) is held in abeyance pending Complainant’s compliance with this Order. Complainant’s petition/request for leave to amend the caption to substitute Erien Frazier, Trustee, as the Complainant is granted. Complainant’s request to reconsider/vacate the Interim Order dated August 21, 2025 is denied.

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 parties 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 to dismiss”) asserting that Complainant must be represented by counsel in this proceeding.

On August 19, 2025, Complainant filed an answer in opposition to the motion to dismiss asserting that the trustee is the real party in interest. Complainant included in her answer a “Petition for Leave to Amend Caption”, stating that she should be allowed to amend the complaint to name the trustee and that the matter should not be dismissed.

On August 21, 2025, the Commission canceled the hearing scheduled for scheduled for October 29, 2025.

On August 21, 2025, I issued an Interim Order directing Complainant to retain counsel on the basis that the Complainant was proceeding in the role of either a trust or trustee and had to be represented by counsel in order to proceed. 52 Pa. Code §§ 1.21 & 1.22; *Famille S. Trust v. Duquesne Light Co.*, Docket No. C-2024-2440650 (Opinion and Order Entered Mar. 17, 2016).

On August 22, 2025, Complainant filed a “Response to Interim Order and Petition for Reconsideration with Leave to Amend Caption” wherein Complainant sought: (a)

reconsideration of the Interim Order dated August 21, 2025, (b) leave to amend the caption to substitute Erien Frazier, Trustee, as Complainant and (c) extension of time to comply with Interim Order.

On September 8, 2025, Complainant filed an Amended Formal Complaint (“Amended Complaint”). The Commission served the Amended Complaint on Respondent on September 9, 2025.

On September 29, 2025, Respondent filed its Answer to the Amended Complaint asserting that the Amended Complaint was defective on the basis that a trustee cannot represent Complainant in an adversarial proceeding.

On October 8, 2025, Complainant filed a “Reply to Respondent’s Answer to Amended Complaint” asserting that the amended caption cures the representation defect.

DISPOSITION

Leave to Amend the Caption

Included with Complainant’s Answer to the Motion to Dismiss filed on August 19, 2025, was a Petition for Leave to Amend Caption. On August 22, 2025, in response to the prior Interim Order entered in this matter, Complainant filed a Petition for Reconsideration with Leave to Amend the Caption. Both filings sought to amend the caption in this matter to name her as the Complainant in her role as trustee instead of the trust itself.

On September 8, 2025, Complainant filed an Amended Complaint modifying the caption from “Erien Lois Frazier Revocable Living Trust” to “Erien Frazier, Trustee of the Erien Lois Frazier Revocable Living Trust.” On September 9, 2025, the Commission served the Amended Complaint on Respondent.

In response, Respondent filed its Answer to the Amended Complaint asserting that the Amended Complainant was still defective and was not in compliance with the prior Interim Order.

Complainant filed a written reply to Respondent's Answer arguing that the amended caption cures the procedural defects in this matter.

The change to the caption requested by Complainant from "Erien Lois Frazier Revocable Living Trust" to "Erien Frazier, Trustee of the Erien Lois Frazier Revocable Living Trust" does not prejudice Respondent in this matter. Nor is there any reason to find that it will unjustly delay resolution of this matter. Therefore, Complainant's petition/request for leave to amend the caption in this matter from "Erien Lois Frazier Revocable Living Trust" to "Erien Frazier, Trustee of the Erien Lois Frazier Revocable Living Trust" will be granted.

Request to Vacate Prior Interim Order

Complainant's request to reconsider/vacate the Interim Order dated August 21, 2025 is denied. As stated in the prior Interim Order dated August 21, 2025, the uncontested facts in the pleadings reflect that the customer in this matter is either the Erien Lois Frazier Revocable Living Trust or Erien Frazier, in the role of trustee of the Erien Lois Frazier Revocable Living Trust. The law remains 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 Co.*, Docket No. 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 Erien Frazier in the role of 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 Jan. 5, 2005) and *Snyderville Cmty Develop. Corp. v. Phila. 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 she is an attorney and may not represent the trust itself or herself 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. Consequently, this Order will direct below that Complainant must have counsel enter appearance on behalf of the trust or the trustee's behalf on or before November 17, 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 Elec. Utils Corp.*, Docket No. C-20027978 (Order entered Mar. 3, 2003); *Snyderville Cmty Develop. Corp. v. PGW*, Docket No. C-20055032 (Order entered July 31, 2006); *App. of Black Diamond Cab Co.*, Docket No. A-00122566 (Order entered Dec. 1, 1966).

THEREFORE,

IT IS ORDERED:

1. That Complainant's petition/request for leave to amend the caption in the matter at Docket No. C-2025-3056017 is granted.

2. That the Secretary's Bureau shall amend the caption of this case at Docket No. C-2025-30560-17 to read "Erien Frazier, Trustee of the Erien Lois Frazier Revocable Living Trust v. FirstEnergy Pennsylvania Electric Company."

3. That Complainant's request to vacate the Interim Order dated August 21, 2025 at Docket No. C-2025-3056017 is denied.

4. 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 Paragraph Number 5 below, or the time for doing so has expired.

5. That Complainant, Erien Frazier, Trustee of the Erien Lois Frazier Revocable Living Trust, shall have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance on the trustee's behalf in accordance with 52 Pa. Code § 1.24(b) at Docket No. C-2025-3056017 on or before November 17, 2025.

6. That upon receiving counsel's entry of appearance on behalf of Erien Frazier, Trustee of the Erien Lois Frazier Revocable Living Trust, the Commission will reschedule an evidentiary hearing for the matter at Docket No. C-2025-3056017.

7. That the failure of Erien Frazier, Trustee of the Erien Lois Frazier Revocable Living Trust, to have counsel enter an appearance on her behalf on or before November 17, 2025 will result in dismissal of the Formal Complaint at Docket No. C-2025-3056017.

Date: October 17, 2025

/s/
Chad L. Allensworth
Administrative Law Judge

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

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Served via eService October 17, 2025

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Served via eService October 17, 2025

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