

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jeremy Hargrove	:	
	:	
v.	:	C-2025-3056404
	:	
FirstEnergy Pennsylvania Electric Company	:	

INITIAL DECISION

Before
Katrina L. Dunderdale
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses the Formal Complaint filed on July 21, 2025, against FirstEnergy Pennsylvania Electric Company, alleging the Company improperly failed to establish a new account and disconnected electric service to the service address without written notice, because Complainant failed to comply with the First Interim Order, and for failure to proceed with prosecution of the Complaint.

HISTORY OF THE PROCEEDING

On July 21, 2025, Jeremy Hargrove (Mr. Hargrove or Complainant) filed a Formal Complaint (Complaint) against FirstEnergy Pennsylvania Electric Company (FE PA or Respondent), at Docket No. C-2025-3056404. Complainant alleged FE PA was threatening to shut off electric service or had shut off electric service already. Complainant alleged he contacted FE PA to establish an electric service account in his

name after he acquired the service address. Complainant further alleged FE PA improperly failed to establish a new account and disconnected service to the service address without written notice. In his Complaint, Complainant agreed to receive all documents by email, using the email address he provided.

In his Complaint, Mr. Hargrove asserted he sought emergency relief in the form of an Order from the Commission directing FE PA to restore electric service immediately, pursuant to 52 Pa. Code § 3.3, to the service address. Accordingly, the Commission docketed his request for emergency relief at Docket No. P-2025-3056405, and the Office of Administrative Law Judge scheduled an emergency hearing for July 29, 2025.

On July 28, 2025, FE PA filed a response to Mr. Hargrove's request for Emergency Relief, and averred the emergency proceeding was moot because FE PA restored electric service on July 21, 2025, at 7:13 p.m. In addition, FE PA averred Mr. Hargrove, although naming himself as the Complainant on the Complaint, had to hire an attorney because Mr. Hargrove was actually bringing the Complaint on behalf of his business, an entity known as 323 E Wallace Avenue, LLC (Customer). Lastly, FE PA contended Mr. Hargrove lacked standing to bring the proceeding on the behalf of the Customer because he was not an attorney and he was not the customer.

On July 29, 2025, Mr. Hargrove did not appear at the emergency hearing to provide evidence in support of his request for emergency relief. Mr. Hargrove did not contact the Commission or the presiding officer to request a continuance or to indicate that he would not be available to attend the emergency hearing on July 29, 2025. During the emergency hearing, counsel for Respondent indicated electric service had been terminated during the morning on July 21, 2025, and service was re-established during the evening on July 21, 2025. Respondent also indicated that during one of the contacts

with Complainant on July 21, 2025, Complainant indicated to Respondent's staff that he intended to withdraw his Complaint.¹

On August 6, 2025, the presiding officer issued the First Interim Order. The First Interim Order issued a Rule to Show Cause on Mr. Hargrove and required Mr. Hargrove to indicate, in writing, if he wished to pursue the Complaint on behalf of the limited liability company (LLC) listed as the ratepayer at the service address: 323 E Wallace Avenue, LLC. The presiding officer noted that: neither Mr. Hargrove nor the LLC appeared to provide evidence in support of the request for emergency relief; neither Mr. Hargrove nor the LLC requested a continuance or communicated an inability to attend the hearing on July 29, 2025; electric service at the service address had been re-established on July 21, 2025; and Mr. Hargrove lacked standing to pursue the Complaint unless the LLC – 323 E Wallace Avenue – was represented by counsel. The First Interim Order explained that failure of Mr. Hargrove to respond in writing on or before August 28, 2025, would result in the dismissal of the Complaint for failure to prosecute the Complaint.

On August 28, 2025, FE PA filed an Answer and New Matter in the complaint proceeding (Docket No. C-2025-3056404), requesting the Commission dismiss the Complaint with prejudice and alleged Complainant must be represented by a licensed attorney because the customer is a Pennsylvania LLC.

On August 28, 2025, the Commission issued its Opinion and Order concerning the request for emergency relief. In reviewing the allegations in the Complaint and the law concerning emergency relief, the Commission dismissed the Petition, concluding that Mr. Hargrove's request for emergency relief did not meet the required elements for emergency relief because he failed to proffer any support to

¹ See hearing transcript at 6-8 in Docket No. P-2025-3056405.

substantiate and prove any of the four requisite elements in a proceeding concerning a request for emergency relief. In Ordering Paragraph No. 4, the Commission referred the Complaint back to the Office of Administrative Law Judge for further proceedings on the merits of the Complaint.²

FINDINGS OF FACT

1. Complainant is Jeremy Hargrove.
2. Respondent is FirstEnergy Pennsylvania Electric Company (Respondent or FE PA) and provides electric distribution service to the service address.
3. The service address is 323 E. Wallace Avenue, Floor 1, New Castle, Pennsylvania. (Complaint, ¶ 1).
4. The customer listed at the service address has been 323 E Wallace Avenue, LLC since April 1, 2025. (Answer, ¶ 4).
5. No payment was posted to the account from April 1, 2025, to July 21, 2025. (Answer, ¶ 4).
6. On July 21, 2025, electric service was terminated for non-payment at 10:24 a.m. and electric service was restored at 7:13 p.m. (Respondent Prehearing Memorandum, ¶ 1; Hearing Transcript at 6-8 in Docket No. P-2025-3056405).

² See Docket No. P-2025-3056405 (Opinion and Order entered Aug. 28, 2025).

7. No payment has been posted to the account since July 21, 2025, and the account balance is \$2,561.69, as of August 25, 2025. (Answer, ¶ 4; Attachment 1).

8. On July 21, 2025, at 3:42 p.m., Complainant filed the Formal Complaint (Complaint) against Respondent alleging poor customer service because Respondent failed to transfer the account into Complainant's name, failed to provide a notice of termination, failed to offer reasonable customer access and engaged in retaliatory conduct.

9. In the Complaint, Mr. Hargrove requested a finding that Respondent violated 66 Pa.C.S. § 1501, requested fines or enforcement actions against Respondent and requested a written apology. (Complaint at 9).

10. On July 22, 2025, the Office of Administrative Law Judge issued the Telephonic Emergency Hearing Notice, scheduling an initial telephonic emergency hearing for July 29, 2025.

11. On July 29, 2025, Mr. Hargrove did not appear at the emergency hearing and did not request a continuance from the presiding officer or advise of any circumstance that would make him unavailable to attend a hearing on that day.

12. On August 5, 2025, the presiding officer issued the Order denying the request for interim emergency relief.

13. On August 28, 2025, the Commission issued its Opinion and Order which denied the request for emergency relief and referred the complaint proceeding back to the Office of Administrative Law Judge for further proceedings on the merits.

14. On August 28, 2025, FE PA filed an Answer and New Matter in the complaint proceeding (Docket No. C-2025-3056404), requesting the Commission dismiss the Complaint with prejudice and alleged Complainant must be represented by a licensed attorney because the customer is a Pennsylvania corporation.

15. On August 6, 2025, the presiding officer issued the First Interim Order and directed Complainant to respond in writing by August 28, 2025, and indicate if he wanted to pursue the Complaint.

16. The First Interim Order advised Mr. Hargrove that failure to respond in writing on or before August 28, 2025, would result in the dismissal of the Complaint.

17. No communication or contact has been received at the Commission from or on behalf of Mr. Hargrove or on behalf of the customer, 323 E. Wallace Ave, LLC, since July 21, 2025.

DISCUSSION

Mr. Hargrove filed the Complaint with the Commission against FE PA alleging FE PA provided poor customer service in how FE PA terminated electric service and handled telephone calls from Mr. Hargrove.

In its Answer and New Matter, FE PA alleged the Customer and accountholder was an LLC that must be represented by an attorney. FE PA argued the termination was handled properly and was lawful due to nonpayment. FE PA contended the Complaint should be dismissed with prejudice.

Burden of Proof

As the party seeking affirmative relief from the Commission, Complainant bears the burden of proving the necessary elements of the formal complaint by substantial evidence.³ Substantial evidence is defined as such evidence that a reasonable mind might accept as adequate to support a conclusion. However, Complainant is required to present more than a mere trace of evidence or a suspicion of the existence of a fact sought to be established.⁴ To uphold this burden, Complainant must show Respondent is responsible or accountable for the problem described in the complaint in order to prevail by presenting evidence more convincing, by even the smallest amount, than that evidence presented by the other party.⁵

Unrepresented Complainant

Corporate and company officers may file a formal complaint on behalf of a corporation or LLC but 52 Pa. Code §§ 1.21-1.23 requires these entities to be represented by a licensed attorney once a proceeding becomes adversarial. According to 52 Pa. Code §1.8, a proceeding becomes adversarial when, *inter alia*, an answer is filed. Absent exigent circumstances, individuals are not permitted to testify on behalf of a corporation or LLC unless the corporation or LLC is represented by counsel, and all such entities must be represented by counsel at all stages of the Commission's proceedings once the proceedings become adversarial.⁶

³ See 66 Pa.C.S. §332(a).

⁴ See *Norfolk & Western Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Bd. of Review*, 166 A.2d 96 (Pa. Super. 1961); *Murphy v. Dept. of Pub. Welfare*, 480 A.2d 382 (Pa. Cmwlth. 1984).

⁵ *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

⁶ 52 Pa.Code §§ 1.21 – 1.23; see *Torino Incorporated v. PECO Energy Co.*, Docket No. C-2008-2034595 (Opinion and Order entered February 2, 2010).

Disposition

It was the responsibility of Complainant to participate in the administrative complaint process. In this proceeding, the presiding officer provided Complainant with an opportunity to indicate if he wanted a hearing to pursue the allegations in the Complaint. Complainant did not respond to the First Interim Order.

In addition, the law is clear – a corporate or LLC complainant is not “present” and is not participating in the administrative hearing process if there is no attorney who is present and ready to proceed on the entity’s behalf. Since no attorney was present on behalf of Complainant, a hearing could not be scheduled. Complainant lost its opportunity to prosecute the Complaint against Respondent.

Accordingly, Complainant failed to meet the burden to prove the Complaint was correct. The Complaint must be dismissed for failure to comply with the First Interim Order, and for failure to proceed with prosecution of the Complaint.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and subject matter in this proceeding. 66 Pa.C.S. § 701.

2. Complainant has the burden of proof in this matter pursuant to 66 Pa.C.S. § 332(a).

3. Dismissal is an appropriate sanction for failure to comply with an order of an administrative law judge. *Sherwood Springs Prop. LLC v. Pittsburgh Water & Sewer Auth. & Pa. American Water Co.*, Docket No. C-2018-3004826 (Opinion and Order entered February 2, 2010).

4. A business entity must have counsel before it can proceed in any legal action because such an entity may not represent itself. 52 Pa. Code § 1.21(b); *Torino Incorporated v. PECO Energy Co.*, Docket No. C-2008-2034595 (Opinion and Order entered February 2, 2010).

5. Complainant failed to sustain the burden of proof. 66 Pa.C.S. § 332(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of Jeremy Hargrove in *Jeremy Hargrove v. FirstEnergy Pennsylvania Electric Company*, at Docket No. C-2025-3056404, is dismissed for the failure of Complainant to comply with the First Interim Order issued on August 6, 2025.

2. That the Secretary mark this docket closed.

Date: October 30, 2025

/s/
Katrina L. Dunderdale
Administrative Law Judge