

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Edward Sueta Jr.	:	
	:	
v.	:	F-2025-3055495
	:	
NTherm LLC	:	

INTERIM ORDER #1

This Order directs Mr. Sueta to have counsel enter his or her appearance on behalf of Ed Sueta Music Publications, Inc. **on or before December 1, 2025.**

HISTORY OF THE PROCEEDINGS

On May 23, 2025, Edward Sueta, Jr. (Mr. Sueta or Complainant) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against nTherm, LLC (nTherm) concerning utility service provided to Ed Sueta Music Publications, Inc. Complaint ¶ 1. The Complaint concerns allegations that nTherm representatives indicated that they provided rates “competitive” with PECO; however, nTherm’s rates were unconscionable. Complaint ¶ 4. For relief, Complainant requested that he receive refunds for the unconscionable bills. Complaint ¶ 5.

This Complaint is a timely appeal of the informal decision issued by the Commission’s Bureau of Consumer Services at BCS Case No. 4046553. A timely BCS appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

On August 18, 2025, an Initial Telephonic Hearing Notice was sent to the parties scheduling a telephone hearing for October 7, 2025, at 10:00 a.m. Of relevance, the Hearing Notice states the following:

REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, 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.

August 18, 2025, Hearing Notice.

On August 21, 2025, a Prehearing Order was issued to the parties, providing the parties with the procedural rules that would govern the hearing. Of relevance, the Prehearing Order states the following:

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

August 21, 2025, Prehearing Order.

On October 6, 2025, nTherm requested a continuance of the above matter for the purpose of settlement negotiations. Complainant did not oppose the motion. Accordingly, the October 7, 2025, telephone hearing was cancelled and rescheduled for December 9, 2025, at 10:00 a.m.

On November 12, 2025, nTherm LLC filed an Answer and New Matter to the Complaint. Once nTherm filed an Answer to the Complaint, this proceeding became adversarial in nature. *See* 52 Pa. Code § 1.8 (“adversarial proceeding”). The Commission’s regulations require that persons in adversarial proceedings be represented by an attorney. *See* 52 Pa. Code § 1.21(b). The Commission’s regulations define a “person” as a term that includes individuals, corporations, partnerships, associations, joint ventures, other business organizations, *trusts*, trustees, legal representatives, receivers, agencies, governmental entities, municipalities, municipal corporations or other political subdivisions. *See* 52 Pa. Code § 1.8 (“person”).

Accordingly, upon the filing of the Answer in this matter, the Ed Sueta Music Productions, Inc. was required to be represented by an attorney. Mr. Edward Sueta, Jr. did not indicate that he was an attorney licensed to practice law in Pennsylvania, further, no attorney is listed on paragraph 10 of the Complaint titled “legal representation.” The absence of an attorney where one is required deprives the Commission of jurisdiction to adjudicate the matter. *Adventure Alley CLC, LLC v. PECO Energy Co. and Great Am. Power*, Docket No. C-2014-2430850 (Final Order entered Nov. 25, 2014) (citing *McCain v. Curione, Pa. Bd. of Prob. and Parole*, 527 A.2d 591 (Pa. Cmwlth. 1987)). In its New Matter, nTherm, argued that Complainant must be represented by an attorney once the matter became adversarial upon the filing of its Answer. An issue of subject matter jurisdiction may be raised at any stage of a proceeding by a party or *sua sponte* by the presiding officer or by the Commission. *Cars R Us c/o Holman Copeland v PGW*, Docket No. C-2008-2033437 (Order entered February 4, 2010).

Accordingly, this Order directs an attorney enter his or her appearance on behalf of Complainant **on or before December 1, 2025**. Failure to comply with this Order will result in cancellation of the hearing and dismissal of the Complaint. *See, e.g., New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009); *Snyderville Cmty. Dev. Corp. v. Phila. Gas Works*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006) (citing *Treffinger v. PPL Elec. Util. Corp.*, Docket No. C-20027978 (Opinion and Order entered Mar. 3, 2003); *Franconia Mennonite Conf. v. Verizon Pa. Inc.*, Docket No. C-2010-2193709 (Order entered June 6, 2003).

ORDER

THEREFORE,

IT IS ORDERED:

1. That Edward Sueta, Jr. shall have an attorney enter his or her appearance on behalf of Ed Sueta Music Publications, Inc. on or before **December 1, 2025**.

2. That failure of Edward Sueta, Jr. to comply with this Order will result in dismissal of the Complaint with prejudice.

Date: November 14, 2025

/s/
Barbara Shadie Nause
Administrative Law Judge

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EDWARD SUETA JR PRESIDENT
ED SUETA MUSIC PUBLICATIONS INC
2800 TURNPIKE DRIVE SUITE 4
HATBORO PA 19040
888-697-1333
973-610-2933
edsuetajr@maciepublishing.com
Served via eService November 14, 2025

RHETT SHUMWAY CEO
N THERM LLC
1321 UPLAND DRIVE #19675
HOUSTON TX 77043
720.252.7090
rshumway@ntherm.com
Served via email November 14, 2025

MICHAEL A GRUIN ESQUIRE
STEVENS AND LEE
17 NORTH SECOND STREET
16TH FLOOR
HARRISBURG PA 17101
717.255.7365
mag@stevenslee.com
Served via eService November 14, 2025