

**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	:	

INTERIM ORDER
DENYING MOTION TO AMEND COMPLAINT AND CLOSING THE RECORD

HISTORY OF THE PROCEEDING

On June 30, 2025, Erien Frazier, Trustee of the Erien Lois Frazier Revocable Living Trust (“Complainant”) filed a Formal Complaint (“complaint”) with the Commission against FirstEnergy Pennsylvania Electric Company (“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: (1) reconsideration of the Interim Order dated August 21, 2025, (2) leave to amend the caption to substitute Erien Frazier, Trustee, as Complainant and (3) an 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.

On October 17, 2025, I issued a second Interim Order that: (1) granted Complainant’s petition/request for leave to amend the caption to substitute Erien Frazier, Trustee, as the Complainant in the matter, (2) denied Complainant’s request to reconsider/vacate the prior Interim Order dated August 21, 2025, (3) held Respondent’s Motion to Dismiss the complaint in abeyance and (4) directed Complainant to have counsel enter an appearance on Complainant’s behalf on or before November 17, 2025.

Complainant failed to have counsel enter a timely appearance on Complainant’s behalf on or before November 17, 2025.

On November 19, 2025, Complainant submitted a Motion to Amend Complaint and Substitute Real Party in Interest Pursuant to Pa.R.C.P. 2004 (“Motion to Amend Complaint”) along with a Notice of Endorsement and Exhibits I and J.

DISPOSITION

Motion to Amend Complaint

Complainant filed a Motion to Amend Complaint whereby Complainant seeks to file an Amended Complaint reflecting that the real party in interest in this matter is Erien Frazier, Trustee for the Erien Lois Frazier Revocable Living Trust. Complainant’s submission does not resolve Complainant’s failure to comply with the Interim Order of October 17, 2025. Complainant’s failure to comply with the presiding officer’s order is grounds to dismiss the 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).

Additionally, Complainant's proposed Amended Complaint does not materially change Complainant's failure to comply with Commission regulations, which provides that a trust or trustee must be represented by counsel. 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).

Accordingly, the Motion to Amend Complaint is denied.

Closing the Record

On August 21, 2025, an Interim Order was issued directing Complainant to have counsel enter an appearance on Complainant's behalf on or before September 22, 2025. Complainant failed to have counsel enter an appearance on Complainant's behalf by the provided deadline.

On October 17, 2025, a second Interim Order was issued directing Complainant to have counsel enter an appearance on Complainant's behalf on or before November 17, 2025. Complainant failed to have counsel enter an appearance on Complainant's behalf by the provided deadline.

Complainant has been provided with the opportunity to obtain counsel as directed by the Interim Orders. Therefore, the record may now be close.

THEREFORE,

IT IS ORDERED:

1. That Complainant's Motion to Amend Complaint and Substitute Real Party in Interest Pursuant to Pa.R.C.P. 2004 is denied.
2. That the record of this proceeding is now closed for decision writing.

Date: November 25, 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**

ERIE LOIS FRAZIER REVOCABLE LIVING TRUST
C/O ERIEN FRAZIER TRUSTEE
963 NORLAND AVE
UNIT 1025
CHAMBERSBURG PA 17201
410.262.8690
erienfrazier@gmail.com

Served via eService November 25, 2025

MARGARET MORRIS ESQUIRE
REGER RIZZO & DARNALL
CIRA CENTRE 13TH FL
2929 ARCH STREET
PHILADELPHIA PA 19104
215.495.6524
mmorris@regerlaw.com

Served via eService November 25, 2025

*Counsel for FirstEnergy Pennsylvania
Electric Company (West Penn Rate District)*