

Erien Frazier, Trustee
ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST
963 Norland Ave, Unit 1025
Chambersburg, PA 17201
(410) 262-8690
erienfrazier@gmail.com

Date: November 21, 2025

VIA EFILING

Secretary's Bureau
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Cover Letter for Consolidated Filing

Docket Number: C-2025-3056017

Complainant: Erien Frazier, Trustee, ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST

Respondent: West Penn Power / FirstEnergy Corp.

To Whom It May Concern:

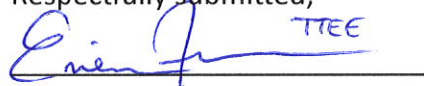
This letter accompanies the consolidated filing for the above-referenced matter. Pursuant to the Secretary's Bureau instructions received via email, I am hereby submitting one (1) combined PDF containing the following:

1. Motion to Substitute Real Party in Interest Pursuant to Pa.R.C.P. 2004 and to Proceed Pro Se, or Alternatively, Motion to Hold Counsel Deadline in Abeyance;
2. Second Motion to Amend Formal Complaint with attached proposed Second Amended Complaint;
3. Exhibits I and J (BOE and Affidavit of Tender);
4. Supporting Case-Related Document;
5. Verification Statements and Certificates of Service.

This filing is submitted by the Trustee of the ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST, who seeks recognition as real party in interest and leave to proceed pro se under the amended caption granted by prior order.

Please do not hesitate to contact me at the email or number listed above with any questions or concerns.

Respectfully submitted,



Erien Frazier, Trustee

ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Erien Frazier, Trustee for
ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST
Complainant

v.

West Penn Power / FirstEnergy Corp.
Respondent

Docket No.: C-2025-3056017

**MOTION TO AMEND COMPLAINT AND SUBSTITUTE REAL PARTY IN INTEREST PURSUANT TO
Pa.R.C.P. 2004**

Complainant, Erien Frazier, respectfully moves this Honorable Commission to permit the filing of an amended complaint and substitution of the real party in interest under Pennsylvania Rule of Civil Procedure 2004, and in support thereof avers as follows:

I. PROCEDURAL BACKGROUND

1. The original formal complaint was filed on June 26, 2025, under the caption:
Erien Frazier, Trustee, ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST v. West Penn Power / FirstEnergy Corp.
2. On or about September 12, 2025, the Court issued an Interim Order directing Complainant to obtain legal counsel due to the trust's status as a non-judicial entity.
3. On October 7, 2025, Complainant filed a Motion to Amend Caption, which was granted, thereby amending the caption to reflect the trustee's name in a fiduciary capacity.
4. However, while the caption was modified, the body of the complaint still refers to the complainant as "the Trust," rather than the Trustee acting in her capacity as the real party in interest.
5. Complainant now seeks to correct this procedural deficiency by submitting a Proposed Amended Complaint attached hereto as Exhibit A, reflecting the real party in interest: Erien Frazier, Trustee for the ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST.

II. LEGAL AUTHORITY

6. Pa.R.C.P. 2004 allows for substitution of a party when the interest in the subject matter of the action has been transferred.
7. Additionally, Rule 1017 and Commission procedural norms permit amendment of pleadings where justice so requires and no undue prejudice will result.
8. As Settlor and Trustee, Complainant holds the equitable and administrative responsibility to act on behalf of the Trust and maintain the subject matter of this complaint.
9. There is no new cause of action asserted, nor is Respondent prejudiced by this amendment—the underlying facts and issues remain the same, but will be stated in a manner that reflects the proper party and standing.

III. RELIEF REQUESTED

WHEREFORE, Complainant respectfully requests that the Commission:

1. Permit the substitution of Erien Frazier, Trustee, as the real party in interest pursuant to Pa.R.C.P. 2004;
2. Accept the Proposed Amended Complaint attached as Exhibit A as the operative complaint in this matter;
3. In the alternative, hold any deadline for the appointment of legal counsel in abeyance pending the Commission's ruling on this Motion.

Respectfully submitted,



By: Erien Frazier, Trustee

For: ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST

c/o 963 Norland Ave Unit 1025

Chambersburg, PA 17201

Email: erienfrazier@gmail.com

Phone: (410) 262-8690

Date: November 17, 2025

EXHIBIT A

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Complainant:

Erien Frazier, Trustee
for the ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST
c/o 963 Norland Ave, Unit 1025
Chambersburg, PA 17201

v.

Respondent:

West Penn Power / FirstEnergy Corp.
c/o Legal Department
800 Cabin Hill Drive
Greensburg, PA 15601

DOCKET NO.: C-2025-3056017

PROPOSED SECOND AMENDED COMPLAINT

The Complainant, Erien Frazier, acting in fiduciary capacity as Trustee for the ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST (“the Trust”), hereby files this amended complaint for continuing violations of law, equity, and public utility code committed by West Penn Power / FirstEnergy Corp. (“Respondent”). These violations include:

1. Continued billing and collection efforts despite lawful administrative default served upon Respondent;
2. Refusal to provide full accounting of account history or produce original contract documents upon demand, thereby obstructing the Trustee’s lawful management duties and rights of inspection;
3. Threatened and continuing threat of service termination following multiple lawful tenders via negotiable instrument consistent with commercial law (Uniform Commercial Code Article 3 and applicable common law principles);

4. Failure to disclose securitization activity or any pledged collateralization of the utility account involving the Trust, including but not limited to securitization of receivables or monetization of the application or billing streams;
5. Failure to address equitable offset, unjust enrichment, and prior deposits and value conveyed through previous accounts consolidated into the present account number (100096942279);
6. Violation of rights secured under Pennsylvania commercial law, equitable trust law, and due process protections under utility regulations, including but not limited to PUC tariff provisions barring disconnection during unresolved disputes;
7. Material frustration of the Trustee's fiduciary performance, including impairment of other accounts under Trustee's care due to threatened and imminent disconnection of essential services used for operations.

Basis for Standing

Complainant is both settlor and trustee of the Revocable Living Trust and has standing to bring this action in her fiduciary and individual capacity for the following reasons:

- Revocable trusts are not independent legal persons and thus the trustee is the proper party in interest.
- The Administrative Law Judge has already granted amendment of caption, and a Petition for Reconsideration remains pending.
- The utility account directly affects the Trustee's performance of fiduciary duties and her control over other Trust-managed accounts and activities.

Requested Relief

Complainant Erien Frazier, Trustee, respectfully demands the following equitable and legal relief from the Commission:

1. Immediate suspension of any shut-off actions against the subject property at 303 Green Street, Waynesboro, PA 17268;
2. Full and transparent accounting of both:
 - Account No. 100096942279 (the former account assigned to the principal prior to trust conversion), and

- Account No. 100160851844 (Trust account currently in dispute), including all securitization activities, receivables sold or pledged, deposits, applications, and credits;
3. Declaration that the account has been lawfully settled via Bills of Exchange tendered on multiple occasions as evidenced in Exhibits C, D, and I;
 4. Recognition that all rights, title, and interest in the account now reside in the ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST, and that the Trustee is the lawful real party in interest empowered to settle the matter without requirement of outside counsel;
 5. Restitution or equitable offset for unacknowledged instruments tendered, unjust billing, and any overpayments made under mistake, duress, or administrative obstruction;
 6. Order to cease and desist further billing, threats of termination, or negative reporting until Respondent has complied with lawful demands and accounting;
 7. A Commission declaration recognizing the Trustee's standing as settlor, fiduciary, and beneficiary acting in interest of the Trust in this matter, and reaffirming that counsel is not required where the Trustee is not invoking statutory rights but rather equitable and fiduciary remedies.

Exhibit Description

- | | |
|---|--|
| A | Certificate of Administrative Default |
| B | Notice of Threatened Termination (June 25, 2025) |
| C | First Bill of Exchange Tendered |
| D | Prior Bill of Exchange Tendered |
| E | Affidavit(s) of Dishonor and Fraudulent Billing |
| F | Prior Correspondence to FirstEnergy CFO |
| G | West Penn Tariff Rule 20 |
| H | Certificate of Proof of Execution of Trust |
| I | Most Recent Bill of Exchange and Endorsed Utility Bill (dated November 19, 2025, \$2,072.57) |

Exhibit Description

J Affidavit of Tender Regarding November 2025 BOE

Verification Statement

I, Erien Frazier, Trustee, verify that the statements made in this Amended Complaint are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: November 17, 2025

Signed: 

Erien Frazier, Trustee

ERIEN LOIS FRAZIER REVOCABLE LIVING TRUST

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Motion to Substitute Party and Amend Complaint upon the party listed below, via email:

Hon. Chad L. Allensworth, ALJ
Pennsylvania Public Utility Commission
callenswor@pa.gov

Margaret A. Morris, Esq.
Reger Rizzo & Darnall LLP
2929 Arch Street, 13th Floor
Philadelphia, PA 19104
mmorris@regerlaw.com

Respectfully,



By: Erien Frazier, Trustee

Date: November 17, 2025

Exhibit I

Bill of Exchange

Date: November 17, 2025

Bill Number: 2025-1117-ELFRLTBOE

Due Date: November 19, 2025

From:

Erien Lois Frazier Revocable Living Trust

963 Norland Ave, Unit 1025

Chambersburg, Pennsylvania 17201

Erien Frazier, Trustee

Email: erienfrazier@gmail.com | Tel: (410) 262-8690

To:

FirstEnergy Corp.

76 South Main Street

Akron, OH 44308

Attn: Accounts Receivable / Corporate Billing

Pay To the Order Of:

FirstEnergy Corp./West Penn Power

Amount: \$2,072.57 USD

Currency: United States Dollars

Terms of This Bill of Exchange:

You are hereby ordered and required to accept this presentment as tender in good faith and in equity for the account noted below. This instrument, coupled with the accompanying affidavit, reflects the principal's demand for equitable offset, proper accounting, and application of collateral interest previously established.

Reference Account Number: 100 160 851 844

Memo: For equitable offset and discharge.

Discharge Instrument Type: Private offset instrument – pursuant to UCC §3-603, §3-501, and applicable commercial law.

Trustee Endorsement:

Without recourse and without prejudice, all rights reserved.

By: Erien Frazier, Trustee 

For: Erien Lois Frazier Revocable Living Trust

Exhibit J

AFFIDAVIT OF TENDER

Franklin County, Pennsylvania

Date: November 17, 2025

I, Erien Frazier, hereinafter "Affiant," being of lawful age and sound mind, and acting in authorized capacity as Trustee for the ERIEN LOIS FRAZIER Revocable Living Trust, do hereby state under penalty of perjury the following:

1. That Affiant is the Trustee for the ERIEN LOIS FRAZIER Revocable Living Trust, the entity to whom the billing account in question is addressed.
2. That Affiant did receive a billing statement dated November 19, 2025, from FirstEnergy/West Penn Power; in the amount of \$2,072.57, for which settlement has been attempted.
3. That Affiant tendered settlement and closure of the alleged obligation by endorsing the original billing instrument as a Bill of Exchange, affixing authorized trustee endorsement and submitting it back to FirstEnergy's counsel via Certified Mail No. 9589 0710 5270 0327 1657 93, on record.
4. That said instrument, properly endorsed and returned, was offered as lawful tender and remittance under applicable Uniform Commercial Code principles and commercial law doctrine regarding negotiable instruments.
5. That no dishonor or return of said instrument has been received by Affiant, nor has rebuttal or cure been offered, constituting acceptance by silence and estoppel by conduct.
6. That failure to acknowledge the endorsed instrument or to provide a full and complete accounting of prior related accounts with collateral value constitutes unjust enrichment and dishonor of a good faith tender.
7. That this affidavit is submitted in support of lawful settlement, discharge, and defense against further collection activity or termination of services.

Further Affiant sayeth naught.

Executed this 17th day of November, 2025

In Franklin County, Pennsylvania

By: *Erien Frazier, Trustee*

Erien Frazier, Trustee

For: ERIEN LOIS FRAZIER Revocable Living Trust

STATE OF PENNSYLVANIA

COUNTY OF FRANKLIN

Subscribed and sworn to before me this 17 day of Nov, 2025.

Notary Public

My Commission Expires:

Noelle Ott
04/12/2026

Commonwealth of Pennsylvania - Notary Seal
Noelle C. Ott, Notary Public
Franklin County
My commission expires April 12, 2026
Commission number 1222998
Member, Pennsylvania Association of Notaries

NOTICE OF ENDORSEMENT AND RETURN FOR DISCHARGE

Date: November 17, 2025

Certified Mail Tracking Number: 9589 0710 5270 0327 1657 93

To:

Margaret A. Morris, Esq.
Reger Rizzo & Darnall LLP
2929 Arch Street, 13th Floor
Philadelphia, PA 19104
Email: mmorris@regerlaw.com

Cc:

Hon. Administrative Law Judge
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
Email: callenswor@pa.gov

RE: *Response to Billing Statement Dated October 30, 2025 – Account: ERIEN LOIS FRAZIER
Revocable Living Trust*

Notice and Tender

Please be advised that the undersigned, *Erien Frazier, Trustee for the ERIEN LOIS FRAZIER Revocable Living Trust* (hereinafter "Trustee"), has received a billing statement from Respondent FirstEnergy/West Penn Power dated October 30, 2025, with a due date of November 19, 2025, in the amount of \$2,072.57.

As Trustee of the Trust, I hereby accept and conditionally endorse the statement for discharge and return under protest and reservation of all rights. The original endorsed bill is enclosed and is being tendered as lawful presentment for settlement and discharge under applicable commercial and equity principles.

Demand for Full Accounting

The Trustee renews her demand for a full, certified accounting of:

- The initial application(s) and collateral security pledged at inception;

- The ERIEN FRAZIER account no. 100 096 942 279 and its assignment to the Trust;
- All securitization or monetization of projected payments associated with the Trust account;
- Any third-party assignment, lien, encumbrance, or beneficial interest claimed by or through FirstEnergy.

This demand is material to the resolution of the disputed account and required to avoid unjust enrichment and preserve fiduciary obligations.

Preservation of Rights

This tender is made without admission of liability, under protest, and pursuant to the Trustee's obligations under the Trust and rights under the UCC, PUC governing statutes, FirstEnergy's own tariff provisions, and all equitable maxims.

Respectfully,



By: Erien Frazier, Trustee

For: ERIEN LOIS FRAZIER Revocable Living Trust

963 Norland Ave, Unit 1025

Chambersburg, Pennsylvania 17201

erienfrazier@gmail.com | (410) 262-8690

Enclosure:

- Original Billing Statement dated October 30, 2025 (Endorsed)
- BOE