

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

El Encanto Bakery Inc.	:	
	:	
v.	:	C-2025-3058191
	:	
FirstEnergy Pennsylvania Electric Company	:	

INTERIM ORDER #1

This Order directs El Encanto Bakery Inc. to have an attorney enter his or her appearance on its behalf **on or before January 27, 2026.**

Procedural History

On October 28, 2025, a Formal Complaint was filed by Diliania Herrera on behalf of El Encanto Bakery Inc. with the Pennsylvania Public Utility Commission (“Commission”) against FirstEnergy Pennsylvania Electric Company (“Respondent”), alleging that the Bakery experienced several electricity outages over the past 90 days and requesting an investigation into the outages, reimbursement for products spoiled by the outages, that Respondent not terminate service to the Bakery pending resolution of the Complaint, and a payment arrangement. On page 10 of the Complaint form, titled “legal representation,” no attorney is listed as representing the Bakery in this matter. From reading the Complaint, Ms. Herrera is the owner of the Bakery.

On November 18, 2025, Respondent filed an Answer and New Matter to the Complaint, wherein Respondent admitted or denied the allegations of the Complaint. In its New Matter, Respondent alleged that the Commission does not have the authority to award monetary damages, and that the Bakery must be represented by an attorney in this matter.

No Reply was filed to Respondent’s New Matter.

On December 17, 2025, a Hearing Notice was issued to the parties, scheduling this matter for an evidentiary hearing on February 10, 2026. 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.

December 17, 2025, Hearing Notice.

Also on December 17, 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.

December 17, 2025, Prehearing Order.

Attorney Representation

The Complaint in this matter was filed by Diania Herrera on behalf of the Bakery as its owner. Ms. Herrera did not indicate that she was an attorney licensed to practice law in Pennsylvania, further, no attorney is listed on paragraph 10 of the Complaint titled “legal representation.”

The Commission's regulations require that persons in adversarial proceedings be represented by an attorney or legal intern. *See* 52 Pa. Code § 1.21(b). The Commission's regulations define "persons" 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. *See* 52 Pa. Code § 1.8. The Bakery is a person under this regulation. Once Respondent filed an Answer to the Complaint, this proceeding became adversarial in nature. *See* 52 Pa. Code § 1.8.

It is well-settled in Commission practice that participation in a formal adversarial proceeding before the Commission constitutes the practice of law. *See, e.g.,* *Lesley A. Scheaffer for Leslie W. Scheaffer v. Pa. Pub. Util. Comm'n*, Docket No. F-2016-2577647 (Opinion and Order entered Apr. 3, 2018). As such, that participation is limited to those who either file as individuals and represent themselves or to attorneys who are representing others. *Id.*

Accordingly, upon the filing of the Answer in this matter, the Bakery was required to be represented by an attorney. 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)). 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. *Blackwell v. State Ethics Comm'n*, 567 A.2d 630 (Pa. 1989).

Accordingly, this Order directs the Bakery to have an attorney enter his or her appearance on its behalf **on or before January 27, 2026**. Non-compliance 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

**C-2025-3058191 - EL ENCANTO BAKERY INC v. FIRSTENERGY PENNSYLVANIA
ELECTRIC COMPANY**

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