



Eckert Seamans Cherin & Mellott, LLC
213 Market Street
8th Floor
Harrisburg, PA 17101

TEL: 717 237 6000
FAX: 717 237 6019

Bryce R. Beard
717.237.6041
bbeard@eckertseamans.com

December 24, 2025

Via Electronic Filing

Matthew Homsher, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Ralph Roland v. CleanChoice Energy Inc.
Docket No. F-2025-3059071

Dear Secretary Homsher,

Enclosed for electronic filing please find CleanChoice Energy Inc.'s Motion to Join PECO Energy Company as an Indispensable Party, with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

Bryce R. Beard
Bryce R. Beard

BRB/red
Enclosure

cc: Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the **Motion to Join Indispensable Party** upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54.

Via Email Only

Ralph Roland
1025 W. Berks Street
Philadelphia, PA 19122
agentroland@yahoo.com

Date: December 24, 2025

/s/ *Bryce R. Beard*
Bryce R. Beard, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ralph Roland,	:	
	Complainant	:
	:	
v.	:	Docket No. F-2025-3059071
	:	
CleanChoice Energy, Inc.,	:	
	Respondent	:

NOTICE TO PLEAD

To: Ralph Roland
1025 W. Berks St.
Appt. 312
Philadelphia, PA 19122
agentroland@yahoo.com

You are hereby notified that a response to CleanChoice Energy, Inc.’s (“CleanChoice”) **Motion to Join PECO Energy Company as an Indispensable Party** of must be filed within 20 days of the date of service unless otherwise fixed by the Commission or the presiding officer.

Any response, must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for the CleanChoice and, where applicable, the Administrative Law Judge (“ALJ”) presiding over this proceeding.

File with:

Matthew Homsher, Secretary
Pennsylvania Public Utility
Commission
PO Box 3265
Harrisburg, PA 17105-326

With a copy to:

Deanne O’Dell, Esquire (I.D. No. 81064)
Bryce R. Beard, Esquire (I.D. No. 325837)
Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Floor
Harrisburg, PA 17101
(717) 237-6041 (phone)
(717) 237-6019 (fax)
dodell@eckertseamans.com
bbeard@eckertseamans.com

/s/ *Bryce R. Beard*

Bryce R. Beard, Esquire

Counsel for CleanChoice Energy, Inc.

Date: December 24, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ralph Roland,	:	
	Complainant	:
	:	
v.	:	Docket No. F-2025-3059071
	:	
CleanChoice Energy, Inc.,	:	
	Respondent	:

**MOTION TO JOIN PECO ENERGY COMPANY AS AN
INDISPENSABLE PARTY**

Pursuant to 52 Pa. Code § 5.103, CleanChoice Energy, Inc. (“CleanChoice”) submits the following Motion to Join PECO Energy Company (“PECO”) as an Indispensable Party (“Motion”) to the Formal Complaint of Ralph Roland (“Mr. Roland” or “Complainant”).

In support of this Motion, CleanChoice avers as follows:

1. This case is an appeal of an informal complaint filed before the Commission’s Bureau of Consumer Services (“BCS”) at Case No. 4074399.
2. On or about November 20, 2025, Complainant filed a Formal Complaint with the Pennsylvania Public Utility Commission (“Commission”) appealing the BCS decision. By Secretary notation, CleanChoice was added to the “Respondents” in paragraph 2. Notably, Paragraph 2 provides “Peco” as a respondent.
3. The Secretary’s Bureau served a copy of the Complaint on CleanChoice on December 4, 2025.
4. Upon information and belief, PECO was not served a copy of the Complaint by the Secretary’s Bureau on December 4, 2025.
5. Further, none of the relief sought in the Complaint involves CleanChoice on its face, and as discussed in CleanChoice’s New Matter filed simultaneously with this Motion, the

complaint cannot in-fact involve CleanChoice as all of the alleged events occurred over three (3) months prior to Mr. Roland's enrollment with CleanChoice.

6. Additionally, the requested relief for a payment arrangement, "acknowledgement" of facts regarding Mr. Roland's service from PECO, and that no meter was at the property all relate exclusively to PECO.

7. As a result, PECO must be joined to this matter as an Indispensable Party to allow PECO to address the allegations regarding PECO's services and facilities as stated in the Formal Complaint.

8. In Pennsylvania, "an indispensable party is one whose rights are so directly connected with and affected by litigation that he must be a party of record to protect such rights, and his absence renders any order or decree of court null and void for want of jurisdiction." *Columbia Gas Transmission Corp. v. Diamond Fuel Co.*, 464 Pa. 377, 379 (Pa. 1975); *City of Philadelphia, et al v. Commonwealth of Pennsylvania, et al*, 575 Pa. 542 (Pa. 2003); *Barren v. Dubas*, 295 Pa. Super. 443, 445 (Pa. Super Ct. 1982). Failure to join an indispensable party goes absolutely to the court's jurisdiction and, if not raised by the parties, should be raised *sua sponte*. *Posel v. Redevelopment Authority of Philadelphia*, 72 Pa. Commw. 115, 121 (Pa. Commw. Ct. 1983).

9. The Pennsylvania Supreme Court has established that "the basic inquiry in determining whether a party is indispensable concerns whether justice can be done in the absence of a third party In order to make the analysis, however, one must refer to the nature of the claim and the relief sought." *Cry, Inc. v. Mill Service, Inc.*, 536 Pa. 462, 486-69 (Pa. 1994). Adopting the criteria articulated in *Mechanicsburg Area School District v. Kline*, 494 Pa. 476, 481 (Pa. 1981) the court's test for determining indispensability involved "at least" the following considerations:

1. Do absent parties have a right or interest related to the claim?
2. If so, what is the nature of that right or interest?
3. Is that right or interest essential to the merits of the issue?
4. Can justice be afforded without violating the due process rights of absent parties?

10. In regard to the first factor, PECO has a right or interest to the claim. The allegations raised in the Formal Complaint fall squarely on PECO's rights and interests to present a defense to the allegations raised by Mr. Roland.

11. With respect to the second consideration, PECO has a stake in the outcome because of the potential for violations to be found regarding PECO's services and facilities. In particular, the Formal Complaint addresses allegations involving PECO's service and facilities regarding Mr. Roland's electric service, meters, and other events all prior to Mr. Roland enrolling with CleanChoice for supply service on December 3, 2024. Also, Complainant's allegations may implicate PECO with violations of the Commission's rules and regulations that could subject PECO to additional enforcement actions if it does not defend itself, or at least avail itself of the opportunity to prepare a suitable defense in this matter.

12. In regard to the third factor, there are specific allegations as to PECO's services and facilities raised in the Formal Complaint which revolve around Mr. Roland's electric utility service from PECO in June – August 2024. Therefore, PECO's interest is essential to the merits of the case.

13. With respect to the fourth and final factor, not joining PECO, when its services and facilities are the subject of specific allegations in the Formal Complaint would violate Complainant's, CleanChoice's, and PECO's due process rights.

WHEREFORE, CleanChoice Energy Inc., respectfully requests that the Commission (a) serve a copy of the Formal Complaint on PECO Energy Company, (b) join PECO Energy Company as an additional respondent as they are an Indispensable Party in this proceeding, and (c) grant any other relief deemed appropriate.

Respectfully submitted,

Bryce R. Beard

Deanne O'Dell, Esq. (PA ID #81064)
Bryce R. Beard Esq. (PA ID #325837)
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
Email: dodell@eckertseamans.com
bbeard@eckertseamans.com

Date: December 24, 2025

Counsel for CleanChoice Energy, Inc.

Verification

I, Mikhail Raykher, am an Associate Counsel with CleanChoice Energy, Inc. (“CleanChoice”). I hereby state that the facts set forth in the foregoing **Motion to Join PECO Energy Company as an Indispensable Party** are true and correct to the best of my knowledge, information and belief and that I expect CleanChoice to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to sworn falsification to authorities).

Dated: December 24, 2025

/s/ Mikhail Raykher
Mikhail Raykher
Associate Counsel
CleanChoice Energy, Inc.