

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Robert Green, Sr.

v.

Peoples Natural Gas Company, LLC

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C-2025-3055736

**INITIAL DECISION**

Before  
Emily I. DeVoe  
Administrative Law Judge

**INTRODUCTION**

This decision dismisses the Formal Complaint due to Complainant’s failure to obtain counsel or show he is not required to be represented by counsel.

**HISTORY OF THE PROCEEDINGS**

On June 2, 2025, Robert Green, Sr. (Mr. Green) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Peoples Natural Gas Company, LLC (Peoples, Company, or Respondent). In the section of the Complaint which prompts complainants to “[p]rovide the full name of the utility or company about which you are complaining,” Mr. Green also listed “Equitable-Equitrans-EQT” in addition to Peoples. Complaint ¶ 2. Mr. Green checked the “other” box and alleged the Commission’s decision “involving Agenda No. 3019782-OSA, Docket No.

M-2023-3019782” was “made without all the facts being presented by investigation and enforcement.” Complaint ¶ 4.

Mr. Green further alleged: (1) there were sales of natural gas to residential customers directly out of gathering and transmission lines, specifically, pipelines M-30, WM-367, H-109, etc.; (2) the natural gas being sold to residential customers via pipelines M-30, WM-367, H-109, etc., as “standard grade pipeline gas” does not meet the quality set by the tariff; (3) producer members of the Pennsylvania Independent Oil and Gas Association (PIOGA) involved in the Peoples Producers Cooperative Committee (PPCC) are aware of the fact that “gas [is] being put into gathering lines [and] that retail gas is directly sold out that doesn’t meet the state quality tariff [sic];” (4) Peoples management is “aware of the same quality issues and gas loss due to metering issues,” constituting “consumer fraud;” (5) there is “deliberate gathering [of] line abandonment to cut off production from small producers to create a monopoly [sic] for large producers,” which constitutes a “federal anti-trust violation;” (6) there is “false representation of residential service lines out of gathering [sic] lines and representing them as farm taps to avoid [sic] consumer fraud;” (7) residential gas consumers are losing access to natural gas due to mismanagement of utilities. Complaint ¶ 9.

Regarding requested relief, Mr. Green requested that: (1) the Commission “reopen the investigation and look at all the facts involved,” including “all the conditions that led up to the explosion in the Mifflin Energy Corp. case, as well as Plum and Crescent TWP cases” as “they all have similarities that were never addressed.” Complaint ¶ 5. He averred, “there has been a long-term defrauding of the state and federal taxpayers,” involving “other state agencies, including the Consumer Advocate’s [sic] Office, Attorney Generals [sic] Office, and the Department of Environmental Resources.” Complaint ¶ 5. He further wrote, “all installation [sic] and safety issues can be addressed by small companies with 50 employees or less” and “all of the solutions are based on the right regulations, not no regulations.” *Id.*

Mr. Green signed the Complaint as “President – Mifflin Energy Resources / President – Emerald Energy Services.” Complaint ¶ 11. Regarding Service by the Commission, Mr. Green elected to be served by eService, checking the box next to this option. Complaint ¶ 9.

On July 3, 2025, Respondent filed an Answer, New Matter, and Preliminary Objections to the Complaint. In its Answer, Peoples explains it was not a party to the proceeding at M-2023-3019782 and does not understand what Mr. Green refers to as “misinformed decisions” and “missing facts.” Answer ¶ 4. Peoples admits that it owns pipeline M-30 and WM-367 but denies owning pipeline H-109. Answer ¶ 4(2). It admits, however, it has farm tap customers along pipeline H-109. *Id.* Peoples argues that the gas it delivers meets all applicable Commission regulations and requirements and denies all other material averments made in the Complaint.

In its New Matter, Peoples argues Mr. Green is bringing the Complaint on behalf of two corporate entities, Mifflin Energy Resources and Emerald Energy Services. Peoples argues that Commission regulations require corporate entities to be represented by an attorney in an adversarial proceeding.

In its Preliminary Objections, Peoples first argues the Commission lacks subject matter jurisdiction over matters arising under federal antitrust laws. Second, Peoples argues the Complaint fails to provide reasonable or adequate specificity, particularly with regards to Mr. Green’s allegations with regards to Complaint Paragraph No. 4, Items No. 2, 3, 6, 7. Peoples submits that, given Mr. Green named Equitrans, EQT, the PPCC, and PIOGA in the Complaint, it is impossible to discern where an averment concerns Peoples and where it concerns one of the other named parties. Preliminary Objections ¶ 27. Additionally, regarding Mr. Green’s requested relief, Peoples maintains that Mr. Green does not detail his interest in the broad subject matter of the Complaint, nor does he provide a clear statement of the relief he is seeking.

Preliminary Objections ¶ 29. Peoples argues that the Complaint lacks sufficient specificity for it to properly determine its involvement with the events averred in the Complaint, to determine whether the Company is the subject of such averments, and to determine the Complainant’s requested relief. *Id.* ¶ 31.

Peoples further argues the Complaint is legally insufficient because Peoples cannot be held liable for adhering to a Commission-approved tariff, the Complaint fails to join necessary parties, and Mr. Green lacks standing to pursue the Complaint. Preliminary Objections ¶¶ 33-68.

Both the New Matter and Preliminary Objections were accompanied by a Notice to Plead, directing Complainant to file responses within 20 days and 10 days of service, respectively.

On July 23, 2025, Mr. Green filed a response to the Preliminary Objections. In his response, Mr. Green admits he is the sole owner of Mifflin Energy Resources, LLC, Natural Gas Producer, LLC, and Emerald Energy Services, LLC (the LLCs). Response to Preliminary Objection, p. 1, ¶ 4. He further explains, *inter alia*, “this is not tied to a residential service where I receive gas,” and relates to “the most resent [*sic*] interconnects where Mifflin Energy Resources, LLC, sold gas to Peoples Nateral [*sic*] gas through a purchasing pool” as well as “a tap request into the H109 pipeline owned by Equitable to Equitrans now EQT.” *Id.* at p. 1, ¶ 6. He further clarifies, “I am not making a claim on behalf of gas consumers,” but as a “producer.” *Id.* at p. 2, ¶ 2.

Mr. Green did not file a response to the New Matter.

On July 30, 2025, the Commission issued a Motion Judge Assignment Notice, assigning this matter to me.

On September 3, 2025, I issued an Interim Order holding the Company's Preliminary Objection in abeyance and directing Mr. Green to, by September 19, 2025, cause counsel to enter an appearance or show cause why he is not required to be represented by counsel in this matter. On September 18, 2025, Mr. Green contacted me by email, copying counsel for the Company, requesting an extension of the September 19, 2025, deadline to obtain counsel. On September 19, 2025, Anthony Kanagy, Esquire, counsel for the Company, responded by email that the Company had no objection to a three-week extension. On September 19, 2025, Mr. Green emailed that a three-week extension would be sufficient.

As the extension of the deadline was agreeable to both parties, and in the interest of ensuring that Complainant's due process rights would be protected, I granted Mr. Green's request by email and extended the deadline to October 10, 2025. On September 23, 2025, I issued an Interim Order memorializing this extension of the deadline.

Mr. Green did not comply with my directive to either cause counsel to enter an appearance or show cause why he was not required to be represented by counsel. Therefore, in consideration of the fact Mr. Green was *pro se* and in an attempt to ensure his due process rights were protected, I determined that it was appropriate to hold a status conference so Mr. Green would have an opportunity to respond orally to my directive.

On October 21, 2025, the Commission issued a Status Conference Notice, scheduling a status conference for November 13, 2025.

The status conference convened as scheduled on November 13, 2025. Complainant appeared *pro se*, and Ms. Haley Wilburn, Esquire, and Ms. Jennifer Petrisek, Esquire, appeared on behalf of the Company. The parties provided oral

argument on the issue of whether Mr. Green was required to be represented by counsel in this matter.

On December 1, 2025, the Transcript (Tr.) of the status conference was filed. It is 24 pages.

On December 10, 2025, I issued an Interim Order Closing the Record.

This matter is now ripe for adjudication.

#### FINDINGS OF FACT

1. Complainant is Robert Green, Sr.
2. The Respondent, Peoples Natural Gas Company, LLC, is a jurisdictional public utility.
3. On June 2, 2025, Mr. Green filed a Formal Complaint against Peoples alleging, *inter alia*, Peoples had engaged in improper and fraudulent behavior with regards to the quality of the gas it sells to customers and its treatment of smaller gas producers. Complaint ¶¶ 4, 9.
4. The Complaint also alleged the Commission’s decision “involving Agenda No. 3019782-OSA, Docket No. M-2023-3019782” was “made without all the facts being presented by investigation and enforcement.” Complaint ¶ 4.
5. As relief, Mr. Green requested, *inter alia*, the Commission “reopen the investigation and look at all the facts involved,” including “all the conditions that led up to the explosion in the Mifflin Energy Corp. case,” and alleged, ““all instalation [*sic*]

and safety issues can be addressed by small companies with 50 employees or less” and “all of the solutions are based on the right regulations, not no regulations.” Complaint ¶ 5.

6. Mr. Green signed his Complaint as “President – Mifflin Energy Resources / President – Emerald Energy Services.” Complaint ¶ 11.

7. On July 3, 2025, Respondent filed an Answer, New Matter, and Preliminary Objections to the Complaint.

8. On July 23, 2025, Mr. Green filed a response to the Preliminary Objections.

9. In his response to the Preliminary Objections, Mr. Green averred, he “is the sole owner of Mifflin Energy Resources, LLC, Natural Gas Producer, LLC, and Emerald Energy Services, LLC.” Response to Preliminary Objection, p. 1, ¶ 4.

10. In his response to the Preliminary Objections, Mr. Green further averred, the Complaint “is not tied to a residential service where I receive gas,” and relates to “the most recent interconnects where Mifflin Energy Resources, LLC, sold gas to Peoples Nateral [*sic*] gas through a purchasing pool” as well as “a tap request into the H109 pipeline owned by Equitable to Equitrans now EQT.” *Id.* at p. 1, ¶ 6.

11. In his response to the Preliminary Objections, Mr. Green further clarifies, “I am not making a claim on behalf of gas consumers,” but as a “producer.” *Id.* at p. 2, ¶ 2.

12. Mr. Green did not file a response to the New Matter.

13. On September 3, 2025, I issued an Interim Order holding the Company's Preliminary Objections in abeyance and directing Mr. Green to, by September 19, 2025, cause counsel to enter an appearance or show cause why he is not required to be represented by counsel in this matter.

14. The deadline for Mr. Green to comply with the September 3, 2025, Interim Order was subsequently extended to October 10, 2025.

15. Mr. Green did not comply with the September 3, 2025, Interim Order.

16. A status conference was held on November 13, 2025.

17. At the status conference on November 13, 2025, Mr. Green failed to show that he was not required to be represented by counsel in this matter and failed to clearly articulate which claims he was bringing on his own behalf as an individual versus which claims he was bringing on behalf of the LLCs.

### DISCUSSION

The Commission's regulations provide that "[i]n adversarial proceedings, partnerships, corporations, trusts, associations, agencies, political subdivisions and government entities shall be represented only by . . . an attorney." 52 Pa. Code § 1.21. An adversarial proceeding is defined as "a proceeding initiated by a person to seek authority, approvals, tariff changes, enforcement, fines, remedies or other relief from the Commission which is contested by one or more other persons and which will be decided on the basis of a formal record." 52 Pa. Code § 1.8.

A long line of Commission decisions have held that the failure of a party to secure representation deprives the Commission of jurisdiction to adjudicate the claim. *See, e.g., Angle v. Met-Ed Co.*, Docket No. F-2018-3006055 (Opinion and Order entered Dec. 19, 2019) (*Angle*). The Pennsylvania Supreme Court recently considered this issue in *Bisher v. Lehigh Valley Health Network, Inc.*, 265 A.3d 383 (Pa. 2021) (*Bisher*). *Bisher* involved the efforts of unrepresented parents to navigate a complex medical malpractice action against medical personnel and corporate entities arising from the death of their son. In addition to representing themselves, the parents also attempted to raise claims on behalf of the estate of their son. The lower courts dismissed the complaints by taking the position that the estate was required to be represented by counsel; therefore, the tribunals lacked subject-matter jurisdiction. The Supreme Court disagreed:

Because the participation of a non-attorney has no connection to the classes of cases that a court may hear, we hold that the unauthorized practice of law is not a subject-matter jurisdiction issue. Accordingly, we disapprove of [*David R. Nicholson, Builder, LLC v. Jablonski*, 163 A.3d 1048 (Pa. Super. 2017)] and other cases to the extent they suggest the unauthorized practice of law implicates subject-matter jurisdiction.

*Bisher* at 406. The Court went on to explain that where the procedural rules require a party to be represented by counsel, the party cannot be permitted to continue in the action. That is, a tribunal, such as the Commission, cannot permit the unauthorized practice of law. The failure to secure representation is a “technical defect” that an unrepresented party should have an opportunity to cure. *Bisher*.

Administrative agencies, such as the Commission, are required to provide due process to the parties appearing before them. *Schneider v. Pa. Pub. Util. Comm’n*, 479 A.2d 10 (Pa. Cmwlth. 1984). This due process requirement is satisfied when the parties are afforded notice and the opportunity to be heard. *Id.*

Finally, section 332(a) of the Public Utility Code provides that the party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a). To establish a sufficient case and satisfy the burden of proof, the complainant must show that the respondent public utility is responsible or accountable for the problem described in the complaint. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa.P.U.C. 300 (1976). Such a showing must be by a preponderance of the evidence. *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is established by presenting evidence more convincing, by even the smallest amount, than that presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

In the instant matter, there is a threshold issue of whether Mr. Green must be represented by counsel. There is no dispute that Mr. Green is the owner of the LLCs. It is necessary to determine whether Mr. Green is raising his claims on behalf of the LLCs or whether he is raising them on his own behalf as an individual. In order to move forward on any claims Mr. Green is bringing on behalf of the LLCs, he must retain counsel on those claims.

Mr. Green listed himself as an individual in Section 1 of the Complaint, but signed the Complaint as “President – Mifflin Energy Resources / President – Emerald Energy Services.” Complaint ¶ 11. Further, in his response to the Preliminary Objection, he explained that the Complaint relates to “the most recent interconnects where Mifflin Energy Resources, LLC, sold gas to Peoples Nateral [*sic*] gas through a purchasing pool.” Response to Preliminary Objection, p. 1, ¶ 6. He further clarified, “I am not making a claim on behalf of gas consumers,” but as a “producer.” *Id.* at p. 2, ¶ 2. These averments, in conjunction with his signature on the Complaint in Paragraph 11, suggest that Mr. Green is not bringing the Complaint on behalf of himself as an individual, but on behalf of Mifflin Energy Resources, LLC, Natural Gas Producer, LLC, and Emerald Energy Services, LLC.

Mr. Green did not comply with my Interim Order directing him to cause counsel to enter an appearance or show cause why he is not required to be represented by counsel. Well-established Commission precedent tends to afford unrepresented individuals the opportunity to orally set forth their cases on the record and cautions against dismissing cases on a preliminary basis. *Carlock v. The United Tel. Co. of Pa.*, Docket No. F-00163617 (Opinion and Order entered July 14, 1993). Therefore, I scheduled a status conference to give Mr. Green an opportunity to present his argument orally.

At the conference, Mr. Green explained that he had been unable to obtain counsel. Tr. 6. I asked Mr. Green to clarify whether the claims raised in the Complaint were made in his capacity as president of Mifflin Energy Resources and Emerald Energy Services. Tr. 7. He explained that he was “forced” to establish two limited liability companies in order to “draw a distinct line between production and the service work for farm taps.” *Id.* He further explained, “I am a producer that produces into Peoples.” *Id.* I asked him whether he was producing as an individual or whether the companies were the producers, and he responded, “You tell me the difference. I’m the sole owner of the company.” Tr. 8. Again, I asked him whether he was bringing these claims on behalf of his LLCs, and he responded, “I’m bringing [them] as myself because I can no longer produce and I am the only one that has the money invested in these companies.” Tr. 8.

I asked him what claims he was bringing in his capacity as an individual outside of his capacity as president of the companies, and he responded,

The fact that I can no longer operate under the regulations, or the interpretation of the regulation, that the Public Utilities Commission is making. That these farm taps are regulated. And these farm taps can't be regulated because it's a violation of the lease agreements. And the state does

not have the authority, as I am told, to override a written contract. This is what started this all.

Tr. 9.

Mr. Green further explained that the LLCs are no longer operating “because there is no income.” *Id.*

When asked I asked Mr. Green why he believed he was not required to be represented by counsel in this matter, he replied, “Because everyone that's been dealing with this issue that has counsel has misinterpreted everything that's going on in the field and failed to go out and even look at it firsthand in the field to see what's going on. To make it fit their definition...of the meter sets coming out of the transmission lines.” Tr. 12.

He further explained his Complaint is about “public safety issues” and questioned why he was required to retain counsel to “protect the public.” Tr. 13. He acknowledged that the Commission’s Bureau of Investigation and Enforcement “was out under the previous order and looked at this.” Tr. 14.

Mr. Green was provided an opportunity to respond to the issue of representation in writing and orally. I asked him directly and repeatedly to identify which claims were being brought on behalf of the LLCs and which, if any, were being brought on his behalf as an individual. He was unable to provide a clear answer, and it is Mr. Green’s burden to do so. Unless and until Mr. Green is able to articulate which claims he is bringing on behalf of his LLCs versus which claims he is bringing on his behalf as an individual, the Complaint cannot move forward, and the Complaint must be dismissed. As discussed above, the Commission, cannot permit the unauthorized practice of law, and the failure to secure representation is a “technical defect.” *Bisher*. As such, I will not rule upon Peoples’ Preliminary Objections.

I considered directing Mr. Green to file an amended Complaint, but since Mr. Green has already had an opportunity to respond to the issue of representation both orally and in writing, I did not deem it appropriate. Furthermore, he has had ample opportunity to cure the technical defect and secure counsel, but he has not done so. The Company has due process rights that must be protected, and without a clear path forward towards a hearing to resolve the Complaint, the Company cannot be expected to spend additional time and resources on this matter.

Additionally, had Mr. Green been able to articulate the claims he was making on his own behalf as an individual, I could have proceeded with those claims, moving forward with an evidentiary hearing on those that remained after I ruled upon the Company's Preliminary Objections.

While I am dismissing the Complaint, I am doing so without prejudice. This means that Mr. Green may, in the future, file a new Complaint which clearly identifies claims he is raising on his behalf as an individual, or, with the assistance of counsel, identifies the claims he is raising on behalf of the LLCs. If Mr. Green believes there are safety concerns regarding Peoples' business dealings, I encourage him to refile his Complaint promptly.

#### CONCLUSIONS OF LAW

1. In adversarial proceedings, partnerships, corporations, trusts, associations, agencies, political subdivisions and government entities shall be represented only by an attorney. 52 Pa. Code § 1.21.

2. An adversarial proceeding is defined as a proceeding initiated by a person to seek authority, approvals, tariff changes, enforcement, fines, remedies or other

relief from the Commission which is contested by one or more other persons and which will be decided on the basis of a formal record. 52 Pa. Code § 1.8.

3. A non-attorney owner/operator of a limited liability corporation may file a complaint, but, once an answer is filed, the limited liability corporation must thereafter be represented by counsel. *Cars R Us c/o Holman Copeland v. PGW*, Docket No. C-2008-2033437 (Order entered Feb. 4, 2010).

4. Where a tribunal's procedural rules require a party to be represented by counsel, the party cannot be permitted to continue in the action. *Bisher v. Lehigh Valley Health Network, Inc.*, 265 A.3d 383 (Pa. 2021).

5. The only persons authorized to practice law in Pennsylvania are as follows: (1) persons fully admitted to the Pennsylvania Bar; (2) persons admitted *pro hac vice* under Rule 301; and (3) persons qualified as certified legal interns under Rule 321. *Simon v. Franklin Water Company*, Docket No. C-00956589 (Order entered Jan. 29, 1996).

6. If the nature of an administrative hearing is to determine questions of fact or interpretation of administrative law, then the hearing is of a judicial character. Any participation in such a hearing constitutes the practice of law. Accordingly, it would be unlawful to allow non-attorney representation in adversarial proceedings before the Commission. *Shorz v. Farrell*, 193 A.20 (Pa. 1937).

7. The Commission is required to provide due process to the parties appearing before them; this due process requirement is satisfied when the parties are provided notice and the opportunity to be heard. *Schneider v. Pa. Pub. Util. Comm'n*, 479 A.2d 10 (Pa. Cmwlth. 1984).

