

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Erien Frazier, Trustee of the	:	
Erien Lois Frazier Revocable Living Trust	:	
	:	
v.	:	C-2025-3056017
	:	
FirstEnergy Pennsylvania Electric Company	:	

INITIAL DECISION

Before
Chad L. Allensworth
Administrative Law Judge

INTRODUCTION

This Initial Decision dismisses the Formal Complaint of Complainant due to Complainant’s failure to have an attorney enter an appearance in this proceeding in accordance with the Order of the Presiding Officer because the Formal Complaint concerns utility service in the name of a trust or trustee.

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 Pennsylvania Public Utility Commission (“Commission”) against FirstEnergy Pennsylvania Electric Company (“FirstEnergy” or “Respondent”). 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. Complaint ¶ 4. As relief, Complainant requested equitable and regulatory relief to prevent disconnection, recognition of settlement and a proper and full accounting to be provided to the trustee. Complaint ¶ 5.

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. New Matter ¶¶ 12-14.

On August 5, 2025, Complainant filed a Response to New Matter.¹

On August 8, 2025, the Commission issued an Initial Telephonic Hearing Notice scheduling a telephonic hearing in this matter for October 29, 2025. That same day, the Commission issued a Prehearing Order in which the parties were advised about the general procedures for the hearing. 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, FirstEnergy filed a Motion to Dismiss the complaint asserting that Complainant must be represented by counsel in this proceeding.

¹ Complainant's Response to New Matter failed to specifically address the averments in Respondent's New Matter.

On August 19, 2025, Complainant filed an Answer in opposition to FirstEnergy's 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 hearing scheduled for October 29, 2025 was canceled.

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 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 or about 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 by email.

On November 21, 2025, Complainant filed the Motion to Amend Complaint along with exhibits with the Commission.

On November 25, 2025, I issued an Interim Order Denying the Motion to Amend Complaint and Closing the Record.

To date, there is no record of an attorney filing a notice of appearance on behalf of Complainant.

This decision grants Respondent’s Motion to Dismiss.

FINDINGS OF FACT

1. Complainant is Erien Frazier, Trustee for Erien Lois Frazier Revocable Living Trust.
2. Respondent is FirstEnergy Pennsylvania Electric Company.
3. The complaint concerns electric service for a property located at 303 Green Street, Waynesboro, PA 17268 (“service address”). Complaint ¶¶ 1, 3.
4. Complainant’s mailing address for the service address account is 963 Norland Avenue, Chambersburg, PA 17201. Complaint ¶ 3.
5. Complainant initially identified itself as a trust in the complaint. Complaint ¶ 1.
6. On June 26, 2025, Erien Frazier signed and verified the complaint asserting that she is the trustee. Complaint ¶ 11.
7. Erien Frazier does not assert that she is an attorney. Complaint ¶ 11.
8. On June 30, 2025, Complainant filed the complaint at issue in this matter.
9. In the complaint, Complainant selected the “eFiling” option whereby Complainant chose to receive service of all documents for this matter electronically at the email address registered with the Commission. Complaint ¶ 9.

10. On July 21, 2025, Respondent filed its Answer and New Matter asserting, *inter alia*, that Complainant must be represented by counsel in this proceeding. New Matter ¶ 14.

11. On August 5, 2025, Complainant filed a Reply to Respondent's Answer and New Matter wherein Complainant acknowledged that the trust was the lawful party in interest and that the trustee was the real party in interest appearing on behalf of the trust. Reply to Respondent's Answer and New Matter, pp. 1-2.

12. An initial telephonic hearing notice was issued on August 8, 2025, scheduling a hearing for October 29, 2025, at 10:00 a.m.

13. The hearing notice informed Complainant of the following requirement:

REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, limited liability company, 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.

14. A prehearing order was also issued on August 8, 2025.

15. The prehearing order also informed Complainant of the following requirement:

REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, limited liability company, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed

to practice law in Pennsylvania, or admitted *pro hac vice*. Unless you are an attorney, you may not represent someone else.

16. Both the hearing notice and prehearing order were electronically served on Complainant at the email address Complainant provided to the Commission.

17. On August 14, 2025, Respondent filed a Motion to Dismiss on the basis that Complainant failed to retain counsel for the proceeding.

18. By Order dated August 21, 2025, the scheduled hearing was canceled, the Motion to Dismiss was held in abeyance and Complainant was ordered to have counsel enter an appearance on its behalf by September 22, 2025.

19. Complainant failed to have counsel enter an appearance on its behalf by September 22, 2025.

20. Complainant subsequently sought and was granted leave to amend the caption in this matter from “Erien Lois Frazier Revocable Living Trust” to “Erien Frazier, Trustee of the Erien Lois Frazier Revocable Living Trust.”

21. Complainant identified herself as proceeding in the role of the trustee in the amended caption.

22. By Order dated October 17, 2025, the Motion to Dismiss was again held in abeyance and Complainant was ordered to have counsel enter an appearance on her behalf by November 17, 2025 as a trustee.

23. Complainant failed to have counsel enter an appearance on her behalf by November 17, 2025.

24. On November 21, 2025, Complainant filed a Motion to Amend the Complaint to reflect that the trustee, Erien Frazier, was the real party in interest as opposed to the trust itself.

25. By Order dated November 25, 2025, Complainant's Motion to Amend the Complaint was denied and the record was closed.

26. To date, no attorney has entered an appearance on behalf of Complainant.

DISCUSSION

Motion to Dismiss

The Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.103 allow parties to file motions requesting desired relief in Commission proceedings. Section 5.103 states, in relevant part:

(a) *Scope and content.* A request may be made by motion for relief desired, except as may be otherwise expressly provided in this chapter and Chapters 1 and 3 (relating to rules of administrative practice and procedure; and special provisions). A motion must set forth the ruling or relief sought, and state the grounds therefor and the statutory or other authority upon which it relies.

(b) *Presentation of motions.* A motion may be made in writing at any time, and a motion made during a hearing may be stated orally upon the record, or the presiding officer may require that an oral motion be reduced to writing and filed separately. Written motions must contain a notice which states that a responsive pleading shall be filed within 20 days of the date of service of the motion.

(c) *Response to motions.* A party has 20 days from the date of service within which to answer or object to a motion, unless the period of time is otherwise fixed by the Commission or the presiding officer.

(d) *Rulings on motions.*

(1) The presiding officer is authorized to rule and will rule upon motions:

(i) Not formerly acted upon by the Commission prior to the commencement of the hearing where an immediate ruling is essential in order to proceed with the hearing.

(ii) Filed or made after the commencement of the hearing and prior to the submission of a decision in the proceeding.

(2) A motion made during the course of hearing, which if granted would otherwise dispose of parties' rights, should be acted upon by the presiding officer prior to taking further testimony if, in the opinion of the presiding officer, the action is warranted.

(3) If a motion involves a question of jurisdiction, the establishment of a prima facie case or standing, the presiding officer may render a final determination with regard to a motion prior to the termination of hearings by issuing an initial or recommended decision.

52 Pa. Code § 5.103.

In this case, Respondent filed a Motion to Dismiss because Complainant is a trust or trustee and is not represented by counsel in an adversarial proceeding in accordance with Commission regulations at 52 Pa. Code §§ 1.21-1.23.

Requirement to be Represented by Counsel

Section 1.21 of the Commission's regulations provides in pertinent part:

(a) Individuals^[2] may represent themselves.

(b) Except as provided in subsection (a), persons in adversarial proceedings shall be represented in accordance with § 1.22 (relating to appearance by attorneys and legal intern). For purposes of this section, any request for a general rate increase under § 1307(f) or § 1308(d) of the act (relating to sliding scale of rates; adjustments; and voluntary changes in rates) shall be considered to be an adversarial proceeding.

(c) In nonadversarial proceedings^[3], persons^[4] may be represented in the following manner:

(1) A partner may represent the partnership.

(2) A bona fide officer of a corporation, trust or association may represent the corporation, trust or association.

(3) An officer or employee of an agency, political subdivision or government entity may represent the agency, political subdivision or government entity.

52 Pa. Code § 1.21.

² An "individual" is defined as "a natural person." 52 Pa. Code § 1.8.

³ A "nonadversarial proceeding" is defined as, "[a] proceeding initiated by a person which is not contested or a proceeding initiated by the Commission or at the request of a person to develop regulations, policies, procedures, technical rules or interpretations of law." 52 Pa. Code § 1.8.

⁴ A "person" is defined as "[e]xcept as otherwise provided in this subpart or in the act, the term includes individuals, corporations, partnerships, associations, joint ventures, other business organizations, **trusts, trustees**, legal representatives, receivers, agencies, governmental entities, municipalities, municipal corporations or other political subdivisions." 52 Pa. Code § 1.8 (emphasis added).

Section 1.23 of the Commission’s regulations provides, “Persons may not be represented at a hearing before the Commission or a presiding officer except as stated in § 1.21 or § 1.22 (relating to appearance; and appearance by attorney or certified legal intern).” 52 Pa. Code § 1.23; *Pa. Pub. Util. Comm’n v. Harrisburg City Cab, Inc.*, Docket No. C-2019-3015167 (Opinion and Order entered July 6, 2020); *Cars R Us v. Phila. Gas Works*, 2010 Pa.P.U.C. LEXIS 602 (2010); *Torino Inc. v. PECO Energy Co.*, 2009 WL 6691160 (Pa.P.U.C. 2010).

It is axiomatic that the current matter is contested because Respondent has filed an Answer and New Matter along with a Motion to Dismiss.

Analysis

Based on the pleadings, including Complainant’s own averments, it is uncontested that the complaint concerns electric service to the service address in the name of the Erien Lois Fraizer Revocable Living Trust or in the name of Erien Frazier, Trustee of the Erien Lois Frazier Revocable Living Trust. It is also uncontested that the complaint was signed by Erien Frazier in the role of trustee with no indication that Erien Frazier is a licensed attorney. Based on these uncontested facts, Complainant must be represented by an attorney in this proceeding.

Once the Answer and New Matter were filed, this became an adversarial proceeding. 52 Pa. Code § 1.8. Accordingly, Erien Lois Frazier, Trustee of the Erien Lois Frazier Revocable Living Trust, as either the trust itself or Erien Lois Frazier as trustee, is a “person” required to be represented by counsel. 52 Pa. Code § 1.8; *Famille S. Trust v. Duquesne Light Co.*, Docket C-2024-2440650 (Opinion and Order entered Mar. 17, 2016). No attorney is listed on the complaint, nor has one entered an appearance to represent Complainant. Likewise, there is no basis to find that Erien Lois Frazier satisfies Commission requirements to represent the trust or herself as the trustee in this

matter. Therefore, Complainant cannot proceed with the complaint unless Complainant is represented by counsel pursuant to Commission regulations.

Complainant was informed of the requirement that a trust or a trustee must be represented by counsel by the initial telephonic hearing notice, prehearing order, and multiple orders directing Complainant to obtain counsel for this matter. The hearing notice, prehearing order, and orders directing Complainant to obtain counsel were all electronically served on Complainant at the email address provided by Complainant in the complaint. Notification of filings via electronic mail constitutes valid service of e-filed documents. *See, e.g., Messick v. PPL Elec. Utils. Corp.*, Docket No. C-2018-3004260 (Opinion and Order entered June 18, 2020); *Potora v. Pa. Am. Water Co.*, Docket No. C-2017-2627873 (Opinion and Order entered Aug. 8, 2019). Accordingly, Complainant was adequately notified that she must obtain counsel to proceed with the complaint.

Where the procedural rules require a party to be represented by counsel, the party cannot be permitted to continue in the action without counsel.⁵ To do so would allow the unauthorized practice of law.⁶ The Commission cannot allow the unauthorized practice of law.⁷ Therefore, Complainant, as the trust itself or the trustee, is prohibited from proceeding in this matter without counsel.

Additionally, Complainant failed to comply with my August 21, 2025 Order directing Complainant to have counsel enter a notice of appearance in this proceeding on or before September 22, 2025. Complainant subsequently failed to comply with my second Order directing Complainant to have counsel enter a notice of

⁵ *See, e.g., Miller v. FirstEnergy Pa. Elec. Co.*, Docket No. C-2025-3054879 (Final Order entered Nov. 4, 2025).

⁶ *Id.*

⁷ *Id.*

appearance in this proceeding on or before November 17, 2025. To date, no attorney has filed a notice of appearance in this proceeding on behalf of Complainant.

Failure to comply with an order issued by a presiding officer warrants 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); *Treffinger v. PPL Elec. Utils. Corp.*, 2003 Pa.P.U.C. LEXIS 3 (Mar. 3, 2003). Consequently, because Complainant failed to comply with my Orders to have an attorney enter an appearance on Complainant, no further hearing will be scheduled, and the complaint will be dismissed.

CONCLUSIONS OF LAW

1. The Commission requires corporations, limited liability companies, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental entities, municipalities, municipal corporations or other political subdivisions to be represented in adversarial proceedings before the Commission by an attorney or law student meeting certain requirements. 52 Pa. Code §§ 1.8, 1.21-1.23; *Pa. Pub. Util. Comm'n v. Harrisburg City Cab, Inc.*, Docket No. C-2019-3015167 (Opinion and Order entered July 6, 2020); *Cars R Us v. Phila. Gas Works*, 2010 Pa.P.U.C. LEXIS 602 (2010); *Torino Inc. v. PECO Energy Co.*, 2009 WL 6691160 (Pa.P.U.C. 2010).

2. This proceeding became an “adversarial proceeding” when the Answer and New Matter was filed. 52 Pa. Code § 1.8.

3. After providing an organization or a business with an opportunity to secure representation where representation is required, the Commission cannot permit the

unauthorized practice of law and has the discretion to dismiss the case. *Miller v. FirstEnergy Pa. Elec. Co.*, No. C-2025-3054879 (Final Order entered Nov. 4, 2025).

4. Notification of filings via electronic mail constitutes valid service. *See, e.g., Messick v. PPL Elec. Utils. Corp.*, Docket No. C-2018-3004260 (Opinion and Order entered June 18, 2020); *Potora v. Pa. Am. Water Co.*, Docket No. C-2017-2627873 (Opinion and Order entered Aug. 8, 2019).

5. Failure to comply with an order issued by a presiding officer warrants 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); *Treffinger v. PPL Elec. Utils. Corp.*, 2003 Pa.P.U.C. LEXIS 3 (Mar. 3, 2003).

6. The Complainant, as a trust or trustee, failed to obtain counsel to represent it in accordance with my order and Commission regulations. 52 Pa. Code §§ 1.8, 1.21-1.23.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion to Dismiss filed by FirstEnergy Pennsylvania Electric Company in the matter at Erien Frazier, Trustee of the Erien Lois Frazier

