

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Hearts of Gold LLC	:	
	:	
v.	:	C-2025-3056085
	:	
UGI Utilities, Inc. – Gas Division	:	

INITIAL DECISION

Before
Emily A. Farren
Administrative Law Judge

INTRODUCTION

This Decision dismisses the Complaint of Hearts of Gold LLC, because the LLC failed to secure representation by legal counsel, as required by Commission regulations and an order by the presiding officer.

HISTORY OF THE PROCEEDING

On July 3, 2025, Jasmine White (Complainant or Ms. White)¹ filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against UGI Utilities, Inc. – Gas Division (UGI or the Company), alleging that UGI threatened to shut off service or already shut off service. Complaint ¶ 4. Ms. White further alleged she contacted UGI to pay a bill in the amount of \$706 but

¹ By Prehearing Order dated October 31, 2025, I requested the Secretary’s Bureau amend the case caption in this matter to reflect that the Complaint was filed by Ms. White on behalf of Hearts of Gold LLC.

ultimately unsuccessfully paid the amount due. *Id.* As relief, Ms. White requested, “I want the PUC to give me more time to pay. I already lost one business from UGI cutting me off. I am trying to make it.” Complaint ¶ 5.

On July 22, 2025, UGI filed an Answer and New Matter. In its New Matter, UGI averred that the service address is associated with a small commercial account for Complainant’s business, Hearts of Gold LLC. Answer ¶ 1.

In its New Matter, which was accompanied by a Notice to Plead advising Complainant a response is due within 20 days after service, UGI plead that Complainant brought the Complaint on behalf of a corporate entity. New Matter ¶ 2. UGI averred Commission regulations require corporate entities to be represented by an attorney in an adversarial proceeding, citing 52 Pa. Code §§ 1.21-1.23. New Matter ¶ 3. UGI requested the Commission require the Complainant to have legal representation in this proceeding after the filing of UGI’s Answer and New Matter. *See* New Matter.

On August 28, 2025, the Commission issued an Initial Telephonic Hearing Notice (Notice) setting a hearing in this matter for October 31, 2025, at 10:00 a.m. This Notice also advised Complainant of the requirement of attorney representation for a limited liability company (LLC), as follows:

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.

Notice ¶ **REPRESENTATION**, p. 2 (emphasis in original).

On August 29, 2025, I issued a Prehearing Order for Telephone Hearing (Prehearing Order) to provide the parties with the requirements and procedures for the October 31, 2025 Hearing. The Prehearing Order also provided, *inter alia*, the requirement of attorney representation when representing an LLC:

7. REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney representing 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.** [52 Pa. Code §§ 1.21, 1.22] And, unless you are an attorney, you may not represent someone else.

Prehearing Order ¶ 7 (“Representation” in bold in original, all other bold emphasis added).

On October 20, 2025, UGI filed a letter² (Letter Request) at the instant docket requesting that the evidentiary hearing be converted to a prehearing conference, “so that the parties can discuss how the case should move forward procedurally, including setting a deadline for the Complainant to retain counsel.” Letter Request.

On October 29, 2025, by Interim Order, I denied UGI’s request to convert the evidentiary hearing to a prehearing conference and directed Complainant to obtain legal counsel.

² In the future, any request for relief should be in the form of an appropriate pleading and requisite notice to plead, filed with the Commission’s Secretary Bureau, and served contemporaneously on the presiding officer and opposing party. *See, e.g.*, 52 Pa. Code § 5.103.

On October 31, 2025, I convened the hearing as scheduled. Ms. White was present but did not have legal counsel. Tr. at 12. Hayley Wilburn, Esquire, represented UGI, accompanied by one witness who was prepared to testify on behalf of the Company. I granted the parties' joint request to continue the matter until December 4, 2025, to allow time for Complainant to obtain legal counsel. Tr. 12. I directed Complainant to cause legal counsel to enter her or his appearance on or before close of business day on November 25, 2025. *Id.*

On October 31, 2025, the Commission issued a Further Telephonic Hearing Notice, scheduling a hearing for December 4, 2025. Also on October 31, 2025, I issued a Prehearing Order to provide the parties with the requirements and procedures for the December 4, 2025 Hearing.

Complainant did not cause legal counsel to enter her or his appearance by close of business day on November 25, 2025, nor by the date of this Decision.

On November 26, 2025, UGI filed a Motion to Dismiss the Formal Complaint of Jasmine White (Motion), with prejudice. A Notice to Plead appropriately accompanied the Motion, informing Complainant that answers to motions are due within 20 days after the date of service.

To allow the requisite time for Complainant to respond to the Motion before holding a hearing, on December 1, 2025, I cancelled the continued hearing scheduled for December 4, 2025.

Complainant did not file an answer nor otherwise respond to the Motion. The record closed on December 16, 2025, the due date for an answer or response to the Motion.

The Motion is ripe for disposition.

FINDINGS OF FACT

1. The Complainant is Hearts of Gold LLC, a limited liability company. *See* Complaint, generally; Answer ¶ 1; Tr. at 11.
2. The Respondent is UGI Utilities, Inc. – Gas Division, a jurisdictional public utility.
3. Hearts of Gold LLC holds a non-residential gas account with UGI. *See* Complaint, generally; Answer ¶ 1; Tr. at 11.
4. On July 3, 2025, Complainant filed a Formal Complaint against Respondent.
5. On July 22, 2025, Respondent filed an Answer and New Matter to the Complaint.
6. On August 28, 2025, a Hearing Notice was served on Complainant scheduling a telephonic hearing on October 31, 2025, at 10:00 a.m.
7. On August 29, 2025, a Prehearing Order for Telephone Hearing (Aug. 29 Prehearing Order) was served on Complainant providing additional information to the parties regarding the hearing, including an explanation that, *inter alia*, limited liability companies must be represented by an attorney licensed to practice law in Pennsylvania. *See* Aug. 29 Prehearing Order ¶ 7.

8. On October 20, 2025, UGI filed a letter (Letter Request) at the instant docket requesting that the evidentiary hearing be converted to a prehearing conference, “so that the parties can discuss how the case should move forward procedurally, including setting a deadline for the Complainant to retain counsel.” Letter Request.

9. On October 29, 2025, by Interim Order, I denied UGI’s request to convert the evidentiary hearing to a prehearing conference and directed Complainant to obtain legal counsel.

10. Complainant did not cause legal counsel to enter her or his appearance by close of business Tuesday, November 25, 2025, nor by the date of this Decision.

11. On November 26, 2025, UGI filed a Motion to Dismiss the Formal Complaint.

12. Complainant did not file an answer or otherwise respond to the Motion to Dismiss.

DISCUSSION

The Commission rules require that all non-individuals, including a limited liability company, be represented by counsel in adversarial proceedings.³ Once the

³ 52 Pa. Code § 1.21; *see also Cars R Us c/o Holman Copeland v. Phila. Gas Works*, Docket No. C-2008-2033437 (Opinion and Order entered Feb. 4, 2010); *Torino Inc. v. PECO Energy Co.*, Docket No. C-2008-2034595 (Opinion and Order entered Feb. 2, 2010).

answer is filed, the proceeding becomes adversarial, which occurred in this case.⁴ This rule is consistent with the Pennsylvania Bar Rules promulgated by the Supreme Court.⁵

Hearts of Gold LLC (Hearts of Gold) did not dispute UGI's new matter that alleged Complainant is a corporate entity. In fact, Ms. White admitted during the October 31 hearing that she represented Hearts of Gold, a limited liability company, not an individual. Tr. 11-12. Further, Hearts of Gold also did not respond to UGI's motion to dismiss or dispute the corporate status of the account or the non-residential nature of the service location. Hearts of Gold was repeatedly advised that legal representation was required to continue its complaint against UGI by UGI's Answer and New Matter, the August 28 Notice, the August 29 Prehearing Order, the October 29 Interim Order, and at the October 31 hearing at which I continued the hearing to allow Hearts of Gold to obtain legal counsel. Tr. 12-13.

The Pennsylvania Supreme Court explained that where the procedural rules require a party to be represented by counsel, the party cannot be permitted to continue the action.⁶ That is, a tribunal 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.⁷

⁴ *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009) (*New Fizon Catering*); see also 52 Pa. Code § 1.8.

⁵ See *New Fizon Catering* at 7-8.

⁶ *Bisher v. Lehigh Valley Health Network, Inc.*, 265 A.3d 383, 406 (Pa. 2021) (holding that the Court disapproved a line of cases to the extent they suggest the unauthorized practice of law implicates subject-matter jurisdiction) (*Bisher*).

⁷ *Bisher* at 407.

The Commission cannot allow the unauthorized practice of law.⁸ Hearts of Gold, as a non-individual, must be represented by an attorney.⁹ Hearts of Gold was provided with notice that Commission rules required representation and ample opportunity to secure such representation. Specifically, the August 28 Notice and the August 29 Prehearing Order notified Hearts of Gold that a non-individual must be represented by counsel. The October 29 Interim Order directed Hearts of Gold to secure legal counsel. Again, at the October 31 hearing, I directed Hearts of Gold to secure legal counsel on or before the close of business on November 25, 2025, and continued the hearing until December 4, 2025, for the sole purpose of allowing Hearts of Gold to obtain legal counsel. I also issued an October 31 Prehearing Order that contained the November 25 deadline for legal counsel to file an appearance on behalf of Hearts of Gold. Thus, Hearts of Gold's due process rights have been adequately protected.

Respondent's Motion to Dismiss with prejudice will be granted in part and denied in part. The Motion will be granted inasmuch as the Complaint will be dismissed but it will be dismissed without prejudice, because failure to obtain legal counsel as an LLC is a technical defect.

CONCLUSIONS OF LAW

1. An organization or business must have counsel to proceed in any legal action because such an entity may not represent itself. *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009); *Cars R Us c/o Holman Copeland v. Phila. Gas Works*, Docket No. C-2008-2033437 (Opinion and Order entered Feb. 4, 2010); *Torino Inc. v. PECO Energy Co.*, Docket No. C-2008-2034595 (Opinion and Order entered Feb. 2, 2010).

⁸ *Bisher.*

⁹ 52 Pa. Code § 1.21.

2. The failure to secure representation is a technical error. *Bisher v. Lehigh Valley Health Network, Inc.*, 265 A.3d 303 (Pa. 2021).

3. After providing an organization or a business 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. *Bisher v. Lehigh Valley Health Network, Inc.*, 265 A.3d 303 (Pa. 2021).

ORDER

THEREFORE,

IT IS ORDERED:

1. That UGI Utilities, Inc. – Gas Division’s Motion to Dismiss the Formal Complaint of Hearts of Gold LLC with prejudice, at Docket No. C-2025-3056085 is granted in part and denied in part.

2. That the Formal Complaint filed by Jasmine White on behalf of Hearts of Gold LLC in *Hearts of Gold LLC v. UGI Utilities, Inc. – Gas Division*, Docket No. C-2025-3056085, is hereby dismissed but without prejudice.

