

## Before the Pennsylvania Public Utility Commission

Erien Frazier, Trustee for the ERIEN LOIS FRAZIER Revocable Living Trust  
v.  
West Penn Power Company / FirstEnergy Corp.  
Docket No. C-2023-1910413

### EXCEPTIONS TO INITIAL DECISION

Comes now Erien Frazier, Trustee for the ERIEN LOIS FRAZIER Revocable Living Trust, respectfully submitting these Exceptions to the Initial Decision issued on January 16, 2026. The Complainant asserts that the Initial Decision and subsequent Order erroneously dismissed the matter on procedural grounds without due consideration of the substance of the complaint, the evidence of trust performance, or the rightful standing of the Trustee as a party in interest under Pennsylvania law.

#### I. FAILURE TO RECOGNIZE TRUSTEE STANDING

The Commission's dismissal was based on a procedural objection raised by the Respondent—that a trust must be represented by legal counsel. However, the Complainant, Erien Frazier, was acting in her lawful capacity as Trustee and should have been recognized as the proper real party in interest. The Commission failed to give due weight to the Trustee's verified submissions, exhibits, and repeated attempts to seek redress on behalf of the Trust. The Rules of Civil Procedure, particularly Pa.R.C.P. 2002 and 2004, support substitution and proper naming of the real party in interest to avoid dismissal based solely on a captioning technicality. The Trustee, who has demonstrated personal knowledge and a fiduciary duty to act on behalf of the Trust, was wrongly excluded from fully presenting the complaint on the merits.

#### II. EVIDENCE OF TRUSTEE'S TENDER AND PERFORMANCE

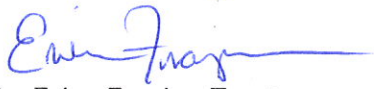
On January 16, 2026, the Trustee submitted a formal mailing titled 'Notice of Equitable Beneficial Ownership Interest and Tender of BOE,' including an Affidavit of Tender and remittance documentation. This mailing, attached as Exhibit A, substantiates that lawful and equitable performance was offered by the Complainant and that FirstEnergy failed to respond with a proper accounting. The Commission erred in not considering this evidence as it relates to the Complainant's demand for a full accounting and offset of the claimed obligation, consistent with equitable principles.

#### III. RELIEF REQUESTED

Complainant respectfully requests that the Commission:

1. Reconsider the Initial Decision and Order dismissing the case.
2. Recognize Erien Frazier, Trustee, as the real party in interest for purposes of this proceeding.
3. Allow the matter to proceed on its merits with the attached Exhibit A as part of the record.

Respectfully submitted,



By: Erien Frazier, Trustee

For: ERIEN LOIS FRAZIER Revocable Living Trust

303 Green Street

Waynesboro, Pennsylvania 17268

Date: February 5, 2026