

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

El Encanto Bakery Inc.	:	
	:	
v.	:	C-2025-3058191
	:	
FirstEnergy Pennsylvania Electric Company	:	

**INITIAL DECISION**

Before  
Alphonso Arnold III  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision dismisses the Formal Complaint filed by Diliania Herrera on behalf of El Encanto Bakery Inc. for the failure of El Encanto Bakery Inc. to comply with an Order of the Presiding Officer to have an attorney enter his or her appearance on its behalf.

**HISTORY OF THE PROCEEDING**

On October 28, 2025, a Formal Complaint (“Complaint”) was filed by Diliania Herrera (“Ms. Herrera”) on behalf of El Encanto Bakery Inc. (“the Bakery”) with the Pennsylvania Public Utility Commission (“Commission”) against FirstEnergy Pennsylvania Electric Company (“FE PA”), alleging that the Bakery experienced several electricity outages over the past 90 days and requesting an investigation into the outages, reimbursement for products spoiled by the outages, that FE PA not terminate service to

the Bakery pending resolution of the Complaint, and a payment arrangement. On paragraph 10 of the Complaint form, titled “legal representation,” no attorney is listed as representing the Bakery in this matter. Complaint ¶ 10. Ms. Herrera identified herself as the owner of the Bakery. Complaint ¶ 5.

On November 18, 2025, FE PA filed an Answer with New Matter to the Complaint, wherein FE PA admitted or denied the allegations of the Complaint. In its New Matter, FE PA alleged that the Commission does not have the authority to award monetary damages, and that the Bakery must be represented by an attorney in this matter.

The New Matter contained a Notice to Plead, which stated that a responsive pleading shall be filed within 20 days of the date of service of the New Matter. No Reply was filed to FE PA’s New Matter.

On December 17, 2025, a Hearing Notice was issued to the parties, scheduling this matter for an evidentiary hearing on February 10, 2026. Of relevance, the Hearing Notice states the following:

**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.

December 17, 2025, Hearing Notice.

Also on December 17, 2025, a Prehearing Order was issued to the parties, providing the parties with the procedural rules that would govern the hearing. Of relevance, the Prehearing Order states the following:

**7. 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*. And, unless you are an attorney, you may not represent someone else.

December 17, 2025, Prehearing Order.

On December 18, 2025, FE PA filed its Motion of FirstEnergy Pennsylvania Electric Company to Dismiss the Formal Complaint of El Encanto Bakery Inc. (“Motion”). In its Motion, FE PA requested that the Commission enter an Order directing the Bakery to have an attorney enter his or her appearance on its behalf within 10 days of issuance of the Order and that the Commission dismiss the Complaint if the Bakery fails to comply with the Order.

The Motion contained a Notice to Plead, which stated that a responsive pleading shall be filed within 5 days of the date of service of the Motion.<sup>1</sup> No response was filed to the Motion.

Also on December 18, 2025, the Commission issued my Order which directed the Bakery to have an attorney enter his or her appearance on its behalf on or before January 27, 2026.

On January 28, 2026, the Commission issued a Cancellation Notice cancelling the February 10, 2026, evidentiary hearing.

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<sup>1</sup> Pursuant to the Commission’s regulations, the notice is to indicate that a response pleading to the motion shall be filed within 20 days of the date of service of the motion, not 5 days. 52 Pa. Code § 5.103(b).

Also on January 28, 2026, the Commission issued my Order Closing the Record, wherein I closed the evidentiary record in this proceeding.

This matter is ready for resolution. For the reasons discussed below, the FE PA's Motion will be granted, and the Complaint will be dismissed.

#### FINDINGS OF FACT

1. Complainant is El Encanto Bakery Inc.
2. Respondent is FirstEnergy Pennsylvania Electric Company.
3. On October 28, 2025, Dilania Herrera filed a Complaint on behalf of the Bakery with the Commission against FE PA.
4. Dilania Herrera did not state that she was an attorney on the Complaint form.
5. No attorney was listed on paragraph 10 of the Complaint form, titled "legal representation." Complaint ¶ 10.
6. On November 18, 2025, FE PA filed an Answer with New Matter to the Complaint.
7. On December 17, 2025, the Commission issued an Initial Telephonic Hearing Notice scheduling an evidentiary hearing for February 10, 2026.
8. On December 17, 2025, the Commission issued my Prehearing Order which explained the procedural rules that would govern the evidentiary hearing.

9. The Hearing Notice and Prehearing Order informed the parties that only individuals could represent themselves, and that all others must be represented by an attorney.

10. On December 18, 2025, the Commission issued my Order, which directed the Bakery to have an attorney enter his or her appearance on its behalf on or before January 27, 2026.

11. My December 18, 2025, Order warned that failure to comply with the Order would result in cancellation of the hearing and dismissal of the Complaint.

12. The Bakery selected to be served documents from the Commission via eService. Complaint ¶ 9.

13. The Bakery was eServed the Hearing Notice, Prehearing Order, and my December 18, 2025, Order.

14. The Hearing Notice, Prehearing Order, and my December 18, 2025, Order were not returned to the Commission as undeliverable.

15. No attorney entered their appearance on behalf of the Bakery in this matter.

16. On January 28, 2026, the Commission issued a Cancellation Notice cancelling the February 10, 2026, hearing.

17. On January 28, 2026, the Commission issued my Order Closing the Record, which closed the evidentiary record in this matter.

## DISCUSSION

### *Legal Standards*

#### *Attorney representation*

The Commission's Regulations provide specific requirements concerning representation before the Commission, as set forth in 52 Pa. Code §§ 1.21-1.24. Specifically, the Commission's Regulations provide that while individuals may represent themselves, "persons" in adversarial proceedings must be represented in accordance with 52 Pa. Code § 1.22 (relating to appearance by attorneys and legal interns). 52 Pa. Code § 1.21(a), (b). The term "person" is defined as "individuals, corporations, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental entities, municipalities or other political subdivisions." 52 Pa. Code § 1.8. Further, the term "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." *Id.*

The Commission's regulations further provide that an attorney who signs an initial pleading in a representative capacity shall be considered to have entered an appearance in that proceeding, but that in all other instances shall file with the Secretary a written notice of appearance. 52 Pa. Code § 1.24(b)(1), (2). It is well-settled in Commission practice that participation in a formal adversarial proceeding before the Commission constitutes the practice of law. *See, e.g., Lesley A. Scheaffer for Leslie W. Scheaffer v. Pa. Pub. Util. Comm'n*, Docket No. F-2016-2577647 (Opinion and Order entered Apr. 3, 2018). As such, that participation is limited to those who either file as individuals and represent themselves or to attorneys who are representing others. *Id.* The

Commission cannot empower an individual to engage in the unauthorized practice of law, which is conduct prohibited by Section 2524 of the Judicial Code, which states the following:

**(a) General rule.**--Except as provided in subsection (b), any person, including, but not limited to, a paralegal or legal assistant, who within this Commonwealth shall practice law, or who shall hold himself out to the public as being entitled to practice law, or use or advertise the title of lawyer, attorney at law, attorney and counselor at law, counselor, or the equivalent in any language, in such a manner as to convey the impression that he is a practitioner of the law of any jurisdiction, without being an attorney at law or a corporation complying with 15 Pa.C.S. Ch. 29 (relating to professional corporations), commits a misdemeanor of the third degree upon a first violation. A second or subsequent violation of this subsection constitutes a misdemeanor of the first degree.

42 Pa.C.S. § 2524(a).

*Failure to comply with orders of presiding officers*

The Commission has long held that failure to comply with an order issued by a presiding officer warrants dismissal of the application or complaint. *See, e.g., Application of Robert Bautista t/a Collado Luxury Ride, LLC*, Docket No. A-2015-2476824, (Final Order entered Feb. 1, 2016); *Application of And Ex Car*, Docket No. A-2012-2337848 (Final Order entered June 19, 2013); *New Fizon Catering, Inc. v. FE PA Energy Co.*, Docket No., C-2008-2065498 (Opinion and Order entered June 24, 2009). More specifically, the Commission has dismissed complaints when a complainant failed to comply with an order of the presiding officer directing it to have an attorney enter his/her appearance on its behalf. *See Am. Housing Sols. v. York Water Co.*, Docket No. F-2023-3043623 (Final Order entered July 2, 2024); *Application of Home Concept Servs. LLC for approval to provide paratransit serv. in Phila., Montgomery, Bucks and*

*Delaware Cntys.*, Docket No. A-2022-3034706 (Opinion and Order entered Apr. 20, 2023); *Yea Ryong Bakery c/o David Wong v. Metro. Edison Co.*, Docket No. C 2017- 2626578 (Final Order entered May 9, 2018).

### *Commission service*

Regarding service of Commission documents, notice eServed to a party's registered email address with no notification that service failed to be delivered to that email address is presumed to have been received. *Hu v. FE PA Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. FE PA Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

### *Analysis*

The Complaint was filed by Ms. Herrera on behalf of the Bakery regarding FE PA electric service provided to the Bakery. The Complaint became contested once FE PA filed its Answer with New Matter to the Complaint. Therefore, once the Answer with New Matter was filed, this proceeding became an "adversarial proceeding" as defined by the Commission's regulations. *See* 52 Pa. Code § 1.8. The Bakery is a corporation and as such is a "person" as defined by the Commission's regulations. *See* 52 Pa. Code § 1.8. Persons in adversarial proceedings must be represented by an attorney or certified legal intern. 52 Pa. Code § 1.21(b). Ms. Herrera did not indicate that she was an attorney licensed to practice law in Pennsylvania in the Complaint; therefore, she cannot be permitted to represent the Bakery in this adversarial proceeding. Further, no attorney is identified in paragraph 10 of the Complaint form titled "legal representation" and no attorney has entered their appearance in this proceeding on behalf of the Bakery. Therefore, the Bakery is unrepresented in this adversarial proceeding.

The Bakery was informed of the Commission's attorney representation requirements in the December 17, 2025, Hearing Notice and the December 17, 2025, Prehearing Order. Both documents were eServed to the Bakery and neither document was returned to the Commission as undeliverable. Therefore, I must presume that the Bakery received both documents. *Hu v. FE PA Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. FE PA Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

Separately on December 18, 2025, I issued an Order ordering the Bakery to have an attorney enter his or her appearance on its behalf in this proceeding. The Bakery failed to comply with this Order, as no attorney entered his or her appearance in this proceeding on behalf of the Bakery by the January 27, 2026, deadline. As failure to comply with an order of a presiding officer warrants dismissal of a complaint, the Complaint filed in this matter will be dismissed in the Ordering paragraphs below.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties in this proceeding. 66 Pa.C.S. § 701.
2. Notice eServed to a party's registered email address with no notification that service failed to be delivered to that email address is presumed to have been received. *Hu v. FE PA Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. FE PA Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

3. Persons in adversarial proceedings must be represented by legal counsel or a certified legal intern in proceedings before the Commission. 52 Pa. Code § 1.21(b).

4. An attorney who signs an initial pleading in a representative capacity shall be considered to have entered an appearance in that proceeding, but that in all other instances shall file with the Secretary a written notice of appearance. 52 Pa. Code § 1.24(b)(1), (2).

5. The term “person” is defined as “individuals, corporations, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental entities, municipalities or other political subdivisions.” 52 Pa. Code § 1.8.

6. The term “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.

7. It is well-settled in Commission practice that participation in a formal adversarial proceeding before the Commission constitutes the practice of law. *See, e.g., Lesley A. Scheaffer for Leslie W. Scheaffer v. Pa. Pub. Util. Comm’n*, Docket No. F-2016-2577647 (Opinion and Order entered Apr. 3, 2018).

8. The Pennsylvania Judicial Code prohibits an individual to engage in the unauthorized practice of law. 42 Pa.C.S. § 2524.

9. The Commission has long held that failure to comply with an order issued by a presiding officer warrants dismissal of the application or complaint. *See, e.g.,*

*Application of Robert Bautista t/a Collado Luxury Ride, LLC*, Docket No. A-2015-2476824 (Final Order entered Feb. 1, 2016); *Application of And Ex Car*, Docket No. A2012-2337848 (Final Order entered June 19, 2013); *New Fizon Catering, Inc. v. FE PA Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009).

10. The Commission has dismissed complaints when a complainant failed to comply with an order of the presiding officer directing it to have an attorney enter his/her appearance on its behalf. *See Am. Housing Sols. v. York Water Co.*, Docket No. F-2023-3043623 (Final Order entered July 2, 2024); *Application of Home Concept Sers. LLC for approval to provide paratransit serv. in Phila., Montgomery, Bucks and Delaware Cntys*, Docket No. A-2022-3034706 (Opinion and Order entered Apr. 20, 2023); *Yea Ryong Bakery c/o David Wong v. Metro. Edison Co.*, Docket No. C-2017-2626578 (Final Order entered May 9, 2018).

### ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion of FirstEnergy Pennsylvania Electric Company to Dismiss the Formal Complaint of El Encanto Bakery Inc. filed in the matter of El

