

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jerry Krizo	:	
	:	
v.	:	F-2024-3050037
	:	
FirstEnergy Pennsylvania Electric Company	:	

INITIAL DECISION

Before
Mark A. Hoyer
Deputy Chief Administrative Law Judge

INTRODUCTION

This decision dismisses the Formal Complaint for the failure of Complainant to appear to prosecute the Complaint.

HISTORY OF THE PROCEEDING

On June 20, 2024, Jerry Krizo (Complainant) filed a Formal Complaint (Complaint) against FirstEnergy Pennsylvania Electric (FirstEnergy) with the Pennsylvania Public Utility Commission (Commission) alleging incorrect charges on her electric bill and disputing the recorded usage for which she was being billed.

FirstEnergy filed an answer and new matter in response to the Complaint on July 31, 2024. On August 15, 2024, Complainant filed a reply to the new matter.

An Interim Order Setting Resolution Procedure was issued on August 28, 2024.

On September 17, 2024, an Initial Telephonic Hearing Notice was served assigning this matter to Administrative Law Judge (ALJ) Katrina L. Dunderdale and scheduling a hearing for November 22, 2024. A Prehearing Order for Telephone Hearing was served on September 18, 2024.

On November 22, 2024, the undersigned presided over the scheduled telephone hearing in place of ALJ Dunderdale. Complainant appeared and represented herself at the hearing. Margaret A. Morris, Esquire, appeared on behalf of FirstEnergy along with two proposed witnesses. During the initial hearing, the parties agreed to a general continuance of this matter so that an energy audit of Complainant's usage could be scheduled and performed. No testimony was taken and no evidence was admitted into the record.

Counsel for FirstEnergy attempted to contact Complainant by telephone and twice by letter following the hearing to schedule an energy audit, but Complainant did not contact counsel to schedule a date and time. On December 13, 2024, counsel for FirstEnergy filed a motion for prehearing conference (motion) setting forth the attempts made to contact Complainant with a notice to plead attached. Complainant did not file a response to the motion.

On March 28, 2025, a Judge Change Notice was served on the parties reassigning this case to me. On March 28, 2025, a Telephonic Prehearing Conference Notice was served on the parties scheduling a conference for May 8, 2025, at 10:00 a.m.

The conference was convened as scheduled. Complainant did not appear at the conference, and her absence is unexplained. She did not request a continuance or

communicate to the undersigned that she would not be appearing. Margaret A. Morris, Esquire, appeared on behalf of FirstEnergy.

On September 5, 2025, an Interim Order was served on the parties ordering Complainant, Jerry Krizo, to file with the Secretary's Bureau of the Commission, and provide a copy to the undersigned and to opposing counsel, written documentation that she wishes to pursue her Formal Complaint before the Commission by September 26, 2025. No filing was made in this proceeding.

On December 10, 2025, a Second Interim Order Closing the Record was served.

This decision dismisses the Complaint for failure to prosecute, but without prejudice.

FINDINGS OF FACT

1. Complainant is Jerry Krizo.
2. Respondent is FirstEnergy Pennsylvania Electric Company.
3. Complainant did not respond to FirstEnergy's requests to schedule and perform an energy audit of her service address as directed on the record at the initial telephone hearing on November 22, 2024. (Tr. of November 22, 2024 at 8-9).
4. On December 13, 2024, counsel for FirstEnergy filed a motion for prehearing conference setting forth the attempts made to contact Complainant for the purpose of scheduling and performing an energy audit of the service address with a notice to plead attached.

5. Complainant did not file a response to FirstEnergy's motion for a prehearing conference.

6. On March 28, 2025, a Judge Change Notice was served on the parties reassigning this case to the undersigned.

7. On March 28, 2025, a Telephonic Prehearing Conference Notice was served on the parties scheduling a conference for May 8, 2025, at 10:00 a.m.

8. Neither the Judge Change Notice nor the Telephonic Prehearing Conference Notice were returned to the Commission as undeliverable.

9. The conference convened as scheduled on May 8, 2025. (Tr. of May 8, 2025).

10. The court reporter and counsel for Respondent were present and prepared to proceed at the May 8, 2025, conference. (Tr. of May 8, 2025).

11. Complainant did not appear at the conference on May 8, 2025, and her absence is unexplained. She did not request a continuance or communicate to the undersigned that she would not be appearing.

12. On September 5, 2025, an Interim Order was served on the parties ordering Complainant, Jerry Krizo, to file with the Secretary's Bureau of the Commission, and provide a copy to the undersigned and to opposing counsel, written documentation that she wishes to pursue her Formal Complaint before the Commission by September 26, 2025.

13. No filing was made in this proceeding by Complainant prior to or after September 26, 2025.

14. On December 10, 2025, a Second Interim Order Closing the Record was served.

15. The Second Interim Order provided that “the hearing record in the matter of Jerry Krizo v. FirstEnergy Pennsylvania Electric Company at Docket No. F-2024-3050037 is closed and an Initial Decision shall be issued dismissing the Formal Complaint.”

16. Complainant has not contacted the undersigned or filed any documents since the Second Interim Order was served.

17. The Second Interim Order was not returned to the Commission as undeliverable.

DISCUSSION

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, a 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).

As the proponent of any request for relief, Complainant bears the burden of proof. By failing to participate in this proceeding as ordered, Complainant has failed to meet this burden. Complainant failed to schedule an energy audit with FirstEnergy as directed by the undersigned.

Complainant did not respond to FirstEnergy's request for a conference wherein counsel set forth all of her attempts to contact Complainant and schedule an energy audit. An energy audit was determined to be needed at the initial telephone hearing on November 22, 2024, so that the Complaint could be properly addressed. Complainant willingly agreed to a continuance and to the scheduling and performance of an energy audit.

Complainant did not file a response to FirstEnergy's request for a conference or contact counsel to schedule an audit after being served with the request.

Complainant was provided a Notice of Judge Change. A Telephonic Prehearing Conference Notice was served on Complainant scheduling a conference on May 8, 2025. Complainant did not appear at the conference. She did not request a continuance or contact the undersigned after the conference concluded. Her absence from the scheduled conference is unexplained.

On September 5, 2025, an Interim Order was served on the parties ordering Complainant, Jerry Krizo, to file with the Secretary's Bureau of the Commission, and provide a copy to the undersigned and to opposing counsel, written documentation that she wishes to pursue her Formal Complaint before the Commission by September 26, 2025. No filing was made in this proceeding by Complainant prior to or after September 26, 2025.

On December 10, 2025, a Second Interim Order Closing the Record was served. The Second Interim Order Closing the Record provided that “the hearing record in the matter of Jerry Krizo v. FirstEnergy Pennsylvania Electric Company at Docket No. F-2024-3050037 is closed and an Initial Decision shall be issued dismissing the Formal Complaint.”

Thus, it is appropriate to dismiss the Complaint for failure to prosecute and participate in the proceeding. Accordingly, the merits of the Complaint will not be addressed.

The Complaint will be dismissed but without prejudice.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of and the parties to this proceeding. 66 Pa.C.S. § 701.
2. As the party seeking relief, Complainant bears the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).
3. By failing to participate in this proceeding as ordered, Complainant has failed to meet the burden of proof. 66 Pa.C.S. § 332(a).

