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April 16, 2026

**VIA ELECTRONIC FILING**

Matthew Homsher, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

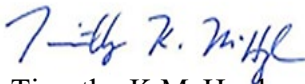
**Re: Paul Vogel v. FirstEnergy Pennsylvania Electric Company**  
**Docket No. C-2026-3060223**

Dear Secretary Homsher:

Enclosed please find the Motion of FirstEnergy Pennsylvania Electric Company to Join an Indispensable Party to the Formal Complaint of Paul Vogel. This document has been served on the Complainant as shown in the Certificate of Service.

Please contact me if you have any questions regarding this matter.

Very truly yours,

  
Timothy K McHugh

TM/krak

Enclosures

c: As Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PAUL VOGEL**

v.

**FIRSTENERGY PENNSYLVANIA  
ELECTRIC COMPANY**

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**Docket No. C-2026-3060223**

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**NOTICE TO PLEAD**

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TO: Paul J. Vogel

Pursuant to 52 Pa. Code § 5.61, you are hereby notified that, if you do not file a written response denying or correcting the enclosed Motion to Join an Indispensable Party within **twenty (20) days** from the service of the Notice, the facts set forth by FirstEnergy Pennsylvania Electric Company in the Motion may be deemed to be true, thereby requiring no other proof. All pleadings, such as a Reply to Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy service to counsel for FirstEnergy Pennsylvania Electric Company, and where applicable, the Administrative Law Judge presiding over the case.

File with:

Matthew Homsher, Secretary  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

With a copy to:

Administrative Law Judge Charece Z. Collins  
Pennsylvania Public Utility Commission  
Office of Administrative Law Judge  
400 North Street  
Harrisburg, PA 17120  
[charcollin@pa.gov](mailto:charcollin@pa.gov)

Timothy K McHugh  
FirstEnergy Service Company  
76 South Main Street  
Akron, OH 44308  
[tmchugh@firstenergycorp.com](mailto:tmchugh@firstenergycorp.com)

Date: April 16, 2026

  
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Timothy K McHugh, Esquire

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PAUL VOGEL**

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v.

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**Docket No. C-2026-3060223**

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**FIRSTENERGY PENNSYLVANIA  
ELECTRIC COMPANY**

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**MOTION OF FIRSTENERGY PENNSYLVANIA ELECTRIC COMPANY  
TO JOIN AN INDISPENSABLE PARTY TO  
THE FORMAL COMPLAINT OF PAUL VOGEL**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, FirstEnergy Pennsylvania Electric Company (“FE PA” or the “Company”), by and through its counsel, Timothy K McHugh, hereby files this Motion to Join an Indispensable Party (“Motion”) in the above-referenced matter pursuant to Section 5.103 of the Pennsylvania Public Utility Commission’s (“Commission”) regulations, 52 Pa. Code § 5.103, and states as follows:

1. In this Motion, FE PA requests that NextEra Energy Services (“NextEra”) be joined as an indispensable party to a Formal Complaint filed by Paul Vogel (“Complainant”) at the above-captioned docket.

2. The Complainant filed the Complaint on behalf of Hoss Steak & Sea House (“Customer”) who receives non-residential retail electric service at 621 Valley View Boulevard, Altoona, Pennsylvania 16602 (“Service Location”) under Account No. 100056411810 (“Account”).

3. The Complainant solely listed “Penelec” as the name of the utility about which he was complaining in Paragraph 2 of the Formal Complaint served on FE PA on February 3, 2026. (Complaint ¶ 2.) It is believed and therefore averred that the Secretary’s Bureau, based upon the

monthly electric service bills attached to the Complaint and the allegations contained within the Complaint, assigned the Complaint solely to FE PA. (Complaint ¶¶ 4, 5 and Attachments to Complaint).

4. The Complainant checked the box stating: “[i]ncorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have them.” (Complaint ¶ 4.)

5. The Complainant specifically stated, in part, that he would like to know “how the ‘capacity \$/ day and the nits\$/day adjustment’ are calculated. We have had a large increase on our bills starting in Sept 2025, I called numerous times to Penelec/Nextera but unable to get an answer to the up charge.” (Complaint ¶ 4.)

6. The Complainant, who is not the customer of record for the Service Location and not an authorized contact on the Account, verified the Formal Complaint, stating his title is that of “Utility Auditor.” (Complaint ¶ 11.)

7. FE PA is an electric distribution company authorized to provide electric service within the Commonwealth of Pennsylvania and has provided electric distribution service to the Complainant at all times relevant to this proceeding.

8. NextEra is an electric generation supplier (“EGS”) authorized to supply electric service within the Commonwealth of Pennsylvania and is the EGS on the Account beginning November 27, 2023.

9. A telephonic hearing is currently scheduled for May 19, 2026, before the Honorable Charece Z. Collins.

10. In Pennsylvania, “an indispensable party is one whose rights are so directly connected with and affected by litigation that he must be a party of record to protect such rights,

and their absence renders any order or decree of court null and void for want of jurisdiction.<sup>1</sup> Failure to join an indispensable party goes absolutely to the court's jurisdiction and, if not raised by the parties, should be raised *sua sponte*.<sup>2</sup>

11. The Pennsylvania Supreme Court has established that “the basic inquiry in determining whether a party is indispensable concerns whether justice can be done in the absence of a third party. . . . In order to make the analysis, however, one must refer to the nature of the claim and the relief sought.”<sup>3</sup> Adopting criteria articulated in *Mechanicsburg Area School District v. Kline*, 494 Pa. 476, 481 (Pa. 1981), the court's test for determining indispensability involved “at least” the following consideration:

1. Do absent parties have a right or interest related to the claim?
2. If so, what is the nature of that right or interest?
3. Is that right or interest essential to the merits of the issue?
4. Can justice be afforded without violating the due process rights of absent parties?

12. With regard to the first factor, NextEra has a right or interest to the claim. Complainant's billing dispute relates, in most part, to his charges received from NextEra.

13. With respect to the second consideration of the test, Complainant's allegations of a potential violation of Commission rules may subject NextEra to enforcement action against it which would entitle it to defend themselves and/or avail themselves of the opportunities to settle.

14. With respect to the third consideration of the test, NextEra's interests are essential to the merits of the case because much of the Complainant's focus within the Formal Complaint revolves around the charges for electric supply from NextEra. FE PA cannot answer for NextEra,

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<sup>1</sup> *Columbia Gas Transmission Corporation v. Diamond Fuel Company*, 464 Pa. 377, 346 A.2d 788 (1975); *City of Philadelphia, et al v. Commonwealth of Pennsylvania, et al*, 575 Pa. 542 (Pa. 2003); *Barren v. Dubas*, 295 Pa. Supper, 443, 445 (Pa. Super Ct. 1982).

<sup>2</sup> *Posel v. Redevelopment Authority of Philadelphia*, 72 Pa. Commw. 115, 121 (Pa. Cmwlth. 1983).

<sup>3</sup> *Cry, Inc. v. Mill Service, Inc.*, 536 PA. 462, 486-69 (Pa. 1994).

as they are a separate and distinct company. The relief sought by Complainant necessarily involves NextEra.

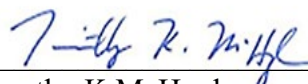
15. With regard to the fourth consideration, not joining NextEra, when its actions and policies are so central to the Complaint, would violate its due process rights. NextEra was the Customer's EGS during the period in question, and it is NextEra's charges that the Complainant has an issue with as alleged in the Formal Complaint. Complainant's allegations in the Complaint go directly to NextEra's rates and services, and any adjudication concerning NextEra's business practices, without their presence, would violate their due process rights.

16. FE PA further requests that the telephonic hearing currently scheduled for May 19, 2026, be continued pending the resolution of this Motion.

**WHEREFORE**, FirstEnergy Pennsylvania Electric Company hereby requests that NextEra be joined as an indispensable party in this proceeding and continue the hearing currently scheduled for May 19, 2026.

Respectfully submitted,

Dated: April 16, 2026



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Timothy K McHugh  
Attorney No. 317906  
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341 White Pond Drive  
Akron, OH 44320  
(610) 301-9072  
[tmchugh@firstenergycorp.com](mailto:tmchugh@firstenergycorp.com)

Counsel for FirstEnergy Pennsylvania Electric Company

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PAUL VOGEL**

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**v.**

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**Docket No. C-2026-3060223**

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**FIRSTENERGY PENNSYLVANIA  
ELECTRIC COMPANY**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the Motion of FirstEnergy Pennsylvania Electric Company to Join an Indispensable Party to the Formal Complaint of Paul Vogel upon the individual listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by electronic mail as follows:

Paul Vogel  
[Kmac101@aol.com](mailto:Kmac101@aol.com)

Administrative Law Judge Charece Z. Collins  
[charcollin@pa.gov](mailto:charcollin@pa.gov)

Dated: April 16, 2026

  
\_\_\_\_\_  
Timothy K McHugh  
FirstEnergy Service Company  
341 White Pond Drive  
Akron, OH 44320  
(610) 301-9072  
[tmchugh@firstenergycorp.com](mailto:tmchugh@firstenergycorp.com)

Counsel for FirstEnergy Pennsylvania Electric  
Company