

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Kitten Scoop	:	
	:	
v.	:	C-2025-3058024
	:	
FirstEnergy Pennsylvania Electric Company	:	

INITIAL DECISION

Before
Katrina L. Dunderdale
Administrative Law Judge

This decision dismisses a Formal Complaint filed on behalf of a non-profit entity for failure to retain the services of an attorney licensed to practice law in the Commonwealth of Pennsylvania and for failure to comply with the presiding officer’s Interim Order to have an attorney enter an appearance on its behalf.

HISTORY OF THE PROCEEDINGS

On October 15, 2025, Kitten Scoop (Complainant) filed a Formal Complaint with the Pennsylvania Public Utility Commission (PUC or Commission) against FirstEnergy Pennsylvania Electric Company (FE PA) concerning electric service provided at 323 Oakland Avenue, Greensburg, Westmoreland County, Pennsylvania (service address). Complainant alleged FE PA was threatening to shut off electric service or had shut off electric service; it wanted a payment agreement, and there were incorrect charges on the bills for electric service to the service address. Complainant requested Respondent stop charging sales tax on its account and stop assessing late fees.

In the Complaint, Complainant selected the option to receive all communications from the Commission via eService through an eFiling account she registered with the Commission. Complaint ¶ 9. The Complaint was signed by Amanda Coats, who listed herself as the Founder.

On November 10, 2025, FE PA filed an Answer in which FE PA admitted it provides commercial retail electric service at the service address but generally denied the allegations. Respondent denied there were incorrect charges on the bills and denied Complainant is entitled to a Commission payment arrangement because the account is non-residential. In addition, Respondent alleged Complainant filed an informal complaint on May 18, 2024, with the Commission's Bureau of Consumer Services (BCS) at BCS No. 3988252, which Respondent asserted was dismissed against Complainant because the electric service account is a commercial account and not a residential account. Lastly, FE PA asserted it cannot stop assessing sales tax until Complainant provides a valid W-9 form and a Pennsylvania Sales Tax Exemption. FE PA alleged the outstanding balance was \$13,672.05, as of October 11, 2025. Further, FE PA averred BCS dismissed the informal complaint because BCS has limited jurisdiction over non-residential accounts. Respondent contended Complainant must be represented by an attorney because the service address is a commercial property, pursuant to 52 Pa. Code §§ 1.21, 1.22.

On March 5, 2026, the Office of Administrative Law Judge (OALJ) issued a Call-In Telephone Hearing Notice, which scheduled an initial hearing to be conducted on May 7, 2026, beginning at 1:00 p.m., with Administrative Law Judge Katrina L. Dunderdale (the ALJ or presiding officer).

On March 5, 2026, the presiding officer issued a Prehearing Order which outlined various procedural matters including the requirement to obtain representation if a party is not an individual. Paragraph No. 7 in the Prehearing Order indicated an

individual may represent himself/herself, however, all others, “including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*,” pursuant to provisions at 52 Pa. Code §§ 1.21 and 1.22.

On March 10, 2026, ALJ Dunderdale issued the Interim Order Requiring Representation (Interim Order) which directed Complainant to have an attorney licensed in Pennsylvania enter an appearance on Complainant’s behalf by April 10, 2026. The Interim Order noted Complainant was a non-profit animal rescue entity and no attorney had entered an appearance in this proceeding. The Interim Order referenced Paragraph No. 7 of the Prehearing Order which required any party, that is not an individual, to be represented by an attorney licensed to practice law in Pennsylvania. The Interim Order also referenced the regulation at 52 Pa. Code § 1.21 and the Commission’s decision at *Cars R Us c/o Holman Copeland v. PGW*, Docket No. C-2008-2033437 before ordering Complainant, Kitten Scoop, to retain a Pennsylvania attorney on or before April 10, 2026. The Interim Order cautioned Complainant that failure to retain an attorney by that date would result in the dismissal of the Formal Complaint without a hearing.

On April 17, 2026, the OALJ issued the Cancellation Notice, cancelling the hearing scheduled for May 7, 2026. On April 20, 2026, the presiding officer issued the Interim Order Closing the Record.

To date, no attorney has filed a Notice of Appearance or sent correspondence to the Commission or the presiding officer indicating that Complainant retained an attorney or that there is an intention to represent Complainant.

FINDINGS OF FACT

1. Complainant is Kitten Scoop, a non-profit animal rescue, located at 323 Oakland Avenue, Greensburg, Pennsylvania 15601 (service address).

2. Respondent, FirstEnergy Pennsylvania Electric Company, provides commercial electric service at the service address.

3. On March 5, 2026, an Initial Call-In Telephonic Hearing was scheduled with ALJ Dunderdale for May 7, 2026, at Docket No. C-2025-3058024, concerning electric service.

4. The Hearing Notice contained the advisement that an individual may represent himself/herself, but all other entities must be represented by an attorney who is licensed to practice law in Pennsylvania, or is admitted *pro hac vice*.

5. On March 5, 2026, the Prehearing Order was issued and ordered, *inter alia*, all parties to have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance to represent it, if any party was not an individual.

6. The Hearing Notices and Prehearing Orders were served on Complainant via eService at the email address provided by Complainant in the Complaint.

7. No Hearing Notice or Prehearing Order was returned as undeliverable.

8. On March 10, 2026, ALJ Dunderdale issued the Interim Order Requiring Representation which directed Complainant to have an attorney licensed in Pennsylvania enter an appearance on Complainant's behalf by April 10, 2026.

9. The Interim Order Requiring Representation was not returned as undeliverable.

10. On April 17, 2026, the OALJ issued the Hearing Cancellation Notice, cancelling the telephonic hearing scheduled for May 7, 2026.

11. On April 20, 2026, the presiding officer issued the Interim Order Closing the Hearing Record.

12. As of the date of this Initial Decision, Complainant has not had an attorney enter an appearance on its behalf.

DISCUSSION

This Initial Decision concerns allegations filed by Kitten Scoop about electric service provided by FE PA. Kitten Scoop's Complaint became adversarial after FE PA filed its Answer. Complainant, Kitten Scoop, has not retained the services of an attorney and has been unrepresented by counsel at all points during the pendency of this proceeding.

As the party seeking affirmative relief from the Commission, Complainant bears the burden of proving the necessary elements of the complaint by substantial evidence.¹ Substantial evidence is defined as such evidence that a reasonable mind might

¹ See 66 Pa.C.S. § 332(a).

accept as adequate to support a conclusion. However, Complainant is required to present more than a mere trace of evidence or a suspicion of the existence of a fact sought to be established.² To uphold this burden, Complainant must show Respondent is responsible or accountable for the problem described in the complaint in order to prevail by presenting evidence more convincing, by even the smallest amount, than that evidence presented by the other party.³

Corporate officers, such as a president, board of directors, or trustee, may file a formal complaint on behalf of the corporation or entity, but 52 Pa. Code §§ 1.21-1.23 requires non-individual entities to be represented by a licensed attorney when a proceeding becomes adversarial. According to 52 Pa. Code § 1.8, a proceeding becomes adversarial when an answer is filed.⁴ Absent exigent circumstances, individuals are not permitted to testify on behalf of an entity unless the entity is represented by counsel, at all stages of the Commission’s proceedings once the proceedings become adversarial.⁵

In this proceeding, Amanda Coats is someone associated with the entity, Kitten Scoop, and in her capacity as “Founder,” Ms. Coats filed the Complaint against FE PA. As a founder and someone associated with this non-profit entity, Ms. Coats was entitled to file a complaint. However, when FE PA filed its Answer on November 10, 2025, the proceedings became “adversarial” as defined in *Cars R Us, supra*. From that point in time, Complainant could only be represented by an attorney and that Complainant should be required to retain an attorney.

² See *Norfolk & Western Ry. Co. v. Pa. Pub. Util. Comm’n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Bd. of Review*, 166 A.2d 96 (Pa. Super. 1961); *Murphy v. Dept. of Public Welfare*, 480 A.2d 382 (Pa. Cmwlth. 1984).

³ *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

⁴ See also *Cars R Us c/o Holman Copeland v. Philadelphia Gas Works*, Docket No. C-2008-2033437 (Order entered February 4, 2010).

⁵ *Supra*, page 7.

The Commission advised Complainant in multiple places that Kitten Scoop must obtain the services of an attorney. By Initial Call-In Telephone Hearing Notice dated March 5, 2026; Prehearing Order dated March 5, 2026; and Interim Order dated March 10, 2026, Complainant was informed it must obtain the services of a Pennsylvania attorney to represent it because Complainant is an entity and not an individual.

Furthermore, Complainant, Kitten Scoop, was advised previously of the need to retain an attorney when it filed a previous complaint (2024 Complaint) with the Commission, at Docket No. C-2024-3052118, on November 11, 2024. In the 2024 Complaint, Complainant alleged FE PA improperly assessed a security deposit and charged sales tax. Kitten Scoop averred it was a non-profit animal rescue and was eligible for non-profit rates and sales tax exemption. The 2024 Complaint was signed by Amanda Coats, President. On August 19, 2025, the OALJ issued an Initial Decision that granted a motion to dismiss from FE PA and dismissed the 2024 Complaint because Kitten Scoop had not secured representation.

Accordingly, on March 10, 2026, the presiding officer issued the Interim Order Requiring Representation and required Complainant to retain an attorney who must enter an appearance by April 10, 2026. When no Notice of Appearance was filed by April 10, 2026, the OALJ issued the Hearing Cancellation Notice on April 17, 2026, which cancelled the hearing because Complainant had not complied with the Interim Order.

Under the circumstances herein, Complainant had ample opportunity to retain an attorney but voluntarily chose not to do so.⁶ The law is clear – a corporate complainant must be represented by an attorney at all stages in a proceeding after the

⁶ See 66 Pa.C.S. § 332(a).

proceeding becomes adversarial. Failure to retain an attorney is grounds to dismiss the Complaint.

In addition, failure to comply with an order issued by a presiding officer will justify the dismissal of the Complaint.⁷ In this proceeding, Complainant failed to comply with the Interim Order requiring Complainant to retain the services of an attorney and direct that attorney to file a notice of appearance in these proceedings.

Therefore, the due process rights of Kitten Scoop have been protected, and the Complaint will be dismissed in the ordering paragraphs that follow.⁸

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. A party to a proceeding that is not an individual must be represented by an attorney licensed to practice in the Commonwealth of Pennsylvania when a proceeding before the Commission becomes adversarial. 52 Pa. Code § 1.21(b).
3. This proceeding constitutes an adversarial proceeding, as it involves an Answer filed by Respondent contesting the allegations in the Complaint, and the matter herein was to be decided based on a formal record established at an Initial Telephonic Hearing. 52 Pa. Code § 1.8.

⁷ *Application of And Ex Cor*, A-2012-23378948 (Final Order entered June 19, 2013); *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009); *Snyderville Cmty. Dev. Corp. v. PECO Energy Co.*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006).

⁸ *Sentner v. Bell Tel. Co. of Pa.*, *supra*; 52 Pa. Code § 5.245(a).

4. Failure of a complainant to comply with an order issued by a presiding officer warrants dismissal of a formal complaint. *Application of And Ex Cor*, A-2012-23378948 (Final Order entered June 19, 2013); *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009); *Snyderville Cmty. Dev. Corp. v. PECO Energy Co.*, Docket No. C-20055032 (Opinion and Order entered July 31, 2006).

5. Complainant's failure to comply with the Interim Order Requiring Representation, dated March 10, 2026, warrants dismissal of the Complaint. 52 Pa. Code § 1.2.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the proceeding of *Kitten Scoop v. FirstEnergy Pennsylvania Electric Company*, at Docket No. C-2025-3058024, is dismissed for the failure of Complainant to retain an attorney to represent it before the Commission and failure to comply with the Interim Order Requiring Representation.

