

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Taylor Gallagher	:	
	:	
v.	:	C-2026-3061916
	:	
FirstEnergy Pennsylvania Electric Company	:	

RULE TO SHOW CAUSE
WHY THINK ENERGY, LLC SHOULD NOT BE
JOINED AS AN INDISPENSABLE PARTY

On April 20, 2026, Taylor Gallagher (Complainant or Ms. Gallagher) filed a Formal Complaint against FirstEnergy Pennsylvania Electric Company (FE PA, Respondent, or Company) alleging incorrect charges on her bill. Complaint ¶ 4. She averred, *inter alia*, a third-party supplier was added without authorization and there is no proof of her enrollment. *Id.* As relief, she requests the Commission: “(1) require production of documentation demonstrating authorization of enrollment, (2) remove all charges associated with the third-party supplier that cannot be substantiated, (3) apply prior payments toward valid utility service, (4) adjust the account to reflect only legitimate charges, (5) grant any additional relief deemed appropriate.” Complaint ¶ 5. Further, she averred Think Energy, LLC no longer exists. Complaint ¶ 7(c). Regarding service by the Commission, Complainant checked the box and initialed next to the option for eService. Complaint ¶ 9.

On May 11, 2026, FE PA filed an Answer denying there were incorrect charges on Complainant’s bill and averred, *inter alia*, all its actions have been reasonable and performed in accordance with all applicable laws, as well as the Company’s Commission-approved tariffs, the Pennsylvania Public Utility Code, Commission regulations and orders. Answer ¶ 4(b). It further averred that on March 10, 2021, the Company received electronic notification that the Complainant had selected Think Energy, LLC (Think Energy) as her electric generation supplier (EGS), and the Company issued a letter to the Complainant advising of her enrollment with Think Energy as her EGS effective March 11, 2021. *Id.* On March 14, 2023, the Complainant contacted the Company regarding her recent monthly service bill and claimed that she did not enroll with Think Energy. Upon the Complainant’s

request to end the enrollment with Think Energy, Complainant was returned to default service with the Company. Later that same day, the Company issued a letter to the Complainant advising that her enrollment with Think Energy ended effective March 15, 2023. *Id.*

FE PA further averred Complainant previously raised these claims in proceedings before the Commission. Respondent explains that on August 14, 2024, Complainant filed an informal complaint with the Commission's Bureau of Consumer Services (BCS) at Case No. 4010250 alleging slamming, and on November 20, 2024, BCS issued a decision dismissing the informal complaint and finding that the enrollment with Think Energy was valid. *Id.* The Company avers that on October 8, 2025, Complainant filed a second informal complaint with the BCS at Case no. 4097137 alleging slamming by Think Energy, and on December 5, 2025, BCS issued a decision dismissing the informal complaint, finding that the issue was previously addressed in a prior informal complaint and the enrollment with Think Energy was valid. *Id.*

Importantly, FE PA did not file any new matter or motion, but denies that Think Energy no longer exists. Answer ¶ 7(c).

On May 13, 2026, the Commission issued an Initial Telephonic Hearing Notice, assigning this matter to me and scheduling a hearing for July 1, 2026.

On May 13, 2026, I issued a Prehearing Order.

Upon review of this matter, it appears it may be appropriate to join Think Energy as an indispensable party.

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 his absence renders any order or decree of court null and void for want of jurisdiction." *Columbia Gas Transmission Corp. v. Diamond Fuel Co.*, 346 A.2d 788, 789 (Pa. 1975). Failure to join an indispensable party goes to the court's jurisdiction and, if not raised by the parties, should be raised *sua sponte*. *Posel v. Redevelopment Authority of Philadelphia*, 456 A.2d 243 (Pa. Cmwlth.1983). 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.” *Cry, Inc. v. Mill Service, Inc.*, 640 A.2d 372, 375-76 (Pa. 1994).

Think Energy, Complainant, and FE PA are hereby directed to show cause as to why Think Energy should not be joined as an indispensable party to this proceeding.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Secretary’s Bureau shall serve a copy of the Formal Complaint filed by Taylor Gallagher at Taylor Gallagher v. FirstEnergy Pennsylvania Electric Company at C-2026-3061916 upon Think Energy, LLC.
2. That, by **June 24, 2026**, Taylor Gallagher, FirstEnergy Pennsylvania Electric Company, and Think Energy shall show cause why Think Energy, LLC should not be joined to this proceeding as an indispensable party.
3. That a copy of this Rule to Show Cause be served upon Think Energy, LLC.

Date: June 3, 2026

/s/
Emily I. DeVoe
Administrative Law Judge

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Served via eService and email June 3, 2026

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