

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

VQ Properties LLC	:	
	:	
v.	:	F-2025-3059221
	:	
PECO Energy Company	:	

INTERIM ORDER #2
CANCELLING THE EVIDENTIARY HEARING
AND CLOSING THE HEARING RECORD

On November 21, 2025, William Vargus (Mr. Vargus or Complainant) filed a Formal Complaint (Complaint) against PECO Energy Company (PECO) with the Pennsylvania Public Utility Commission (Commission) concerning utility service provided to VG Properties, LLC. Complaint ¶ 1. The Complaint concerns allegations that PECO charged his company for electric service from May 2024 until March 2025, even though the lease stated that the tenant must pay the utilities. Complaint ¶ 4. For relief, Complainant requested that the bill be dismissed. Complaint ¶ 5.

On December 12, 2025, PECO was served with the Complaint.

On January 5, 2026, PECO filed an Answer with New Matter and in its Answer denied the material allegations in the Complaint. Answer ¶ 4.

In its New Matter, properly endorsed with a Notice to Plead, PECO asserted that Complainant is a business entity and must be represented by a licensed attorney in adversarial proceedings. PECO concluded its Answer with New Matter by requesting dismissal of the Complaint, with prejudice or denied in its entirety.

Complainant did not file an Answer to PECO's New Matter.

On April 23, 2026, an Initial Telephonic Hearing Notice was sent to the parties scheduling a telephone hearing for June 11, 2026, at 1:00 p.m. 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, 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.

June 2, 2026 Hearing Notice.

Also on June 3, 2026, 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, 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.

June 2, 2026, Prehearing Order.

Once PECO filed an Answer to the Complaint, this proceeding became adversarial in nature. *See* 52 Pa. Code § 1.8 (“adversarial proceeding”). The Commission’s regulations require that persons in adversarial proceedings be represented by an attorney. *See* 52 Pa. Code § 1.21(b). The Commission’s regulations define a “person” as a term that includes individuals, corporations, partnerships, associations, joint ventures, other business organizations, *trusts*, trustees, legal representatives, receivers, agencies, governmental

entities, municipalities, municipal corporations or other political subdivisions. *See* 52 Pa. Code § 1.8 (“person”).

Accordingly, upon the filing of the Answer in this matter, VQ Properties LLC was required to be represented by an attorney. Mr. Vargus did not indicate that he was an attorney licensed to practice law in Pennsylvania, further, no attorney is listed on paragraph 10 of the Complaint titled “legal representation.” The absence of an attorney where one is required deprives the Commission of jurisdiction to adjudicate the matter. *Adventure Alley CLC, LLC v. PECO Energy Co. and Great Am. Power*, Docket No. C-2014-2430850 (Final Order entered Nov. 25, 2014) (*citing McCain v. Curione, Pa. Bd. of Prob. and Parole*, 527 A.2d 591 (Pa. Cmwlth. 1987)). In its New Matter, PECO argued that Complainant must be represented by an attorney once the matter became adversarial upon the filing of its Answer. An issue of subject matter jurisdiction may be raised at any stage of a proceeding by a party or *sua sponte* by the presiding officer or by the Commission. *Cars R Us c/o Holman Copeland v PGW*, Docket No. C-2008-2033437 (Order entered February 4, 2010).

On June 11, 2026, the Commission issued my Order which directed Complainant to have an attorney enter his or her appearance on behalf of VQ Properties LLC on or before July 2, 2026.

The Commission’s regulations provide that persons in adversarial proceedings be represented in accordance with 52 Pa. Code § 1.22 (relating to appearance by attorneys and legal interns). *See* 52 Pa. Code § 1.21. (b). Additionally, the Commission’s regulations define “person” as including individuals, corporations, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental agencies, municipalities, municipal corporations or other political subdivisions. 52 Pa. Code § 8.

Complainant was informed of the representation requirements through Hearing Notice served June 2, 2026, Prehearing Order served June 2, 2026, and through my Interim Order #1, served June 11, 2026, directing Complainant to have counsel enter his or

her appearance on behalf of VQ Properties LLC on or before July 2, 2026. No attorney entered his or her appearance on behalf of VQ Properties LLC on or before July 2, 2026. Therefore, in the Ordering paragraphs below, the evidentiary hearing scheduled in this matter will be cancelled, and the record will be closed for the purposes of preparing an Initial Decision.

THEREFORE,

IT IS ORDERED:

1. That the evidentiary hearing, in the matter of VQ Properties LLC v PECO Energy Company at Docket No. F-2025-3059221, scheduled for August 3, 2026, at 10:00 a.m. is cancelled.
2. That the record in the matter of VQ Properties LLC v PECO Energy Company at Docket No. F-2025-3059221, is closed.
3. That an Initial Decision in the matter of VQ Properties LLC v PECO Energy Company at Docket No. F-2025-3059221 will be prepared and issued.

Date: July 6, 2026

/s/
Barbara Shadie Nause
Administrative Law Judge

F-2025-3059221 - VQ PROPERTIES LLC v. PECO ENERGY COMPANY

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