

PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265

David Wapensky
v.
PPL Electric Utilities Corp.

Public Meeting held August 31, 2017
2476806-ALJ

Docket Nos. C-2015-2476806

MOTION OF CHAIRMAN GLADYS M. BROWN

On April 13, 2015, David Wapensky filed a Complaint requesting a payment arrangement. At some point prior to the April 4, 2016 hearing being convened, Mr. Wapensky told the Administrative Law Judge (ALJ) that the matter had been settled. As such, the ALJ did not convene the hearing.¹ Later that day, PPL's counsel notified the ALJ that the matter had not been settled and that the Company would file a motion to dismiss the Complaint. On April 22, 2016, PPL filed the Motion to Dismiss the Complaint for failure to prosecute, as well as due to the Complainant's misrepresentation of the status of the case.

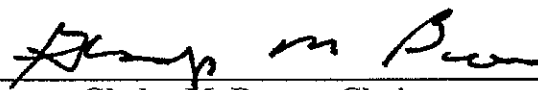
By Initial Decision issued on January 3, 2017, ALJ Buckley dismissed the Complaint, with prejudice, due to Mr. Wapensky's failure to prosecute. Because no hearing was convened, this dismissal is not applicable. If the hearing had been convened, and if Mr. Wapensky had failed to appear, the Motion to Dismiss would be appropriately before us. It is not.

Instead, Mr. Wapensky's actions should be deemed to be a request to withdraw his Complaint. The grant of the withdrawal will be by tentative order. If no objection to the tentative order is filed by either Party, the matter will be closed. If either Party objects, the matter will be remanded to the Office of Administrative Law Judge to continue the proceeding.

THEREFORE, I MOVE THAT:

1. That the ALJ's Initial Decision is reversed.
2. That the Parties have twenty (20) days to notify the Commission, in writing, whether they object to the case being withdrawn.
3. That the Office of Special Assistants draft an Opinion and Order consistent with this Motion.

August 31, 2017
Date



Gladys M. Brown, Chairman

¹ PPL's counsel states that he called into the hearing a few minutes early and waited for 15 minutes, but that no one else called in. (Motion to Dismiss at 2).