

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

Teresa Reich
v.
Metropolitan Edison Company

PUBLIC MEETING
November 6, 2009
2060915-ALJ
Docket No. C-2008-2060915

MOTION OF COMMISSIONER KIM PIZZINGRILLI

Before the Commission for consideration is the Initial Decision (ID) of a Special Agent (SA) dismissing a complaint with prejudice for failure to prosecute. At the time of the hearing, the SA permitted testimony and exhibits to be entered into the record, despite Complainant's failure to appear.

I agree with the dismissal of the complaint, however, the portion of the ID that discusses the merits is inconsistent with current Commission policy stating that when a complainant fails to appear and prosecute a complaint, the complaint should be dismissed with prejudice without a discussion of the merits. (*Gephart v. PPL Electric Utilities Corp.*, Docket No. C-2008-2076227, Order entered September 28, 2009; *Volgstadt v. UGI Penn Natural Gas, Inc.*, Docket No. F-02266429, Order entered September 12, 2008.) Accordingly, the ID should be modified to delete the discussion of the merits¹.

THEREFORE, I MOVE THAT:

1. The Initial Decision be modified consistent with this Motion.
2. The Office of Special Assistants prepare an Order consistent with this Motion.

November 6, 2009
Date

KIM PIZZINGRILLI, COMMISSIONER

¹ Specifically, the following portions of the Initial Decision are deleted: Findings of Fact No. 13 and 16-18; the final paragraph on page 7, all of page 8; the first paragraph on page 9 (continued from page 8) and Conclusion of Law No. 2.