**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Morgan Hanchulak :

:

v. : C-2015-2466803

:

UGI Penn Natural Gas, Inc. :

**initial decision**

Before

Ember S. Jandebeur

Administrative Law Judge

HISTORY OF THE PROCEEDINGS

This Initial Decision grants the request of Morgan Hanchulak, to withdraw her Formal Complaint.

On February 10, 2015, Morgan Hanchulak filed a Formal Complaint with the Pennsylvania Public Utility Commission (PUC). In the Formal Complaint the Complainant alleged that her service was incorrectly turned off. On February 25, 2015, UGI Penn Natural Gas, Inc. (PNG) filed an Answer denying the material averments of the Formal Complaint.

By Hearing Notice dated April 15, 2015, the parties were notified that an Initial Hearing in this case was scheduled for the morning of May 22, 2015. A Prehearing Order was issued on April 17, 2015, stating the date and time of the scheduled hearing and advising the parties that the case could be dismissed if they failed to obtain a continuance and failed to appear for the hearing. The Prehearing Order also advised the parties of applicable procedural rules.

On May 19, 2015, counsel for the Complainant sent a letter to PNG withdrawing the Formal Complaint. On May 21, 2015, PNG counsel forwarded the letter of withdrawal to the undersigned administrative law judge. Counsel had been advised that his client (the Complainant) no longer wished to proceed with the scheduled hearing and wished to withdraw the Formal Complaint.

Section 5.94 of the Public Utility Code provides that a party desiring to withdraw a pleading in a contested matter may file a petition for leave to withdraw. 52 Pa.Code § 5.94(a). I will treat counsel for the Complainant’s letter as a petition to withdraw. No objection to the withdrawal was filed.

There is no public interest served by holding a hearing concerning a Formal Complaint that the Complainant no longer wishes to pursue. Therefore, this Formal Complaint will be withdrawn in the ordering paragraphs below.

FINDINGS OF FACT

1. The Complainant is Morgan Hanchulak.

1. The Respondent is UGI, Penn Natural Gas, Inc.
2. The Complainant no longer wishes to pursue her Formal Complaint at Docket No. C-2015-2466803.

1. There are no objections to the withdrawal.
2. There is no public interest served by holding a hearing concerning a Formal Complaint that the Complainant no longer wishes to pursue.

DISCUSSION

The Commission’s Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in a contested proceeding. The provision at 52 Pa.Code § 5.94(a) allows withdrawal of pleadings by a petition for leave to withdraw the pleading. The petition is granted only by permission of the presiding officer or the Commission. The presiding officer or Commission must consider the petition, any objections thereto and the public interest in determining whether to permit withdrawal of the pleading.

The Complainant’s May 19, 2015, letter does not comply with 52 Pa.Code § 5.94 in that it does not fulfill the general requirements of a petition set forth in 52 Pa.Code § 5.41. The regulation at 52 Pa.Code § 1.2(a) provides that the presiding officer or the Commission may disregard an error or defect of procedure which does not affect the substantive rights of the parties.

I will ignore the procedural defects of the Complainant’s request and treat the May 19, 2015 letter as a petition for leave to withdraw, filed pursuant to 52 Pa.Code § 5.94, in order to secure a just, speedy and inexpensive determination of this proceeding, pursuant to 52 Pa.Code § 1.2(a).

Turning first to the Complainant’s request to withdraw, the Complainant’s counsel stated that she “agreed to withdraw her Complaint.” Clearly, the Complainant is no longer interested in pursuing her Formal Complaint.

Turning next to any objections to the withdrawal of the application, PNG forwarded the letter of withdrawal to me and voiced no objections to it. There are no other parties involved in this proceeding. Therefore, there are no objections to the Complainant’s withdrawal.

Turning finally to the public interest, there is no public interest served by holding a hearing concerning a Formal Complaint that the Complainant no longer wishes to pursue.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter in this case. 66 Pa.C.S § 701.
2. A party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw. 52 Pa.Code § 5.94(a).

1. A presiding officer or the PUC may disregard an error or defect of procedure which does not affect the substantive rights of the parties. 52 Pa.Code § 1.2(a).
2. There is no public interest served by holding a hearing concerning a Formal Complaint that the Complainant no longer wishes to pursue.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the petition for leave to withdraw filed by counsel for the Complainant at Docket No. C-2015-2466803 is granted.

1. That the Formal Complaint at Docket No. C-2015-2466803 is withdrawn.
2. That the Secretary’s Bureau mark Docket No. C-2015-2466803 closed.

Date: June 4, 2015 /s/

Ember S. Jandebeur

Administrative Law Judge