

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mary Grayson	:	
	:	
v.	:	F-2015-2508976
	:	
PECO Energy Company	:	

**INITIAL DECISION GRANTING REQUEST FOR LEAVE TO WITHDRAW  
COMPLAINT**

Before  
David A. Salapa  
Administrative Law Judge

**INTRODUCTION**

A customer filed this complaint against her electric utility alleging that there are incorrect charges on her utility bill and requesting a payment arrangement. This decision grants the customer’s request to withdraw the complaint.

**HISTORY OF THE PROCEEDING**

On October 14, 2015, Mary Grayson (Complainant) filed a complaint with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (Respondent). The complaint is a timely appeal of the September 18, 2015 decision by the Commission’s Bureau of Consumer Services (BCS) at BCS No. 3324572.

The complaint alleges that there are incorrect charges on the Complainant’s bill from the Respondent. The complaint also alleges that there is a reliability, safety or quality problem with the Complainant’s utility service. The complaint requests that the Commission

order the Respondent to recalculate the Complainant's bills and refund any overpayment to the Complainant.

On November 5, 2015, the Respondent filed an answer. The answer admits that Respondent provides service to the Complainant at the address shown on the complaint. The answer denies that the Respondent is overcharging the Complainant for her utility service. According to the answer, the bills the Respondent provided to the Complainant are correct as rendered, based on actual meter readings. The answer requests that the Commission dismiss the Complainant's complaint.

By notice dated November 16, 2015, the Commission scheduled a telephonic hearing for this matter on January 11, 2016 at 1:00 p.m. and assigned the matter to me. I issued a prehearing order dated November 20, 2015, addressing, inter alia, requests for continuance, subpoena procedures, attorney representation and the Commission's policy encouraging settlements.

I conducted the telephonic hearing on January 11, 2016 as scheduled. The Complainant appeared pro se. Shawane L. Lee, Esquire represented the Respondent.

The Complainant indicated that she no longer wished to pursue her complaint and was withdrawing her complaint. N.T. 5. The Respondent did not object to the withdrawal. N.T. 5. I will treat the Complainant's statement as a request to withdraw her complaint.

The initial hearing resulted in a transcript of six pages. The record closed on January 12, 2016, the date the transcript was filed with the Secretary's Bureau.

The withdrawal is ready for decision. For the reasons set forth below, I will grant the request for leave to withdraw.

## FINDINGS OF FACT

1. The Complainant in this case is Mary Grayson. N.T. 4.
2. The Respondent in this case is PECO Energy Company. N.T. 4.
3. On October 14, 2015, the Complainant filed a complaint with the Commission against the Respondent.
4. On November 5, the Respondent filed an answer.
5. A telephonic hearing was held on January 11, 2016.
6. The Complainant wishes to withdraw her complaint. N.T. 5.
7. The Respondent does not object to withdrawal of the complaint. N.T. 5.

## 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 statements at the January 11, 2016 hearing do not comply with 52 Pa.Code § 5.94 in that they do not fulfill the general requirements of a petition set forth in 52 Pa.Code § 5.41. However, 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. Since the Complainant's statements were made at the hearing in

the presence of counsel for the Respondent, the Respondent had notice of the withdrawal and an opportunity to respond.

I will ignore the procedural defects of the Complainant's statements and treat them as a request for leave to withdraw, 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). This will not adversely affect Respondent's substantive rights, pursuant to 52 Pa.Code § 1.2(c), since it had notice of the withdrawal and an opportunity to respond.

Turning first to the Complainant's request to withdraw her October 14, 2015 complaint, the Complainant did not provide a reason for her withdrawal. However, the Commission has no interest in mandating that the Complainant continue litigation where she no longer wishes to pursue her complaint at this time.

Turning next to any objections to the withdrawal of the October 14, 2015 complaint, the Respondent, through its counsel did not state any objection to terminating the litigation. The Complainant and Respondent are the only parties involved in this proceeding. Therefore, there are no objections to the Complainant's withdrawal.

Turning finally to the public interest, the complaint does not allege facts that would impact the public interest. The complaint alleges a billing dispute and a service complaint. These allegations do not raise issues that would have had an impact on other customers of Respondent. Therefore, the allegations in the complaint do not allege an impact on the public interest.

Having reviewed the request to withdraw, any objections to the request and the public interest, I conclude that the request to withdraw should be granted. Granting the request to withdraw will terminate the litigation, saving the parties the costs in time and money they would otherwise incur litigating the case. Granting the request to withdraw will not impact the public interest and will conserve administrative hearing resources.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. §701.
2. The presiding officer or the Commission may disregard an error or defect of procedure which does not affect the substantive rights of the parties. 52 Pa.Code § 1.2(a).
3. A party may withdraw a pleading in a contested proceeding by permission of the presiding officer or Commission. 52 Pa.Code § 5.94.
4. In determining whether to permit withdrawal of the pleading, the presiding officer or Commission must consider the petition, any objections thereto and the public interest. 52 Pa.Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the oral request for leave to withdraw the October 14, 2015 complaint of Mary Grayson filed at Docket No. F-2015-2508976 made on January 11, 2016, is granted.
2. That the complaint of Mary Grayson at Docket No. F-2015-2508976, filed October 14, 2015, is withdrawn.

3. That the docket at Docket No. F-2015-2508976 is marked closed.

Date: January 13, 2016

/s/  
David A. Salapa  
Administrative Law Judge