

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Stephen and Diane Van Schoyck	:	
	:	
v.	:	Docket No. C-2015-2478239
	:	
PECO Energy Company	:	

**COMPLAINANTS' SECOND AMENDED PETITION
FOR LEAVE TO WITHDRAW FORMAL COMPLAINT**

Pursuant to Section 5.94 of the rules and regulations of the Pennsylvania Public Utility Commission (“Commission”), 52 Pa. Code § 5.94, Complainants Stephen and Diane Van Schoyck (“Complainants”), through undersigned counsel, hereby submit this Second Amended Petition for Leave to Withdraw their Formal Complaint filed at the above-captioned docket. The Formal Complaint in this matter alleged violations of Section 1501 of the Public Utility Code, 66 Pa. C.S. § 1501, arising from health issues experienced by Complainants following PECO’s installation of a wireless digital meter at Complainants’ premises. In support of their second amended withdrawal request, Complainants respectfully submit the following.

I. HISTORY OF THE WITHDRAWAL PETITION

1. On October 17, 2016, Complainants filed a Petition for Leave to Withdraw.
2. On October 20, 2016, PECO filed an Objection to that Petition because the withdrawal would be without prejudice.
3. On October 21, 2016 the Administrative Law Judges denied the Petition.
4. On October 24, 2016, Complainants filed an Amended Petition for Leave to Withdraw.
5. On October 25, 2016, PECO renewed its Objection.

6. On October 25, 2016, the Administrative Law Judges denied the Amended Petition.

II. PETITION TO WITHDRAW

7. Complainants hereby request that their Complaint be withdrawn with prejudice.

8. Complainants are in the process of installing a solar/battery system that will allow them to go off-grid by November 30, 2016 and cease being a PECO customer at that time.

9. Complainants understand that, regardless of whether they complete installation of the solar/battery system, they are barred from filing a new Complaint alleging that installation of a PECO AMI meter at their home should be prohibited on the grounds that it is unsafe or unreasonable utility service or that the same would violate Section 1501 of the Public Utility Code, or for any other reason.

10. Complainants agree that, if they file such a complaint, PECO may proceed with AMI installation and/or service termination even though said complaint may be pending.

11. PECO has agreed to forego any attempts to install an AMI meter at Complainants' residence, or to seek termination for failure to allow installation, until December 10, 2016.

12. PECO has no objection to the Second Amended Petition being granted on the terms set forth above.

III. CONCLUSION

WHEREFORE, Complainants respectfully requests that the Commission suspend the litigation schedule in this matter, grant this Second Amended Petition for Leave to Withdraw the Formal Complaint, dismiss the Complaint with prejudice and mark this docket closed.

Respectfully submitted,



Edward G. Lanza, Esq.
THE LANZA FIRM, LLC
P.O. Box 61336
Harrisburg, PA 17106-1336
(717) 576-2696
(717) 798-9897 [fax]
ed@lanzafirm.com

Stephen G. Harvey, Esq.
STEVE HARVEY LAW, LLC
1880 John F. Kennedy Blvd., Suite 1715
Philadelphia, PA 19103
(215) 438-6600
(215) 438-6666 [fax]
steve@steveharveylaw.com

Date: October 25, 2016

Counsel for Complainant

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CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the foregoing Second Amended Petition to Withdraw Formal Complaint upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54.

Via Electronic Mail

Hon. Darlene Heep
Hon. Christopher Pell
Administrative Law Judges
PA Public Utility Commission
801 Market Street, 4th Floor
Philadelphia, PA 19103
dheep@pa.gov
cpell@pa.gov

Ward Smith, Esq.
PECO ENERGY COMPANY
2301 Market Street, S23-1
Philadelphia, PA 19103
Ward.Smith@exeloncorp.com

Date: October 25, 2016



Edward G. Lanza, Esq.