

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Virginia Kay Fry	:	
	:	
v.	:	F-2016-2568305
	:	
PPL Electric Utilities Corporation	:	

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

Before  
Dennis J. Buckley  
Administrative Law Judge

This Initial Decision grants a request by the Complainant in this case asking permission for leave to withdraw her Complaint. The request is not opposed.

**HISTORY OF THE PROCEEDING**

On September 16, 2016, Virginia Kay Fry (Complainant) filed a formal Complaint with the Commission alleging that PPL Electric Utilities Corporation (PPL or Respondent) had failed to provide an electronic transfer of funds to compensate her for power which she provided to PPL with her solar panels. The Complaint was a timely appeal from a determination of the Commission's Bureau of Consumer Services at Case No. 3425258.

In an Answer filed on October 17, 2016, PPL denied any allegation of wrongdoing and explained that it could not comply with Complainant's request due to a missing Social Security number and the nature of the purchased generation cash-out process, which involves mailing a paper check to participants in PPL's Net Metering Program for individuals capable of co-generation who sell power back to PPL.

On October 25, 2016, a hearing notice was issued setting November 30, 2016 as the date for a telephonic hearing originating from the Commission's Harrisburg office.

On October 31, 2016, a standard form Prehearing Order was issued.

On November 3, 2016, Complainant filed a letter at this docket reiterating her request for relief; that is, that compensation for power that she provides to PPL be paid for through an electronic funds transfer.

On November 30, 2016, a telephonic hearing in this case took place as scheduled. Complainant appeared and represented herself. Graig M. Schultz, Esquire, appeared on behalf of PPL. Complainant provided testimony as did a witness for PPL, Tammy Nalesnik, a Customer Service Representative. PPL also provided a number of exhibits. However, at the conclusion of the hearing I deemed it appropriate to have an off the record discussion with the parties in an attempt to resolve this matter. The parties were agreeable to that, and after some discussion, the parties settled the matter between themselves, and Ms. Fry made a verbal motion to withdraw her Complaint. That motion was not opposed by PPL.

The record in this matter closed on December 20, 2016 with the filing of the hearing transcript. The Motion to Withdraw the Complaint is ready for disposition.

#### FINDINGS OF FACT

1. The Complainant in this case is Virginia Kay Fry.
2. The Respondent in this case is PPL Electric Utilities Corporation.
3. On October 25, 2016, a hearing notice was issued setting November 30, 2016 as the date for a telephonic hearing originating from the Commission's Harrisburg office.
4. On October 31, 2016, a standard form Prehearing Order was issued.

5. On November 3, 2016, Complainant filed a letter at this docket reiterating her request for relief; that is, that compensation for power that she provides to PPL be paid for through an electronic funds transfer.

6. On November 30, 2016, a telephonic hearing in this case took place as scheduled. Complainant appeared and represented herself.

7. At hearing, and after a discussion between the parties, Complainant made a verbal motion to withdraw her Complaint.

8. The request to withdraw the Complaint was not opposed by PPL.

#### DISCUSSION

The Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to petition to withdraw pleadings in a contested proceeding:

Except as provided in subsection (b), a party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. The petition must set forth the reasons for the withdrawal. A party may object to the petition within 20 days of service. After considering the petition, an objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.

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.

This case involves a dispute as to the method of payment from PPL to Complainant for excess electric power generated by Complainant through the use of solar panels. At hearing, but in an off the record discussion, the parties amicably resolved that issue.

Complainant thereupon made a verbal motion to withdraw her Complaint. Although this was not a written Petition to Withdraw the Complaint, the Commission's regulation at 52 Pa. Code § 1.2(a) provides that a presiding officer or the Commission may disregard an error or defect of procedure which does not affect the substantive rights of the parties. I note that PPL did not and does not object to the motion. There are no other parties to this proceeding.

The public interest is best served by allowing withdrawal of the Complaint which Complainant no longer wishes to prosecute, because there is no longer a matter in controversy that requires the expenditure of resources to try and adjudicate.

#### 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 Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or Commission.

3. The Commission's regulation at 52 Pa. Code § 1.2(a) provides that a presiding officer or the Commission may disregard an error or defect of procedure which does not affect the substantive rights of the parties

4. It is in the public interest to allow the withdrawal of the formal Complaint at Docket No. F-2016-2568305.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion for Leave to Withdraw the Complaint made by Virginia Kay Fry on November 30, 2016, at Docket No. F-2016-2568305 is granted.
2. That the Secretary of the Commission mark the formal Complaint at Docket No. F-2016-2568305 closed.

Date: March 17, 2017

/s/  
Dennis J. Buckley  
Administrative Law Judge