

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Magna Cleaners, Inc.	:	
	:	
v.	:	C-2017-2587519
	:	
UGI Utilities, Inc.	:	

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

Before
Dennis J. Buckley
Administrative Law Judge

This Initial Decision grants a Petition by Magna Cleaners, Inc. (Complainant), asking permission for leave to withdraw its formal Complaint against UGI Utilities, Inc. (UGI or Respondent). The request is not opposed, and for the reasons set forth herein, the Petition will be granted.

HISTORY OF THE PROCEEDING

On February 3, 2017, Complainant filed a formal Complaint stating that it had received a shut-off notice from UGI for non-payment of Complainant's natural gas bill. Complainant averred that the matter had been settled.

On February 27, 2017, UGI filed an Answer to the Complaint in which it denied any violation of the Public Utility Code (Code) or the rules and regulations of the Commission. UGI also raised New Matter stating that as the Complainant is a commercial customer, the Commission lacks jurisdiction to order a payment arrangement.

Also on February 27, 2017, UGI filed a Preliminary Objection with respect to the Complaint on the grounds of lack of jurisdiction, legal insufficiency, and incorrect verification of the Complaint. Complainant did not file an Answer to the Preliminary Objection.

On March 22, 2017, a Hearing Notice was issued setting April 28, 2017 as the date for a telephonic hearing in this case.

On March 23, 2017, Complainant filed a Petition to Withdraw the Complaint, and the hearing was cancelled.

UGI has not objected to the Petition to Withdraw the Complaint, and the record closed on April 11, 2017. This matter is now ready for decision.

FINDINGS OF FACT

1. Complainant is Magna Cleaners, Inc., 1041 N. Quebec Street, Allentown, Pennsylvania.
2. Respondent is UGI Utilities, Inc.
3. On February 3, 2017, Complainant filed a formal Complaint.
4. On February 27, 2017, UGI filed an Answer to the Complaint in which it denied any violation of the Public Utility Code (Code) or the rules and regulations of the Commission.
5. On March 23, 2017, Complainant filed a Petition to Withdraw the Complaint
6. The Petition to Withdraw the Complaint is not opposed.

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.

52 Pa.Code § 5.94

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.

Considering any objections to the withdrawal of the Complaint, I note again that UGI has not objected to the proposed withdrawal.

After considering the public interest in the wise use of Commission resources in avoiding unnecessary and costly litigation as well as the Complainant's express desire not to pursue the Complaint, the Petition will be granted. The public interest is best served by allowing withdrawal of the Complaint.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. § 1501.

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. It is in the public interest to allow the withdrawal of the Complaint at Docket No. C-2017-2587519. 52 Pa.Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition for Leave to Withdraw the Complaint made by Magna Cleaners, Inc., at Docket No. C-2017-2587519 is granted.

2. That the Secretary of the Commission mark the Complaint proceeding at Docket No. C-2017-2587519 closed.

Date: April 28, 2017

/s/
Dennis J. Buckley
Administrative Law Judge