

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Sheri Berger	:	
	:	
v.	:	C-2017-2590875
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION
GRANTING PETITION FOR LEAVE TO
WITHDRAW APPLICATION

Before
Steven K. Haas
Administrative Law Judge

This Initial Decision grants the Complainant’s request to withdraw her formal complaint because it is in the public interest to do so and there are no objections to the request.

HISTORY OF THE PROCEEDING

On February 21, 2017, Sheri Berger filed a formal complaint against PPL Electric Utilities Corporation (PPL) with the Pennsylvania Public Utility Commission (Commission). In her complaint, Ms. Berger averred that tree branches contacting electric lines near her house caused a brief outage in December of 2016. She would like PPL to trim the trees away from the electric lines near her house.

On March 20, 2017, PPL filed an answer Ms. Berger’s complaint. In its answer, PPL averred that the condition that caused the brief interruption described by Ms. Berger was resolved shortly after the outage and was completely unrelated to the tree branch issue described

in the complaint. PPL further averred that the subject trees are not causing any safety or system reliability problems with the Complainant's service.

By hearing notice dated April 4, 2017, the Commission scheduled an initial hearing in this proceeding for Wednesday, May 10, 2017, in Harrisburg, PA and assigned the matter to me. The hearing was held as scheduled and all parties were present. Ms. Berger appeared *pro se*. PPL was represented by Kimberly G. Krupka, Esquire. Following the receipt of testimony from the parties' witnesses, the parties held a brief off-the-record discussion during which they further discussed Ms. Berger's complaint and the PPL facilities that serve her residence. At the conclusion of this discussion, Ms. Berger stated her desire to withdraw her complaint against PPL. PPL's counsel indicated that the Respondent did not object to Ms. Berger's request to withdraw her complaint.

The record closed on June 1, 2017, upon the filing of the transcript with the Commission. Ms. Berger's request to withdraw her complaint is ready for decision. For the reasons set forth below, I will grant the request.

FINDINGS OF FACT

1. On February 21, 2017, Sheri Berger filed a formal complaint with the Pennsylvania Public Utility Commission against PPL Electric Utilities Corporation.
2. On March 20, 2017, PPL filed an answer to Ms. Berger's complaint.
3. By Hearing Notice dated April 4, 2017, the Commission scheduled an in-person hearing for Wednesday, May 3, 2017.
4. The hearing was held as scheduled and both parties presented evidence in support of their respective positions.
5. Following the receipt of testimony, the parties held an off-the-record discussion about Ms. Berger's complaint and the PPL facilities that serve her residence.

6. Following this discussion, Ms. Berger stated that she wanted to withdraw her complaint.

7. PPL's counsel stated that PPL did not object to Ms. Berger's request to withdraw her complaint.

DISCUSSION

The Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in contested proceedings. The provision at 52 Pa.Code § 5.94(a) allows withdrawal of a pleading 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. 52 Pa.Code § 5.94(a). I am treating Ms. Berger's request as a petition for leave to withdraw her complaint.

As noted above, the parties discussed Ms. Berger's complaint during the hearing following the presentation of testimony by the parties. Following this discussion, Ms. Berger indicated her willingness to withdraw her complaint. Ms. Krupka stated that PPL did not object to Ms. Berger's request to withdraw her complaint.

Ms. Berger's complaint involves her concern about potential service problems at her residence as a result of tree branches coming into contact with electric lines near her house. The PPL witness described the results of the company's inspection of the subject facilities and the system safety and reliability measures that are in place to assure system reliability. As noted, following the presentation of testimony, the parties held an off-the-record discussion during which they further discussed Ms. Berger's complaint and the PPL facilities that serve her residence. After this discussion, Ms. Berger indicated her willingness to withdraw her complaint against PPL. Since this is an individual complaint case, there will be no adverse impact on the public interest in granting Ms. Berger's request to withdraw her complaint.

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 proceeding. Granting the request to withdraw will not adversely impact the public interest and will conserve administrative hearing resources.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of 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 contested proceedings by permission of the Presiding Officer or Commission.
3. 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(a).
4. Granting the Complainant's request to withdraw his complaint is in the public interest.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the request of Sheri Berger to withdraw her formal complaint at Docket No. C-2017-2590875 is granted.

2. That the formal complaint filed by Sheri Berger at Docket No. C-2017-2590875 is withdrawn.

3. That the proceeding at Docket No. C-2017-2590875 be marked closed.

Date: June 6, 2017

/s/
Steven K. Haas
Administrative Law Judge