

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Thomas Heckert	:	
	:	
v.	:	C-2017-2585453
	:	
Suez Water Pennsylvania, Inc.	:	

**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 his 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 January 20, 2017, Thomas Heckert filed a formal complaint against Suez Water Pennsylvania, Inc. (Suez) with the Pennsylvania Public Utility Commission (Commission). In his complaint, Mr. Heckert averred that there was a water leak in the road in front of his house and that Suez refused to make necessary repairs. He stated he paid approximately \$5,000.00 to have a new water line installed on his property. He is seeking, by way of relief, that he be reimbursed for this expense.

On February 10, 2017, Suez filed an answer to Mr. Heckert’s complaint. In its answer, Suez averred that the leak was in the customer-owned service line and that customers are responsible for the repair and maintenance of their service lines.

By hearing notice dated March 22, 2017, the Commission scheduled an initial hearing in this proceeding for Wednesday, May 3, 2017, in Harrisburg, PA and assigned the matter to me. The hearing was held as scheduled and all parties were present. Mr. Heckert appeared *pro se*. Suez was represented by Thomas T. Niesen, Esquire. Prior to the presentation of testimony, the parties held a brief off-the-record discussion about Mr. Heckert's complaint. Following this discussion, Mr. Heckert stated that he wanted to withdraw his complaint against Suez. Suez's's counsel indicated that the Respondent did not object to Mr. Heckert's request to withdraw his complaint.

The record closed on May 24, 2017, upon the filing of the transcript with the Commission. Mr. Heckert's request to withdraw his complaint is ready for decision. For the reasons set forth below, I will grant the request.

#### FINDINGS OF FACT

1. On January 20, 2017, Thomas Heckert filed a formal complaint with the Pennsylvania Public Utility Commission against Suez Water Pennsylvania, Inc.
2. On February 10, 2017, Suez filed an answer to Mr. Heckert's complaint.
3. By Hearing Notice dated March 22, 2017, the Commission scheduled an in-person hearing for Wednesday, May 3, 2017.
4. The hearing was held as scheduled and both parties were present.
5. Prior to the presentation of testimony, the parties held an off-the-record discussion about Mr. Heckert's complaint.
6. Following this discussion, Mr. Heckert stated that he wanted to withdraw his complaint.

7. Suez's counsel stated that Suez did not object to Mr. Heckert's request to withdraw his 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 the withdrawal of the pleading. 52 Pa.Code § 5.94(a). I am treating Mr. Heckert's request as a petition for leave to withdraw his complaint.

As noted above, the parties discussed Mr. Heckert's complaint prior to the presentation of testimony. Following this discussion, Mr. Heckert indicated his willingness to withdraw his complaint. Mr. Niesen stated that Suez did not object to Mr. Heckert's request to withdraw his complaint.

Mr. Heckert's complaint involves the issue of responsibility for the repair of the service line on his property. Prior to the start of the hearing, the parties held an off-the-record conversation during which they discussed which facilities are owned by the company and which are owned by customers. Following this explanation, Mr. Heckert indicated his willingness to withdraw his complaint against Suez. The complaint did not involve any service issues beyond Mr. Heckert's individual service line. Since this is an individual complaint case that does not involve any other customers, there will be no adverse impact on the public interest in granting Mr. Heckert's request to withdraw his 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 in this proceeding is in the public interest.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the request of Thomas Heckert to withdraw his formal complaint at Docket No. C-2017-2585453 is granted.

2. That the formal complaint filed by Thomas Heckert at Docket No. C-2017-2585453 is withdrawn.

3. That the proceeding at Docket No. C-2017-2585453 be marked closed.

Date: June 23, 2017

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Steven K. Haas

Administrative Law Judge