

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Eric Miller	:	
	:	
v.	:	F-2017-2586181
	:	
Philadelphia Gas Works	:	

**INITIAL DECISION**

Before  
Eranda Vero  
Administrative Law Judge

**HISTORY OF THE PROCEEDING**

This Initial Decision grants the Complainant’s Petition for Leave to Withdraw his Complaint.

On January 25, 2017, Eric Miller (Complainant) filed a formal Complaint (Complaint) against Philadelphia Gas Works (PGW or Respondent) alleging that the utility has shut off his gas service, that there are incorrect charges on his bills from PGW, and that he is having a reliability safety or quality problem with his gas service. As relief, he requests that his gas bills be corrected, that his gas service be restored immediately and that PGW issue a written apology for accusing the Complainant of using unauthorized gas service.

The Complaint is a timely appeal of the Commission’s Bureau of Consumer Services (BCS) decision at BCS Case No. 3495498, which denied the Complainant’s informal complaint.

On February 23, 2017, counsel for PGW filed a Certificate of Satisfaction certifying that the parties in the present Complaint had reached a settlement agreement and that the Complaint had been satisfied.

By letter dated March 2, 2017, Mr. Miller filed written objections to the Certificate of Satisfaction, essentially withdrawing his agreement to the settlement.

A Hearing Notice dated March 29, 2017, notified the parties that an initial hearing was scheduled for Thursday, May 11, 2017, at 10:00 a.m.

By letter dated May 3, 2017, Mr. Miller informed the undersigned of his intention to withdraw the present Complaint against PGW. He explained that he had reached a new agreement with PGW, which required him to pay \$125.00 to restore service to his property. Mr. Miller requested that the hearing be cancelled and his Complaint be marked as satisfied.

By e-mail dated May 4, 2017, counsel for PGW indicated that the Respondent had no objections to Mr. Miller's Petition for Leave to Withdraw his Complaint.

For the reasons set forth below, the Complainant's Petition to Withdraw his Complaint is granted and the initial hearing scheduled in this matter is cancelled.

#### FINDINGS OF FACT

1. The Complainant in this proceeding is Eric Miller, whose mailing address is 2928 Normandy Drive, Philadelphia, PA 19154.
2. The Respondent in this proceeding is Philadelphia Gas Works.
3. On February 23, 2017, counsel for PGW filed a Certificate of Satisfaction certifying that the parties in the present Complaint had reached a settlement agreement and that the Complaint had been satisfied.

4. By letter dated March 2, 2017, Mr. Miller filed written objections to the Certificate of Satisfaction.

5. A Hearing Notice dated March 29, 2017, notified the parties that an initial hearing was scheduled for Thursday, May 11, 2017, at 10:00 a.m.

6. On March 3, 2015, Mr. Miller filed a Petition for Leave to Withdraw his Complaint.

7. Respondent did not object to the Complainant'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 a contested proceeding. The provision at 52 Pa. Code § 5.94(a) allows withdrawal of pleadings by filing, with the Commission and service to parties, 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. For purposes of this decision, the Complainant's written request to withdraw his Complaint will be treated as a Petition for Leave to Withdraw his Complaint.

The Complainant has indicated that he wants to withdraw his Complaint against PGW. In his Petition for Leave to Withdraw his Complaint, Mr. Miller explained that he had reached a new agreement with PGW, which required him to pay \$125.00 to restore service to his property. He requested that the hearing be cancelled and his Complaint be marked as satisfied. By e-mail dated May 4, 2017, PGW indicated that it does not oppose the Complainant's request to withdraw his Complaint. Under these circumstances, granting the Complainant's request to withdraw his Complaint is in the public interest because doing so will eliminate the need for litigation and save the parties any additional costs in time and money they would otherwise incur litigating the case.

Accordingly, Mr. Miller's request to withdraw his Complaint is granted and the initial hearing scheduled in this matter is cancelled.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding.
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. 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.
4. Granting the Complainant's withdrawal request is in the public interest.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complainant's Petition for Leave to Withdraw his Complaint filed at Docket No. F-2017-2586181 is granted.
2. That the Complaint of Eric Miller against Philadelphia Gas Works filed January 25, 2017, at Docket No. F-2017-2586181 is withdrawn.

3. That the Secretary's Bureau shall mark Docket No. F-2017-2586181 closed.

Date: August 4, 2017

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/s/

Eranda Vero  
Administrative Law Judge