

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

William Carter IV	:	
	:	
v.	:	C-2017-2604838
	:	
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 May 17, 2017, William Carter IV (Complainant) filed a formal Complaint (Complaint) against Philadelphia Gas Works (PGW or Respondent) alleging that the utility is threatening to shut off his gas service or has already shut off his service. As relief, he requests that his previous payment arrangement with the Respondent be reinstated.

On June 7, 2017, PGW filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

A Hearing Notice dated June 12, 2017, notified the parties that an initial hearing was scheduled as part of the afternoon session of a call of the docket hearing on Tuesday, August 8, 2017, at 1:30 p.m. Later it was determined that the present Complaint was not a good candidate for

a call of the docket hearing. Consequently, the case was scheduled to be heard separately at a later date.

A Hearing Cancellation/Reschedule Notice dated July 14, 2017, notified the parties that an initial hearing was scheduled for Thursday, September 21, 2017, at 10:00 a.m.

A Prehearing Order was issued on September 13, 2017, reminding the parties of the date and time of the scheduled hearing, informing them of the procedures applicable to this proceeding, and directing the submission of documents prior to the hearing.

On September 21, 2017, PGW's attorney Graciela Christlieb, Esq. contacted the Commission's office in Philadelphia to inform the undersigned that Mr. Carter had requested a continuance of the hearing scheduled for that morning citing work-related reasons. She explained that PGW had no objections to the request.

By letter dated October 17, 2017, Mr. Carter informed the undersigned that he had settled the present Complaint against PGW and that he wished to withdraw the Complaint. By e-mail dated October 18, 2017, counsel for PGW indicated that the Respondent had no objections to Mr. Carter's Petition for Leave to Withdraw his Complaint.

For the reasons set forth below, the Complainant's Petition to Withdraw his Complaint is granted.

FINDINGS OF FACT

1. The Complainant in this proceeding is William Carter IV, whose mailing address is 2029 Federal Street, Philadelphia, PA 19146.
2. The Respondent in this proceeding is Philadelphia Gas Works.

3. On May 17, 2017, Mr. Carter filed a formal Complaint alleging that PGW is threatening to shut off his gas service or has already shut off his service.

4. As relief, the Complainant requests that his previous payment arrangement with the Respondent be reinstated.

5. On June 7, 2017, PGW filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

6. A Hearing Notice dated June 12, 2017, notified the parties that an initial hearing was scheduled as part of the afternoon session of a call of the docket hearing on Tuesday, August 8, 2017, at 1:30 p.m.

7. After it was determined that the present Complaint was not a good candidate for a call of the docket hearing, a Hearing Cancellation/Reschedule Notice dated July 14, 2017, notified the parties that an initial hearing was rescheduled for Thursday, September 21, 2017, at 10:00 a.m.

8. A Prehearing Order was issued on September 13, 2017, reminding the parties of the date and time of the scheduled hearing, informing them of the procedures applicable to this proceeding, and directing the submission of documents prior to the hearing.

9. On September 21, 2017, Mr. Carter requested a continuance of the hearing scheduled for that morning citing work-related reasons.

10. PGW did not object to Mr. Carter's request for a continuance of the scheduled hearing.

11. On October 17, 2017, Mr. Carter filed a Petition for Leave to Withdraw his Complaint.

12. 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. Carter stated that he settled the present Complaint against PGW and that he wished to withdraw the Complaint. By e-mail dated October 18, 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 resources, time, and money that they would otherwise incur litigating the case. Accordingly, Mr. Carter's request to withdraw his Complaint is granted.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S.A. § 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. 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 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. C-2017-2604838 is granted.

2. That the Complaint of William Carter IV against Philadelphia Gas Works filed May 17, 2017, at Docket No. C-2017-2604838 is withdrawn.

3. That the Secretary's Bureau shall mark Docket No. C-2017-2604838 closed.

Date: November 15, 2017

_____/s/_____

Eranda Vero
Administrative Law Judge