

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Marquita Bowie

v.

Philadelphia Gas Works

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F-2017-2614678

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the Complainant's request to withdraw her Complaint.

HISTORY OF THE PROCEEDING

On July 17, 2017, Marquita Bowie (Complainant) filed a formal Complaint (Complaint) against Philadelphia Gas Works (PGW or Respondent) alleging that the utility is threatening to shut off her gas service or has already shut off her service. In addition, Ms. Bowie averred that she had just given birth, had no income, and could not afford the payment arrangement she was given. As relief, Ms. Bowie requested that her account be placed on hold until she received an income and that she be granted a more affordable payment arrangement.

The Complaint is a timely appeal of the Commission's Bureau of Consumer Services (BCS) decision at BCS Case No. 3521510.

On August 8, 2017, PGW filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

A Hearing Notice dated August 18, 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, October 10, 2017, at 1:30 p.m.

A Prehearing Order was issued on September 18, 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.

At 12:33 p.m. on the day of the hearing, Ms. Bowie contacted the Commission's office in Philadelphia, indicating that she was unable to attend the hearing scheduled that day and requesting a continuance.

On October 10, 2017, I granted the Complainant's request for a continuance.

A Hearing Notice dated February 26, 2018, notified the parties that an initial hearing was scheduled for Friday, April 20, 2018, at 10:00 a.m.

A Prehearing Order was issued on March 12, 2018, reminding the parties of the date and time of the newly scheduled hearing.

On April 17, 2018, Ms. Bowie submitted a written request to withdraw her present Complaint against PGW. In particular, Ms. Bowie indicated that she is satisfied with her PGW account and no longer wishes to prosecute her Complaint.

The Respondent did not object to Ms. Bowie's request for leave to withdraw her Complaint.

For the reasons set forth below, the Complainant's request to withdraw her Complaint is granted.

FINDINGS OF FACT

1. The Complainant in this proceeding is Marquita Bowie, whose mailing address is 4717 Vista Street, Philadelphia, PA 19136.

2. The Respondent in this proceeding is Philadelphia Gas Works.

3. On July 17, 2017, Ms. Bowie filed a Complaint alleging that the utility is threatening to shut off her gas service or has already shut off her service.

4. As relief, Ms. Bowie requested that her account be placed on hold until she received an income and that she be granted a more affordable payment arrangement.

5. On August 8, 2017, PGW filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

6. A Hearing Notice dated February 26, 2018, notified the parties that an initial hearing was scheduled for Friday, April 20, 2018, at 10:00 a.m.

7. A Prehearing Order was issued on March 12, 2018, reminding the parties of the date and time of the newly scheduled hearing, informing them of the procedures applicable to the proceeding, and directing the submission of documents prior to the hearing.

8. On April 17, 2018, Ms. Bowie submitted a written request to withdraw her present Complaint against PGW, indicating that she is satisfied with her PGW account and no longer wishes to prosecute her Complaint.

9. The Respondent did not object to Ms. Bowie's request for leave 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 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 her Complaint will be treated as a Petition for Leave to Withdraw her Complaint.

The Complainant has indicated that she wants to withdraw her Complaint against PGW. In her Petition for Leave to Withdraw her Complaint, Ms. Bowie stated that she is satisfied with her PGW account and no longer wishes to prosecute her Complaint. The Respondent did not object to Ms. Bowie's request for leave to withdraw her Complaint. Under these circumstances, granting the Complainant's request to withdraw her 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, Ms. Bowie's request to withdraw her 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. 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 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.

4. Granting the Complainant's withdrawal request is in the public interest.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Marquita Bowie's Petition for Leave to Withdraw her Complaint filed at Docket No. F-2017-2614678 is granted.

2. That the Complaint of Marquita Bowie against Philadelphia Gas Works filed July 17, 2017, at Docket No. F-2017-2614678 is withdrawn.

3. That the Secretary's Bureau shall mark Docket No. F-2017-2614678 closed.

Date: April 23, 2017

_____/s/_____

Eranda Vero
Administrative Law Judge