

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Hanna	:	
	:	
v.	:	C-2017-2611940
	:	
Philadelphia Gas Works	:	

**INITIAL DECISION**

Before  
Andrew M. Calvelli  
Administrative Law Judge

**INTRODUCTION**

This Decision approves the request of the Complainant, Richard Hanna, to withdraw his formal Complaint in this matter, as there were no objections to the request and granting the request to withdraw the Complaint is in the public interest.

**HISTORY OF THE PROCEEDING**

On June 20, 2017, Richard Hanna (Mr. Hanna or Complainant) filed with the Pennsylvania Public Utility Commission (Commission) a formal Complaint against Philadelphia Gas Works (PGW or Respondent), at Docket Number C-2017-2611940. In the Complaint, Mr. Hanna averred that PGW disrespected his tenant and caused him to make unnecessary repairs to his tenant's apartment. The Complaint was served on PGW by the Commission on June 29, 2017.

On July 19, 2017, PGW filed an Answer to Mr. Hanna's Complaint. Also on July 19, 2017, PGW filed Preliminary Objections to the Complaint, along with a Motion for

Summary Judgment. All of PGW's filings requested that the Complaint be dismissed for various reasons. Responses to the Preliminary Objections and Motion for Summary Judgment were due by August 11, 2017. Mr. Hanna did not file any responses to PGW's filings.

By Motion Judge Assignment Notice dated September 13, 2017 the parties were informed that PGW's Preliminary Objections and Motion for Summary Judgment had been assigned to me for a ruling. Through my Orders served on October 11, 2017, the Motion for Summary Judgment was denied, while the Preliminary Objections were granted. The Preliminary Objections were granted to the extent that Mr. Hanna was seeking monetary reimbursement from PGW in his Complaint, as the Commission does not have the legal authority to order such monetary reimbursement.

Since the Preliminary Objections did not seek complete dismissal of the Complaint, and since the Motion for Summary Judgment was denied, the remaining issues stated in the Complaint were set for a hearing, and an Initial Call-In Telephone Hearing Notice was issued to the parties on January 23, 2018. Per the Notice, the hearing was scheduled for March 16, 2018.

The hearing convened as scheduled on March 16, 2018. Mr. Hanna appeared *pro se*, and PGW was represented by Graciela Christlieb, Esquire. During the hearing, Mr. Hanna advised that he wished to withdraw his Complaint because he was only seeking monetary damages and was not seeking any other relief in his Complaint. Mr. Hanna further stated that he did not wish to file a Certificate of Satisfaction to dispose of his Complaint, because he was not actually satisfied and he also wanted to be certain that he was not going to harm his legal right to file suit against PGW in either Common Pleas Court or Magisterial District Court. I advised Mr. Hanna that those rights would remain even if he filed a Certificate of Satisfaction, but Mr. Hanna was nonetheless uncomfortable with the explanation and declined to file a Certificate of Satisfaction. Counsel for PGW did not object to Mr. Hanna's request to withdraw the Complaint.

A transcript of the hearing totaling 13 pages was filed with the Commission on April 5, 2018 and the record in this case was closed on that date. For the reasons discussed below, the Complainant's verbal on the record Petition to Withdraw Complaint is granted. I also note, as a preliminary matter, that although Mr. Hanna's Petition was made verbally and not in writing, there was no objection to the verbal Petition and I therefore disregarded Mr. Hanna's technical defect of procedure pursuant to the Commission's Regulations at 52 Pa. Code § 1.2(a) and treated the Petition as being properly brought before the Commission.

### FINDINGS OF FACT

1. The Complainant is Richard Hanna.
2. The Respondent is Philadelphia Gas Works.
3. On June 20, 2017, Mr. Hanna filed with the Pennsylvania Public Utility Commission a formal Complaint against PGW at Docket Number C-2017-2611940.
4. A telephonic hearing was scheduled for March 16, 2018 and the hearing convened as scheduled.
5. During the hearing, Mr. Hanna advised the Presiding Officer that he wished to withdraw his complaint because the Commission did not have the ability to hear his claims for monetary reimbursement from PGW. Tr. 7, 8, 9.
6. PGW did not object to Mr. Hanna's request to withdraw his Complaint. Tr. 11.

### DISCUSSION

The Commission's regulations at 52 Pa. Code § 5.94 permit parties to withdraw pleadings in a contested proceeding. The regulation at 52 Pa. Code § 5.94(a) allows for the

withdrawal of pleadings by way of 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.

In this case, the Complainant's request for monetary reimbursement from PGW had been denied via an Order granting the Respondent's Preliminary Objections in that regard. During the hearing in this case, the Complainant indicated that he was only seeking monetary reimbursement from PGW and that he therefore wished to withdraw his Complaint. PGW did not object to the Complainant's request to withdraw the Complaint.

In reviewing the Complainant's verbal Petition to Withdraw Complaint, I note that the Complaint does not allege facts that would impact the public interest. Therefore, no public interest would be served by continuing to litigate this case under these circumstances. Accordingly, there can be no public interest affected by granting the Complainant's Petition to Withdraw Complaint.

Having reviewed the Petition to Withdraw, PGW's statement that it has no objections to the Petition, and the public interest, I conclude that the Petition to Withdraw should be granted. Granting the Petition to Withdraw will terminate the litigation, saving the parties costs in terms of the time and money that they would otherwise spend litigating the case. Granting the Petition to Withdraw also will not impact the public interest and will conserve administrative hearing resources.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. § 701.
2. The Commission's regulations permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or Commission. 52 Pa.Code § 5.94.

