

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mickey Shuler	:	
	:	
v.	:	C-2018-3000123
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
Conrad A. Johnson  
Administrative Law Judge

This decision grants Complainant’s request to withdraw his Complaint.

**HISTORY OF THE PROCEEDING**

On February 27, 2018, Complainant Mickey Shuler (Complainant or Mr. Shuler) filed a Complaint at Docket No. C-2018-3000123 against PPL Electric Utilities Corporation (PPL). Mr. Shuler alleged the following: (1) The utility service is in the name of Shuler Realty Management; (2) The utility shut off his service; (3) He is having a reliability, safety or quality problem with his utility service; and (4) PPL turned off the power when it was near 6 degrees. For relief, the Complaint states, “By turning off the power they caused our mobile home to freeze up, breaking pipes, toilets, etc.”

On March 20, 2018, PPL filed an Answer admitting that at the request of the ratepayer of record, Jabari Downer, the company disconnected service at 950 Orchard Avenue, Lot 17, Camp Hill, PA (service address). PPL further averred that it had not received a request to place service in a new name at the time of disconnection.

On March 23, 2018, the case was assigned to me to conduct a hearing on May 7, 2018. On March 26, 2018, I issued a Prehearing Order informing the Parties about the applicable procedural rules for the hearing. The Prehearing Order specifically stated that a corporation must be represented by an attorney to participate in the proceeding.

The hearing convened as scheduled on May 7, 2018. Complainant Mickey Shuler appeared, self-represented. Respondent was represented by Kimberly G. Krupka, Esquire. Testimony was received from Complainant and Respondent's witness, Sherry Shaffer, a customer service representative. Neither party sponsored any exhibits.

Upon receipt of the 34-page transcript, the record was closed by an interim order issued on June 4, 2018.

During a discussion upon the opening of the hearing, it was established that the current ratepayer of record for the service address, Shuler Realty Management, is a business entity operated by Complainant. Tr. 10, 17, 23-24. Shuler Realty Management has its own employer identification number (EIN). Tr. 27. To proceed with the hearing, I informed Complainant that Shuler Realty Management would need to be represented by an attorney, and I would continue the hearing to give him the opportunity to retain counsel. Tr. 18, 20. Complainant is not an attorney. Tr. 12. Complainant stated he was not interested in pursuing the matter, if he needed to get an attorney. Tr. 29-31. I treated Complainant's statement as an oral motion to withdraw his Complaint and informed the parties I would issue a decision on the withdrawal.<sup>1</sup> Tr. 30-32.

#### FINDINGS OF FACT

1. Complainant in this proceeding is Mickey Shuler, who resides at 332 Belle Vista Drive, Marysville, Pennsylvania. Tr. 7.

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<sup>1</sup> A motion made during a hearing may be stated orally upon the record. 52 Pa.Code § 5.103(b).

2. Respondent is PPL Electric Utilities Corporation.
3. Shuler Realty Management is a business entity and the current ratepayer at 950 Orchard Avenue, Lot 17, Camp Hill, Pennsylvania, which is the service address at issue. Tr. 10, 17, 23-24.
4. Shuler Realty Management has an employer identification number associated with its electric account with PPL. Tr. 27.
5. The previous ratepayer of record at the service address was Jabari Downer. Tr. 15.
6. Complainant made a motion to withdraw his Complaint. Tr. 29-31.
7. PPL did not file any objection to Mr. Shuler's motion to withdraw his Complaint. Tr. 32.

### DISCUSSION

The withdrawal of formal complaints filed before the Commission in contested proceedings is governed by Section 5.94(a) of the Commission's regulations:

Except as provided in subsection (b), a party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. The petition must set forth the reasons for the withdrawal. A party may object to the petition within 10 days of service. After considering the petition, an objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.

52 Pa.Code § 5.94(a).

In this proceeding Mr. Shuler effectively moved the Commission to grant him permission for leave to withdraw his Complaint. At the hearing, Mr. Shuler was informed that the ratepayer of record, Shuler Realty Management, which is a business he operates, would require attorney representation.<sup>2</sup> He was given the opportunity of the benefit of a hearing continuance to retain counsel for his business, but he declined the opportunity. Tr. 18, 20, 30. Mr. Shuler withdrew his Complaint because he was not interested in employing an attorney to represent his business in this matter. Tr. 30-32.

The Commission has no interest in mandating that Mr. Shuler continue litigation when he indicates he has no interest in prosecuting the Complaint. PPL did not object to the withdrawal. Therefore, there is no negative impact on the public interest by permitting the withdrawal. Accordingly, Mr. Shuler's request to withdraw the Complaint will be granted in the ordering paragraphs below.

#### CONCLUSIONS OF LAW

1. The Commission's regulations permit the withdrawal of a pleading filed in a contested proceeding after consideration of the petition, any objections by the parties and the public interest. 52 Pa.Code § 5.94(a).

2. It is in the public interest to permit Mr. Shuler to withdraw his Complaint.

*Id.*

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<sup>2</sup> The Commission's regulations provide that an individual may represent himself or herself. All other entities, such as a business or corporation must be represented by an attorney in an adversarial proceeding. *See* 52 Pa.Code §§ 1.21-1.22. *See also, Cars R Us c/o Holman Copeland v. Philadelphia Gas Works*, Docket No. C-2008-2033437 (Opinion and Order entered February 4, 2010).

