

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Adlen Gilmore	:	
	:	
v.	:	C-2017-2633440
	:	
Pennsylvania Electric Company	:	

**INITIAL DECISION GRANTING PETITION
TO WITHDRAW COMPLAINT WITHOUT PREJUDICE**

Before
Dennis J. Buckley
Administrative Law Judge

This Initial Decision grants a verbal Petition on the record made by Adlen Gilmore (Complainant), asking permission for leave to withdraw his formal Complaint against Pennsylvania Electric Company (Penelec or Respondent). The request was not opposed, and for the reasons set forth herein, the Petition will be granted.

HISTORY OF THE PROCEEDING

On November 8, 2017, Complainant filed a formal Complaint with the Secretary of the Commission requesting the establishment of a payment agreement. The Complaint was an untimely appeal of a determination by the Commission's Bureau of Consumer Services (BCS) at Case No. 3538322.

On December 4, 2017, Penelec filed an Answer to the Complaint. In its Answer, Penelec disputed Complainant's view of the case and denied that it had violated any provision of the Public Utility Code (Code) or any regulation of the Commission.

On January 26, 2018, a hearing notice was issued scheduling a telephonic hearing in this case for March 9, 2018.

On March 9, 2018, a telephonic hearing convened originating from the Commission's Harrisburg office. Teresa Harrold, Esq., was present and represented Penelec. Complainant appeared on his own behalf. The parties had an off-the-record discussion and informed the presiding officer that Complainant wished to withdraw his Complaint, and that Penelec had no objection to the withdrawal.

A transcript of six pages was filed on March 28, 2018, and the record closed on that date. Complainant's Petition to Withdraw is now ready for decision.

FINDINGS OF FACT

1. Adlen Gilmore is the Complainant in this case.
2. Pennsylvania Electric Company is the Respondent.
3. On November 8, 2017, Complainant filed a formal Complaint with the Secretary of the Commission requesting the establishment of a payment agreement.
4. On December 4, 2017, Penelec filed an Answer to the Complaint denying that it had violated any provision of the Public Utility Code or any regulation of the Commission.
5. On January 26, 2018, a hearing notice was issued scheduling a telephonic hearing in this case for March 9, 2018.
6. On March 9, 2018, a telephonic hearing convened originating from the Commission's Harrisburg office.
7. Complainant asked to withdraw his Complaint.

8. Complainant's verbal Petition to Withdraw his Complaint was not opposed by Penelec.

DISCUSSION

The Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to petition to withdraw pleadings in a contested proceeding:

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).

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.

At hearing, and after an off-the-record discussion with Respondent, Complainant asked to withdraw his Complaint. I note again that Penelec has not objected to the proposed withdrawal. There would be no point to convening a hearing in this matter. That would only be a waste of the parties' time and an unwarranted expense.

After considering the public interest in the wise use of Commission resources, the Petition will be granted. The public interest is best served by allowing withdrawal of the Complaint.

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 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. It is in the public interest to allow the withdrawal of the Complaint at Docket No. C-2017-2633440. 52 Pa.Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition for Leave to Withdraw the Complaint made by Adlen Gilmore at Docket No. C-2017-2633440 is granted without prejudice.

2. That the Secretary of the Commission mark the Complaint proceeding at Docket No. C-2017-2633440 closed.

Date: April 12, 2018

/s/
Dennis J. Buckley
Administrative Law Judge