

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Robert Schroeder c/o George McClay	:	
	:	
v.	:	C-2018-3002221
	:	
Residents Energy LLC, Energy Services	:	
Providers, Inc. t/a Pennsylvania Gas and	:	
Electric, LLC, Star Energy Partners, Inspire	:	
Energy Holdings, North American Power & Gas	:	
And Vista Energy Marketing	:	

INITIAL DECISION

Before
Joel H. Cheskis
Deputy Chief Administrative Law Judge

INTRODUCTION

This decision grants a request to withdraw a complaint because the request is in the public interest and there is no objection to it.

HISTORY OF THE PROCEEDING

On March 21, 2018, George McClay filed a formal complaint on behalf of his father-in-law Robert Schroeder with the Pennsylvania Public Utility Commission (Commission) against a variety of electric generation suppliers (EGSs). These EGSs include Energy Services Providers, Inc. d/b/a Pennsylvania Gas and Electric (PaG&E), Star Energy Partners, LLC (Star Energy), Inspire Energy Holdings, LLC (Inspire Energy), North American Power and Gas, LLC (NAPG), Residents Energy, LLC (Residents Energy) and Vista Energy Marketing, LLC (Vista Energy). The complaint was docketed at C-2018-3002221. In the complaint, Mr. McClay

averred that Mr. Schroeder has been subjected to multiple calls from these companies and that he is trying to get his service switched back to PECO. Mr. McClay added that there should be a do-not-call list for these companies.

On June 5, 2018, Residents Energy filed a certificate of satisfaction.

On June 8, 2018, Inspire Energy filed a certificate of satisfaction.

On June 14, 2018, Star Energy filed a certificate of satisfaction.

On June 28, 2018, Vista Energy filed an answer to Mr. McClay's complaint admitting or denying the various averments in Mr. McClay's complaint.

On July 5, 2018, a call-in telephone hearing notice was issued establishing an initial call-in telephonic hearing for this matter for Thursday, September 6, 2018 at 10:00 a.m. and assigning me as the presiding officer. A prehearing order was issued on July 6, 2018 setting forth various rules that would govern that hearing.

On July 16, 2018, Inspire Energy filed an amended certificate of satisfaction.

On July 18, 2018, Mr. McClay submitted a letter indicating that he would like the September 6, 2018 hearing cancelled. Based upon a prior discussion with Mr. McClay about how to withdraw the complaint, the July 18, 2018 letter is being treated as a petition to withdraw the complaint. No answers or objections were received in response to Mr. McClay's July 18, 2018 letter.

The record in this case closed on August 7, 2018, the day that answers to Mr. McClay's request to withdraw the complaint were due. Mr. McClay's petition is ready for disposition. For the reasons discussed below, Mr. McClay's petition will be granted.

FINDINGS OF FACT

1. The complainant in this case is Robert Schroeder c/o George McClay.
2. The respondents in this case are PaG&E, Star Energy, Inspire Energy, NAPG, Residents Energy and Vista Energy.
3. Certificates of satisfactions were filed by Star Energy, Inspire Energy and Residents Energy.
4. On June 28, 2018, Vista Energy filed an answer to the complaint.
5. On July 18, 2018, Mr. McClay submitted a letter indicating that he would like the September 6, 2018 hearing cancelled.
6. No answers or objections were received in response to Mr. McClay's July 18, 2018 letter.

DISCUSSION

Section 5.94(a) of the Commission's regulations provides that 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 other parties. 52 Pa.Code § 5.94(a). This section further provides that the petition must set forth the reasons for the withdrawal and that a party may object to the petition within 20 days. Id. Finally, this section also provides that, after considering the petition, any objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted. Id.

In this case, Mr. McClay asked that Mr. Schroeder, his father-in-law, not be contacted by EGSs. Mr. McClay requested that Mr. Schroeder be switched back to PECO.

Mr. McClay noted that there should be a do-not-call list for these companies. Subsequently, three of the six companies that Mr. McClay filed the complaint against resolved the matter via a certificate of satisfaction. The other three out of six complaints, however, remain outstanding.

Subsequently, Mr. McClay has determined to no longer pursue the complaint against the three remaining companies and submitted a letter asking that the hearing in this matter be cancelled. Mr. McClay's July 18, 2018 letter simply states: "I respectfully request that my hearing on September 6, 2018 before you [be] cancelled." Based upon a prior discussion with Mr. McClay about how to withdraw the complaint, this request is being treated as a petition to withdraw the complaint. *See*, 52 Pa.Code § 1.2(a) (this subpart shall be liberally construed to ensure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable) and 52 Pa.Code § 1.2(c) (the Commission or a presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party). Treating Mr. McClay's letter as a petition to withdraw will help ensure the just, speedy and inexpensive determination of this proceeding. Doing so will not adversely affect the substantive rights of any of the remaining Respondents. As noted above, none of the remaining Respondents filed a response to Mr. McClay's letter.

Therefore, Mr. McClay's request to withdraw the complaint will be granted. Although Mr. McClay has not provided a specific reason why he would like to withdraw the complaint, parties should not be required to pursue their complaint when they no longer wish to do so. It would not be in the public interest to require this proceeding to continue. In particular, whereas the Commission takes "slamming" – the practice of switching a customer's service without permission to do so – very seriously, and the Respondents are advised to ensure they are complying with all Commission regulations at all times, there is no indication that the matters of which Mr. McClay complains affect the public interest. Furthermore, there is no objection to the request to withdraw. Therefore, Mr. McClay's request to withdraw the complaint will be granted.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. § 701.
2. 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 other parties. 52 Pa.Code § 5.94(a).
3. A petition to withdraw a pleading in a contested proceeding must set forth the reasons for the withdrawal and that a party may object to the petition within 20 days. 52 Pa.Code § 5.94(a).
4. After considering a petition to withdraw a pleading in a contested proceeding, any 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).
5. Commission regulations shall be liberally construed to ensure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable. 52 Pa.Code § 1.2(a).
6. The Commission or a presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party. 52 Pa.Code § 1.2(c).
7. It is in the public interest to allow Mr. McClay to withdraw the complaint in this proceeding.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the petition to withdraw the complaint filed by Robert Schroeder c/o George McClay against Energy Services Providers, Inc. d/b/a Pennsylvania Gas and Electric, Star Energy Partners, LLC, Inspire Energy Holdings, LLC, North American Power and Gas, LLC, Residents Energy, LLC and Vista Energy Marketing, LLC at Docket No. C-2018-3002221 is hereby granted.

2. That the formal complaint filed by Robert Schroeder c/o George McClay against Energy Services Providers, Inc. d/b/a Pennsylvania Gas and Electric, Star Energy Partners, LLC, Inspire Energy Holdings, LLC, North American Power and Gas, LLC, Residents Energy, LLC and Vista Energy Marketing, LLC at Docket No. C-2018-3002221 is hereby withdrawn.

3. That this matter be marked closed.

Date: August 9, 2018

/s/
Joel H. Cheskis
Deputy Chief Administrative Law Judge