

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Adam Thomas	:	
	:	
v.	:	C-2017-2621325
	:	
PECO Energy Company	:	

**INITIAL DECISION GRANTING PETITION FOR LEAVE TO
WITHDRAW COMPLAINT**

Before
Steven K. Haas
Administrative Law Judge

This Initial Decision grants the Complainant's request to withdraw his formal complaint because it is in the public interest to do so and there are no objections to the request.

HISTORY OF THE PROCEEDING

On August 24, 2017, Complainant, Adam Thomas, filed a formal complaint against PECO Energy Company (PECO) with the Pennsylvania Public Utility Commission (Commission). In his complaint, Mr. Thomas sought to be relieved from responsibility for charges incurred on his account that were allegedly caused by unauthorized users of service at his residence.

On September 14, 2017, PECO filed an answer to Mr. Thomas' complaint in which it denied the material allegations in the complaint or having committed any wrongdoing.

An initial telephonic hearing was convened on November 14, 2017. Prior to the start of the hearing, the parties held a settlement discussion and agreed to continue the hearing for at least 90 days to allow additional time to pursue a settlement.

The parties did not conclude a settlement and, accordingly, by notice dated June 27, 2018, the Commission scheduled a telephonic hearing for Thursday, September 20, 2018.

I convened the hearing, as scheduled, on September 20, 2018. The Complainant was present, as was Shawane Lee, Esquire, counsel to PECO. Prior to the start of the hearing, the Complainant stated that he accepted responsibility for the balance at issue and that he wanted to withdraw his complaint against PECO. Ms. Lee stated to me that PECO did not have an objection to the Complainant's request to withdraw his complaint, and that PECO would work with him to provide information that may be useful to him.

The record closed on October 4, 2018, upon my receipt of the transcript. The Complainant's request to withdraw his complaint is ready for decision. For the reasons set forth below, I will grant the request.

FINDINGS OF FACT

1. On August 24, 2017, the Complainant, Adam Thomas, filed a formal complaint with the Pennsylvania Public Utility Commission against PECO Energy Company.
2. On September 14, 2017, PECO filed an answer to Mr. Thomas' complaint.
3. By hearing notice dated October 3, 2017, the Commission scheduled a telephonic hearing in this proceeding for Tuesday, November 14, 2017.
4. At the request of the parties, the November 14, 2017 hearing was continued to allow additional time for the parties to attempt to settle the complaint.
5. By hearing notice dated June 27, 2018, a telephonic hearing was scheduled for Thursday, September 20, 2018.

6. Prior to the start of the hearing on September 20, 2018, the Complainant stated that he accepted responsibility for the balance at issue and that he wanted to withdraw his complaint.

7. PECO's counsel stated that PECO did not object to the request to withdraw the complaint.

DISCUSSION

The Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in contested proceedings. The provision at 52 Pa.Code § 5.94(a) allows withdrawal of a pleading by 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. 52 Pa.Code § 5.94(a). I am treating the Complainant's request as a petition for leave to withdraw his complaint. 52 Pa.Code § 1.2.

As noted above, the Complainant acknowledged prior to the start of the September 20, 2018 hearing that he accepted responsibility for the balance at issue and stated that he wanted to withdraw his complaint against PECO. PECO agreed to work with the Complainant to provide information that may be useful to him. PECO's counsel stated that PECO did not object to the Complainant's request to withdraw the complaint. Accordingly, there are no objections to the Complainant's request.

The complaint involves the issue of responsibility for payment of outstanding charges on the Complainant's PECO account. The Complainant ultimately accepted responsibility for the balance at issue. Since this is an individual complaint case whose resolution will have no impact on other customers, there will be no adverse impact on the public interest in granting the Complainant's request to withdraw the complaint.

Having reviewed the request to withdraw, any objections to the request and the public interest, I conclude that the request to withdraw should be granted. Granting the request

to withdraw will terminate the litigation, saving the parties the costs in time and money they would otherwise incur litigating the proceeding. Granting the request to withdraw will not adversely impact the public interest and will conserve administrative hearing resources.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of 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 contested proceedings 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(a).

4. Granting the Complainant's request to withdraw his complaint is in the public interest.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the request of Adam Thomas to withdraw his formal complaint against PECO Energy Company at Docket No. C-2017-2621325 is granted.

2. That the formal complaint filed by Adam Thomas against PECO Energy Company at Docket No. C-2017-2621325 is withdrawn.

