

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

David Pflueger	:	
	:	
v.	:	C-2018-3004032
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Christopher P. Pell
Deputy Chief Administrative Law Judge

INTRODUCTION

This Initial Decision grants the Complainant’s request to withdraw his formal Complaint.

HISTORY OF THE PROCEEDING

On August 1, 2018, David Pflueger (Complainant) filed a formal Complaint (Complaint) against PPL Electric Utilities Corporation (PPL or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant placed a checkmark in the box marked “other” and wrote in “they will not provide service”. Under the “requested relief” section, the Complainant alleged: that PPL refuses to run power to his residence; that PPL will not answer or return his calls for service; that PPL refuses to accept the documentation he has sent them; that PPL required him to spend money for a sand mound and a well, costing him \$30,000 and still refused him service; and that PPL lied to him. As relief, the Complainant requested that PPL provide electric service to his residence, and that he wants several PPL employees to be terminated from employment.

On September 4, 2018, Respondent filed an Answer to the Complaint.

By Hearing Notice dated September 12, 2018, a hearing was scheduled for November 2, 2018 at 10:00 a.m., and the matter was assigned to me.

I issued a Prehearing Order on September 19, 2018. The Prehearing Order directed the parties to comply with various procedural requirements and also explained that the Complainant bears the burden of proof to establish that the Respondent violated its tariff, the Public Utility Code, or a Commission Order or regulation, and that he is entitled to the relief requested in the Complaint.

The hearing convened as scheduled on November 2, 2018. Complainant appeared *pro se*. The Respondent appeared and was represented by Graig M. Schultz, Esquire, Counsel for PPL, who was accompanied by two potential witnesses.

Following settlement discussions between the parties, the Complainant stated on the record that he wished to withdraw his Complaint. The Complainant also submitted a signed written statement indicating his intent to withdraw his Complaint. PPL had no objection to the Complainant's request to withdraw his Complaint.

The record closed on November 30, 2018, upon my receipt of the transcript.

FINDINGS OF FACT

1. The Complainant is David Pflueger.
2. The Respondent is PPL Electric Utilities Corporation.
3. On August 1, 2018, the Complainant filed a Complaint against PPL wherein he alleged that PPL was refusing to provide him with electric service.

4. On September 4, 2018, Respondent filed an Answer to the Complaint.
5. By Hearing Notice dated September 12, 2018, a hearing was scheduled for November 2, 2018, at 10:00 a.m.
6. The hearing convened as scheduled on November 2, 2018.
7. During the November 2, 2018 hearing, the Complainant requested, orally and in writing, to withdraw his Complaint. Tr. 8.
8. The Respondent did not object to the Complainant's request to withdraw his Complaint.

DISCUSSION

The Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.94(a) 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.

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.

A presiding officer or the Commission may disregard an error or defect of procedure or waive a requirement that does not adversely affect a substantive right of a party, particularly in proceedings involving *pro se* litigants. 52 Pa. Code §§ 1.2(a),(c),(d). Thus, the

Complainant's statement during the hearing that he wishes to withdraw his Complaint, and his submission of a written and signed statement indicating his intent to withdraw his Complaint, will be treated as a Petition for Leave to Withdraw his Complaint.

The Complainant indicated on the record that he wanted to withdraw his Complaint. Tr. 8. The Complainant also submitted a signed written statement indicating his intent to withdraw his Complaint. The Respondent did not object to the Complainant's request to withdraw his Complaint. Under these circumstances, granting the Complainant's request to withdraw his Complaint is in the public interest because doing so will eliminate the need for litigation and save the parties any additional costs in time and money they would otherwise incur litigating the case. Accordingly, Mr. Pflueger's request to withdraw his Complaint shall be granted.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S. § 701.
2. The Commission's Rules of Practice and Procedure permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or Commission. 52 Pa.Code § 5.94.
3. A presiding officer or the Commission may disregard an error or defect of procedure or waive a requirement that does not adversely affect a substantive right of a party, particularly in proceedings involving *pro se* litigants. 52 Pa. Code §§ 1.2(a),(c),(d).
4. It is in the public interest to grant the Complainant's request to withdraw his Complaint.

ORDER

THEREFORE,

IT IS ORDERED:

1. That David Pflueger's Petition for Leave to Withdraw his Complaint filed at Docket No. C-2018-3004032 is granted;
2. That the Complaint of David Pflueger against PPL Electric Utilities Corporation filed at Docket No. C-2018-3004032 is withdrawn; and
3. That Docket No. C-2018-3004032 be marked closed.

Date: November 30, 2018

_____/s/_____
Christopher P. Pell
Deputy Chief Administrative Law Judge