

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Essoline Ball	:	
	:	
v.	:	C-2018-3004753
	:	
PECO Energy Company	:	

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

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

HISTORY OF THE PROCEEDING

On September 4, 2018, Essoline Ball (Ms. Ball or Complainant) filed a formal Complaint (Complaint) against PECO Energy Company (PECO or Respondent) alleging that the utility improperly removed her from budget billing when she moved to her current address. As relief, Ms. Ball requested that she be placed back on budget billing.

On October 3, 2018, PECO filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

A Hearing Notice dated October 11, 2018, notified the parties that an initial hearing was scheduled as part of the morning session of a call-of-the-docket hearing on Tuesday, November 13, 2018, at 9:30 a.m.

A Prehearing Order was issued on October 30, 2018, reminding the parties of the date and time of the scheduled hearing, informing them of the procedures applicable to this proceeding, and directing the submission of documents prior to the hearing.

The hearing convened as scheduled on November 13, 2018. At the beginning of the hearing, the parties indicated their desire to engage in settlement discussions. Tr. 4. At the conclusion of the settlement discussions, Ms. Ball expressed her desire to withdraw the present Complaint against PECO. *Id.* Ms. Ball memorialized her intentions in a letter that she submitted for the record. *Id.*

The Respondent did not object to Ms. Ball's request for leave to withdraw her Complaint. Tr. 5.

The record in this matter consists of the pleadings, my Prehearing Order and the 6-page transcript from the November 13, 2018 hearing. The record closed upon receipt of the transcript on November 26, 2018.

FINDINGS OF FACT

1. The Complainant in this proceeding is Essoline Ball, who resides at 40 Beech Street, Apt. # 2, Pottstown, PA 19964.
2. The Respondent in this proceeding is PECO Energy Company.
3. On September 4, 2018, Ms. Ball filed a Complaint alleging that the utility improperly removed her from budget billing when she moved to her current address.
4. As relief, Ms. Ball requested that she be placed back on budget billing.
5. On October 3, 2018, PECO filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

6. A Hearing Notice dated October 11, 2018, notified the parties that an initial hearing was scheduled for November 13, 2018, at 9:30 a.m.

7. A Prehearing Order was issued on October 30, 2018, reminding the parties of the date and time of the scheduled hearing, informing them of the procedures applicable to this proceeding, and directing the submission of documents prior to the hearing.

8. On November 13, 2018, Ms. Ball submitted a written request to withdraw her present Complaint against PECO, indicating her intentions to apply for a Low-Income Home Energy Assistance Program (LIHEAP) grant and to make payments to reinstate her payment arrangement with PECO.

9. The Respondent did not object to Ms. Ball's request for leave to withdraw her Complaint.

DISCUSSION

The Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in a contested proceeding. The provision at 52 Pa.Code § 5.94(a) allows withdrawal of pleadings by filing, with the Commission and service to parties, 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. For purposes of this decision, the Complainant's written request to withdraw her Complaint will be treated as a Petition for Leave to Withdraw her Complaint.

The Complainant has indicated that she wants to withdraw her Complaint against PECO. In her Petition for Leave to Withdraw her Complaint, Ms. Ball indicated her intentions to apply for a LIHEAP grant and to make payments to reinstate her payment arrangement with PECO. The Respondent did not object to Ms. Ball's request for leave to withdraw her Complaint. Under these circumstances, granting the Complainant's request to withdraw her 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, Ms. Ball's request to withdraw her Complaint is 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 at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in a contested proceeding 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.

4. Granting the Complainant's withdrawal request is in the public interest.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Essoline Ball's Petition for Leave to Withdraw her formal Complaint filed at Docket No. C-2018-3004753 is granted.

2. That the formal Complaint of Essoline Ball against PECO Energy Company filed September 4, 2018, at Docket No. C-2018-3004753 is withdrawn.

