

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bill Tsikas	:	
	:	
v.	:	F-2018-3005092
	:	
PECO Energy Company	:	

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

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

HISTORY OF THE PROCEEDING

On September 19, 2018, Bill Tsikas (Mr. Tsikas or Complainant) filed a formal Complaint (Complaint) against PECO Energy Company (PECO or Respondent) alleging: 1) that the utility is improperly requesting payments on a five-year old bill; 2) that there are incorrect charges on his bill with PECO; and 3) that he is unable to pay his bills to the Respondent. As relief, Mr. Tsikas requested: 1) that the five-year old bill(s) be removed from his account; 2) that his outstanding balance with PECO be revised to properly reflect the number of payments made towards the account; and 3) that the Commission establish an affordable payment arrangement on his behalf.

On October 19, 2018, PECO filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

The Complaint was filed as a timely appeal of the Commission's Bureau of Consumer Services (BCS) decision, at BCS Case # 3613757.

A Hearing Notice dated October 25, 2018, notified the parties that an initial hearing was scheduled as part of the afternoon session of a call of the docket hearing on Tuesday, November 13, 2018, at 1:30 p.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, counsel for PECO, Shawane Lee, Esq., informed me that the parties had engaged in settlement discussions prior to the hearing. Tr. 4. During the settlement discussions, the parties were able to resolve all the issues raised in the Complaint and Mr. Tsikas had agreed to withdraw his pleading. Tr. 4-5. Ms. Lee submitted into the record an e-mail from Mr. Tsikas in which he indicated his desire to withdraw the present Complaint against PECO. *Id.*

The Respondent did not object to Mr. Tsikas' request for leave to withdraw his Complaint. Tr. 5.

The record closed on November 13, 2018.

FINDINGS OF FACT

1. The Complainant in this proceeding is Bill Tsikas, whose mailing address is 352 Bridge Street, Collegeville, PA 19426.
2. The Respondent in this proceeding is PECO Energy Company.

3. On September 19, 2018, Mr. Tsikas filed a Complaint alleging: 1) that the utility is improperly requesting payments on a five-year old bill; 2) that there are incorrect charges on his bill with PECO; and 3) that he is unable to pay his bills to the Respondent.

4. As relief, Mr. Tsikas requested: 1) that the five-year old bill(s) be removed from his account; 2) that his outstanding balance with PECO be revised to properly reflect the number of payments made towards the account; and 3) that the Commission establish an affordable payment arrangement on his behalf.

5. On October 19, 2018, PECO filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

6. A Hearing Notice dated October 25, 2018, notified the parties that an initial hearing was scheduled for November 13, 2018, at 1:30 p.m.

7. A Prehearing Order was issued on October 30, 2018, reminding the parties of the date and time of the newly 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, Mr. Tsikas submitted a written request to withdraw his present Complaint against PECO, indicating that he had made a payment in the amount of \$485.70 towards his account with PECO in order to be reinstated in his previous payment arrangement with the Respondent.

9. The Respondent did not object to Mr. Tsikas' request for leave to withdraw his 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 his Complaint will be treated as a Petition for Leave to Withdraw his Complaint.

In his Petition for Leave to Withdraw his Complaint, Mr. Tsikas indicated his intention to withdraw his present Complaint against PECO, after making a \$485.70 payment towards his account with PECO to reinstate his previous payment arrangement with the Respondent. The Respondent did not object to Mr. Tsikas' request for leave 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. Tsikas' request to withdraw his 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 Bill Tsikas' Petition for Leave to Withdraw his Complaint filed at Docket No. F-2018-3005092 is granted.

2. That the Complaint of Bill Tsikas against PECO Energy Company filed on September 19, 2018, at Docket No. F-2018-3005092 is withdrawn.

3. That the Secretary's Bureau shall mark Docket No. F-2018-3005092 closed.

Date: December 27, 2018

/s/
Eranda Vero
Administrative Law Judge