

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Mathewson, Jr.	:	
	:	
v.	:	C-2018-3005698
	:	
PECO Energy Company	:	

**INITIAL DECISION**

Before  
F. Joseph Brady  
Administrative Law Judge

**INTRODUCTION**

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

**HISTORY OF THE PROCEEDING**

On October 19, 2018, Richard Mathewson, Jr. (Complainant) filed a formal Complaint (Complaint) against PECO Energy Company (PECO or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant alleged that he was not given proper notice prior to his electric service being terminated.

The Complaint is an untimely appeal of the decision issued by the Commission’s Bureau of Consumer Services (BCS) on July 31, 2018, at BCS Case No. 3619030, dismissing the informal complaint of the Complainant.

On November 1, 2018, PECO filed an Answer to the Complaint. In its Answer, PECO averred that it properly notified the Complainant of his pending termination consistent

with the requirements set forth in 52 Pa. Code §§ 56.91 and 56.93. PECO requested that the Complaint be dismissed.

By Hearing Notice dated November 8, 2018, a hearing was scheduled for December 18, 2018, and the matter was assigned to me.

A Prehearing Order was issued on November 20, 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.

On December 17, 2018, I received a signed fax from the Complainant requesting to withdraw his Complaint.

The Respondent was granted ten days to file objections pursuant to 52 Pa. Code § 5.94, and having received none, the record was closed on December 27, 2018.

#### FINDINGS OF FACT

1. The Complainant is Richard Mathewson, Jr.
2. The Respondent is PECO Energy Company.
3. On October 19, 2018, the Complainant filed a Complaint against PECO alleging that he was not given proper notice prior to his electric service being terminated.
4. On November 1, 2018, PECO filed an Answer averring that it properly notified the Complainant of his pending termination consistent with the requirements set forth in 52 Pa. Code §§ 56.91 and 56.93.
5. By Hearing Notice dated November 8, 2018, a hearing was scheduled for December 18, 2018.

6. On December 17, 2018, I received a signed fax from the Complainant requesting to withdraw his Complaint due to serious medical conditions.

7. The Respondent did not file any objections to the Complainant's petition to withdraw his Complaint.

### DISCUSSION

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

52 Pa. Code § 5.94(a). 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 signed facsimile requesting to "drop my case" will be treated as a petition for leave to withdraw his Complaint.

In this case, the Complainant requested to withdraw his Complaint due to serious medical conditions. 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. Mathewson'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 Richard Mathewson, Jr.'s Petition for Leave to Withdraw his Complaint filed at Docket No. C-2018-3005698 is granted;
2. That the Complaint of Richard Mathewson, Jr. against PECO Energy Company filed at Docket No. C-2018-3005698 is withdrawn; and

