

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Doris Manesis	:	
	:	
v.	:	C-2019-3006917
	:	
Metropolitan Edison Company	:	

INITIAL DECISION
GRANTING PETITION TO WITHDRAW COMPLAINT

Before
Emily DeVoe
Administrative Law Judge

INTRODUCTION

A customer filed this Complaint against her electric utility alleging that the utility was threatening to terminate her service and had improperly denied her request for a payment arrangement. This decision grants the customer’s request to withdraw the Complaint.

HISTORY OF THE PROCEEDING

On January 3, 2019, Doris Manesis (Complainant) filed a Complaint with the Pennsylvania Public Utility Commission (Commission) against Metropolitan Edison Company (Respondent). Complainant alleges that Respondent was threatening to terminate Complainant’s service and had improperly denied Complainant’s request for a payment arrangement. The Complaint requests that the Commission order Respondent to enter into a payment arrangement with Complainant.

On January 16, 2019, Complainant filed a letter stating that she was withdrawing her Complaint because she had come to an agreement with Respondent. I will treat Complainant's letter as a petition for leave to withdraw, filed pursuant to 52 Pa.Code § 5.94. Pursuant to 52 Pa.Code § 5.94, Respondent had ten days from the day of service to file objections to Complainant's petition. Respondent filed no response to Complainant's January 16, 2019 letter.

The withdrawal is ready for decision. For the reasons set forth below, I will grant the withdrawal.

FINDINGS OF FACT

1. Complainant in this case is Doris Manesis.
2. Respondent in this case is Metropolitan Edison Company.
3. On January 3, 2019, Complainant filed a Complaint with the Commission against Respondent.
4. On January 16, 2019, Complainant filed a letter stating that she was withdrawing her complaint.
5. Respondent filed no response to Complainant's request 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 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

the Commission must consider the petition, any objections thereto, as well as the public interest in determining whether to permit withdrawal of the pleading.

Complainant's January 16, 2019 letter does not comply with 52 Pa.Code § 5.94 in that it does not fulfill the general requirements of a petition set forth in 52 Pa.Code § 5.41. The regulation at 52 Pa.Code § 1.2(a) provides that the presiding officer or the Commission may disregard an error or defect of procedure which does not affect the substantive rights of the parties. Complainant's January 16, 2019 letter was served on Respondent. Therefore, Respondent had notice of the request and the opportunity to respond.

In order to secure a just, speedy, and inexpensive determination of this proceeding, I will ignore the procedural defects of Complainant's request and treat the January 16, 2019 letter as a petition for leave to withdraw, filed pursuant to 52 Pa.Code § 5.94. This will not adversely affect Respondent's substantive rights, since Respondent had notice of the request and an opportunity to respond to it. 52 Pa.Code §§ 1.2(a), (c).

I must consider the petition, any objections thereto, as well as the public interest in determining whether to permit withdrawal of the pleading. Turning first to Complainant's petition to withdraw, the petition requests that the Commission allow the Complainant to withdraw the Complaint. The Commission has no interest in mandating that Complainant continue litigation when she no longer wishes to pursue her Complaint, especially when Complainant averred in her petition to withdraw that she received the remedy she was seeking in her Complaint, namely a payment arrangement.

Turning next to any objections to the withdrawal of the Complaint, Respondent had the opportunity to file objections, but did not do so.

Turning finally to the public interest, the Complaint does not allege facts that would impact the public interest. The Complaint alleges that Respondent was threatening to terminate Complainant's service and had improperly denied Complainant's request for a payment arrangement. The allegations do not appear to have an impact on other customers of

Respondent. Therefore, the allegations in the Complaint do not allege an impact on the public interest.

After reviewing the petition to withdraw, considering Respondent's failure to file objections to the petition, and noting the lack of allegations affecting the public interest, I conclude that the petition to withdraw should be granted. Granting the petition to withdraw will terminate the litigation, saving the parties the costs in time and money they would otherwise incur litigating the case. Granting the petition to withdraw will not impact the public interest and will conserve administrative hearing resources.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to 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. 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.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the January 16, 2019 petition to withdraw the Complaint of Doris Manesis, filed on January 3, 2019, at Docket No. C-2019-3006917, is granted.

