

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Zaria Jones	:	
	:	
v.	:	C-2018-3005985
	:	
PECO Energy Company	:	

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

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

HISTORY OF THE PROCEEDING

On November 6, 2018, Zaria Jones (Ms. Jones or Complainant) filed a formal Complaint (Complaint) against PECO Energy Company (PECO or Respondent) alleging that the utility is holding her responsible for the outstanding balance accumulated at an address where she does not reside. As relief, the Complainant requests that the Commission investigate the matter and remove the outstanding balance from her name.

On November 29, 2018, PECO filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

A Hearing Notice dated December 6, 2018, notified the parties that an initial hearing was scheduled in this matter for Monday, January 14, 2019, at 10:00 a.m.

A Prehearing Order was issued on December 17, 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 January 14, 2019. At the beginning of the hearing, the parties requested an opportunity to engage in settlement discussions. I granted their request and recessed the hearing. During the settlement discussions, the parties were able to resolve all the issues raised in the Complaint. When the hearing reconvened, Ms. Jones requested that any application for service in her name currently pending with PECO be considered withdrawn and that she be permitted to withdraw her present Complaint against PECO. Tr. 4-5.

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

The record closed upon receipt of the hearing transcript on January 16, 2019.

FINDINGS OF FACT

1. The Complainant in this proceeding is Zaria Jones, whose mailing address is 30 Oak Street, Coatesville, PA 19320.
2. The Respondent in this proceeding is PECO Energy Company.
3. On November 6, 2018, Ms. Jones filed a formal Complaint against PECO alleging that the utility is holding her responsible for the outstanding balance accumulated at an address where she does not reside.
4. As relief, the Complainant requests that the Commission investigate the matter and remove the outstanding balance from her name.

5. On November 29, 2018, PECO filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

6. A Hearing Notice dated December 6, 2018, notified the parties that an initial hearing was scheduled in this matter for Monday, January 14, 2019, at 10:00 a.m.

7. A Prehearing Order was issued on December 17, 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. During the January 14, 2019 hearing, Ms. Jones' made an on-the-record request for leave to withdraw her present Complaint against PECO. Tr. 4-5.

9. The Respondent did not object to Ms. Jones' request for leave to withdraw his Complaint. Tr. 5.

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 on-the-record request for leave to withdraw her present Complaint will be treated as a Petition for Leave to Withdraw her Complaint.

In her Petition for Leave to Withdraw her Complaint, Ms. Jones indicated her intention to withdraw her present Complaint against PECO, after clarifying that she does not wish to have service in her name at 30 Oak Street, Coatesville, PA 19320 and that any application

for service in her name, currently pending with PECO, should be considered withdrawn. The Respondent did not object to Ms. Jones' 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. Jones' 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 Zaria Jones' Petition for Leave to Withdraw her Complaint filed at Docket No. C-2018-3005985 is granted.

2. That the Complaint of Zaria Jones against PECO Energy Company filed on September 19, 2018, at Docket No. C-2018-3005985 is withdrawn.

3. That the Secretary's Bureau shall mark Docket No. C-2018-3005985 closed.

Date: February 28, 2019

_____/s/_____
Eranda Vero
Administrative Law Judge