

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Maritza Ramirez	:	
	:	
v.	:	C-2018-3005455
	:	
UGI Utilities Incorporated	:	

INITIAL DECISION

Before
Andrew M. Calvelli
Administrative Law Judge

INTRODUCTION

This Decision approves the request of the Complainant, Maritza Ramirez, to withdraw her formal Complaint in this matter, as there were no objections to the request and granting the request to withdraw the Complaint is in the public interest.

HISTORY OF THE PROCEEDING

On October 16, 2018, Maritza Ramirez filed with the Pennsylvania Public Utility Commission a formal Complaint against UGI Utilities Incorporated (UGI), at Docket Number C-2018-3005455. In her Complaint, Ms. Ramirez averred that UGI was threatening to shut off her gas service and that her bills were too high. The Complaint was served on UGI by the Commission on October 17, 2018.

On November 2, 2018, UGI filed an Answer to Ms. Ramirez' Complaint. In its Answer, UGI admitted or denied the allegations in Ms. Ramirez' Complaint, and requested that the Complaint be dismissed.

On November 8, 2018, a Telephonic Hearing Notice was issued to the parties, indicating that an Initial Telephonic Hearing was scheduled to take place on January 8, 2019 and that I was assigned as the Presiding Officer in this case. On December 27, 2018, I issued a Prehearing Order setting forth various procedural rules that would govern the hearing.

On January 2, 2019, Ms. Ramirez contacted the Office of Administrative Law Judge to state that she wished to withdraw her Complaint. Ms. Ramirez was advised to file a written Petition to Withdraw Complaint, and I contacted counsel for UGI to advise of Ms. Ramirez' phone call. I also advised counsel that I would cancel the January 8, 2019 hearing, given that Ms. Ramirez was withdrawing the Complaint.

Ms. Ramirez mailed a Petition to Withdraw Complaint to my office on January 4, 2019. I filed the Petition with the Commission's Secretary's Bureau on January 9, 2019. The record in this case closed on January 21, 2019 following the expiration of the 10-day timeframe afforded to UGI to oppose the Petition to Withdraw Complaint. For the reasons discussed below, the Petition will be granted.

FINDINGS OF FACT

1. The Complainant is Maritza Ramirez.
2. The Respondent is UGI Utilities Incorporated.
3. On October 16, 2018, Ms. Ramirez filed with the Pennsylvania Public Utility Commission a formal Complaint against UGI at Docket Number C-2018-3005455.
4. A telephonic hearing was scheduled to take place on January 8, 2019.
5. On January 2, 2019, Ms. Ramirez verbally indicated to the Office of Administrative Law Judge that she wished to withdraw her Complaint.

6. Ms. Ramirez then filed a Petition to Withdraw Complaint on January 4, 2019 by sending her Petition to the Office of Administrative Law Judge.

7. Ms. Ramirez' Petition to Withdraw Complaint was filed with the Commission's Secretary's Bureau on January 9, 2019.

8. UGI does not oppose Ms. Ramirez' Petition to Withdraw Complaint.

DISCUSSION

The Commission's regulations at 52 Pa. Code § 5.94 permit parties to withdraw pleadings in a contested proceeding. The regulation at 52 Pa. Code § 5.94(a) allows for the withdrawal of pleadings by way of 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.

In this case, the Complainant verbally indicated that she wished to withdraw her Complaint and subsequently filed a Petition to Withdraw Complaint with the Office of Administrative Law Judge. UGI has not indicated any objection to the Petition.

The Complaint does not allege facts that would impact the public interest. No public interest would be served by litigating this case under these circumstances. That being the case, there can be no public interest affected by granting the Complainant's Petition to Withdraw Complaint. Having reviewed the Petition to Withdraw, UGI's lack of objection to the Petition, and 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 costs in terms of the time and money that they would otherwise spend litigating the case. Granting the Petition to Withdraw also 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 regulations permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or Commission. 52 Pa.Code § 5.94.
3. When determining whether to permit withdrawal of a pleading, the presiding officer or Commission must consider the petition, any objections thereto and the public interest. 52 Pa.Code § 5.94(a).
4. The Complainant's request to withdraw the Complaint should be granted because there is no objection to the request and granting the request is in the public interest.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition to Withdraw Complaint filed by Maritza Ramirez on January 9, 2019, requesting leave to withdraw her formal Complaint filed against UGI Utilities Incorporated, is granted.
2. That the record at Docket No. C-2018-3005455 is marked closed.

Date: April 1, 2019

/s/
Andrew M. Calvelli
Administrative Law Judge