

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Brian Colella	:	
	:	
v.	:	C-2018-3003179
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Elizabeth H. Barnes
Administrative Law Judge

INTRODUCTION

This Decision approves the request of the Complainant, Brian Colella, to withdraw his 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 June 29, 2018, Brian Colella filed with the Pennsylvania Public Utility Commission a formal Complaint against PPL Electric Utilities Corporation (PPL), at Docket Number C-2018-3003179. In his Complaint, Mr. Colella averred that PPL was threatening to shut off his electric service for failure to provide access to his property to change, maintain or repair the electric meter. Complainant wishes to keep an analog meter and does not want a “smart meter.” Complaint ¶ 5. The Complaint was served on PPL by the Commission on July 6, 2018.

On July 26, 2018, PPL filed an Answer to Mr. Colella's Complaint. In its Answer, PPL admitted or denied the allegations in the Complaint, and requested that the Complaint be dismissed.

By hearing notice dated January 17, 2019, an initial call in telephonic hearing was scheduled for Friday, March 15, 2019.

In response to a Motion to Compel Responses to Discovery filed by PPL on March 5, 2019, Complainant filed a letter-petition to withdraw his formal complaint with prejudice on March 7, 2019. On March 14, 2019, a Cancellation Notice was issued cancelling an Initial Call In Telephonic Hearing that had been scheduled for March 15, 2019. The record in this case closed on March 25, 2019 following the expiration of the 10-day timeframe afforded to PPL to oppose the Petition to Withdraw Complaint. For the reasons discussed below, the letter-petition will be granted.

FINDINGS OF FACT

1. The Complainant is Brian Colella.
2. The Respondent is PPL Electric Utilities Corporation.
3. On June 29, 2018, Brian Colella filed with the Pennsylvania Public Utility Commission a formal Complaint against PPL, at Docket Number C-2018-3003179.
4. A telephonic hearing was scheduled to take place on March 15, 2019.
5. Mr. Colella filed a letter-petition to withdraw his formal complaint with prejudice on March 7, 2019.
6. To date, there has been no objection to the 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 filed a Letter Petition to Withdraw Complaint and served a copy on PPL and the Administrative Law Judge. PPL has not indicated any objection to the Petition.

Although the Complaint does allege facts that would impact the public interest, multiple complainants have similar claims pending before the Commission. The public interest is being served through the litigation of those proceedings and will not be negatively impacted by the granting of Complainant's Petition to Withdraw Complaint. Having reviewed the Petition to Withdraw, PPL'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.

