

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Emory Snyder	:	
	:	
v.	:	C-2019-3008018
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION GRANTING PETITION FOR
LEAVE TO WITHDRAW COMPLAINT**

Before
Elizabeth H. Barnes
Administrative Law Judge

INTRODUCTION

This Decision approves the request of the Complainant, Emory Snyder, to withdraw his formal Complaint in the above-captioned matter, as there were no objections to the request and granting the request to withdraw the Amended Complaint is in the public interest.

HISTORY OF THE PROCEEDING

On February 22, 2019, Emory Snyder filed a formal complaint against PPL Electric Utilities Corporation (PPL or Respondent) averring he wished to opt-out of a smart meter installation on his service property and avoid termination of electric service. The Secretary's Bureau served the complaint on February 22, 2019. On March 14, 2019, Respondent filed an Answer and New Matter denying the material averments in the Complaint. On March 20, 2019, a Hearing Notice was issued scheduling a hearing for September 13, 2019. On March 26, 2019, a Prehearing Order was issued. On July 10, 2019, Complainant filed a request to withdraw the Complaint. He did not serve a copy on the presiding officer. Instead, I became

aware of the filing upon my review of the docket. It was not clear, however, whether Respondent was served with a copy of the letter. Therefore, to avoid *ex parte* communications, I shared Complainant's letter with counsel for PPL and asked via e-mail if there was any objection to Complainant's request to withdraw his Complaint. PPL responded on August 4, 2019, that it has no objection to the Complainant's request to withdraw the complaint. On August 7, 2019, I requested the Secretary attach Complainant's letter and my e-mailed correspondence with PPL to Docket No. C-2019-3008018. The September 13, 2019 hearing was cancelled and the record closed for decision writing on August 7, 2019. This Petition to Withdraw Complaint is ripe for a decision.

FINDINGS OF FACT

1. On February 22, 2019, Emory Snyder filed a formal complaint against PPL Electric Utilities Corporation (PPL or Respondent) averring he wished to opt-out of a smart meter installation on his service property and avoid termination of electric service.
2. The Secretary's Bureau served the complaint on February 22, 2019. On March 14, 2019, Respondent filed an Answer and New Matter.
3. On March 20, 2019, a Hearing Notice was issued scheduling a hearing for September 13, 2019.
4. On March 26, 2019, a Prehearing Order was issued.
5. On July 10, 2019, Complainant filed a request to withdraw the Complaint.
6. PPL responded on August 4, 2019, that it has no objection to the Complainant's request to withdraw the complaint.

DISCUSSION

Complainant stated in his request to withdraw Complaint that he is withdrawing in part because he is not willing to provide health information of himself and family simply to find the “cost to me of PPL to install a smart meter.”

I am treating Complainant’s letter as a Petition for Leave to Withdraw Complaint pursuant to section 1.2 of the Commission’s regulations which allows for the liberal construction of the Commission’s regulations to secure the just, speedy and inexpensive determination of every action or proceeding. 52 Pa.Code § 1.2(a). Respondent does not object to a withdrawal of the Complaint. The Commission’s Rules of Administrative Practice and Procedure permit the withdrawal of pleadings in contested proceedings, through the filing of petitions which set forth the reasons for the withdrawal. In deciding whether to permit withdrawal of the complaint, the presiding officer is to consider the petition to withdraw, any objection thereto, and the public interest. 52 Pa.Code § 5.94.

I have considered the petition, the lack of any objections, and the public interest, and have determined that the withdrawal of the Complaint should be allowed. The public interest would not be served by requiring the litigation of a complaint that Complainant does not wish to pursue. Further, there are numerous other similar complaint proceedings involving the same issues before not only the Commission, but also the Commonwealth Court of Pennsylvania. Requiring litigation of the instant case would result in an unnecessary burden and costs to the parties and the agency, which also would not be in the public interest. There was no objection by any party to the withdrawal of the Complaint. Accordingly, Complainant’s Petition for Leave to Withdraw Complaint will be granted and the formal Complaint will be deemed withdrawn.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa. C.S. § 701.

2. Section 1.2 of the Commission's regulations allows for the liberal construction of the Commission's regulations to secure the just, speedy and inexpensive determination of every action or proceeding. 52 Pa.Code § 1.2(a).

3. The Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.94(a) permit the parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or Commission.

4. 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(a).

5. Granting Complainants' Petition for Leave to Withdraw Complaint is in the public interest. 52 Pa.Code § 5.94(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That Emory Snyder's Petition for Leave to Withdraw the Complaint at Docket No. C-2019-3008018 is hereby granted.

2. That the Complaint filed by Emory Snyder against PPL Electric Utilities Corporation at Docket No. C-2019-3008018 is deemed withdrawn.

