

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Geoffrey Smith	:	
	:	
v.	:	C-2018-3006110
	:	
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, Geoffrey Smith, 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 November 20, 2018, Geoffrey Smith 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 November 20, 2018. On December 10, 2018, Respondent filed an Answer and New Matter. On December 21, 2018, a Hearing Notice was issued scheduling a hearing for July 19, 2019. On January 4, 2019, a Prehearing Order was issued. The hearing was held as scheduled and a transcript was filed on August 9, 2019. Also on August 9, 2019, a Notice of a Rescission of Pennsylvania Public Utility Commission Formal

Complaint For Cause was filed and I received a copy. As discussed further below, I am treating the Notice as a Petition For Leave to Withdraw Formal Complaint. PPL indicated via e-mailed correspondence on August 12, 2019, that it has no objection to Complainant withdrawing his Complaint. The record closed on August 12, 2019. The Petition is ripe for a decision.

FINDINGS OF FACT

1. On November 20, 2018, Geoffrey Smith 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 November 20, 2018.
3. On December 10, 2018, Respondent filed an Answer and New Matter.
4. On December 21, 2018, a Hearing Notice was issued scheduling a hearing for July 19, 2019.
5. On January 4, 2019, a Prehearing Order was issued.
6. The hearing was held as scheduled and a transcript was filed on August 9, 2019.
7. Also on August 9, 2019, a Notice of a Rescission of Pennsylvania Public Utility Commission Formal Complaint For Cause was filed.
8. PPL does not oppose Complainant's request to withdrawal his Complaint.

DISCUSSION

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 objections thereto, and the public interest. 52 Pa.Code § 5.94.

Complainant states that he wishes to rescind his complaint because he made a mistake in signing and presenting the formal complaint, and he repents. I am treating Complainant's Notice of Rescission 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 in order to secure the just, speedy and inexpensive determination of every action. 52 Pa.Code § 1.2(a). Additionally, Respondent does not object to the withdrawal of the Complaint.

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 further 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.

