

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Myesha Brown

v.

PECO Energy Company

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C-2019-3009486

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

This Initial Decision grants Myesha Brown’s request to withdraw her Complaint because the request is in the public interest and it is not opposed.

HISTORY OF THE PROCEEDING

On April 26, 2019, Myesha Brown (Ms. Brown or Complainant) filed a formal Complaint (Complaint) against PECO Energy Company (PECO, Company or Respondent) alleging that the utility is threatening to shut off her electric service and that she is unable to pay her electricity bills to PECO. As relief, Ms. Brown requested that the Commission establish an affordable payment arrangement on her behalf.

On May 1, 2019, PECO filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

A Hearing Notice dated May 8, 2019, notified the parties that an initial hearing was scheduled as part of the afternoon session of a call of the docket hearing on Tuesday, June 4, 2019, at 1:30 p.m.

A Prehearing Order was issued on May 28, 2019, 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 June 4, 2019. At the beginning of the hearing, the parties indicated their desire to engage in settlement discussions. Tr. 4. 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. Brown requested permission to withdraw her present Complaint against PECO. Tr. 4-5.

The Respondent did not object to Ms. Brown' request for leave to withdraw her Complaint.

The record closed upon receipt of the hearing transcript on June 28, 2019.

FINDINGS OF FACT

1. The Complainant in this proceeding is Myesha Brown, whose mailing address is 3008 Wharton Street, Philadelphia, PA 19146.
2. The Respondent in this proceeding is PECO Energy Company.
3. On April 26, 2019, Ms. Brown filed a Complaint alleging that the utility is threatening to shut off her electric service and that she is unable to pay her electricity bills to PECO.

4. As relief, Ms. Brown requested that the Commission establish an affordable payment arrangement on her behalf.

5. On May 1, 2019, PECO filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

6. A Hearing Notice dated May 8, 2019, notified the parties that an initial hearing was scheduled for June 4, 2019, at 1:30 p.m.

7. A Prehearing Order was issued on May 28, 2019, reminding the parties of the date and time of the newly scheduled hearing, informing them of the procedures applicable to this proceeding, and directing the submission of documents prior to the hearing.

8. On June 4, 2019, Ms. Brown made an on-the-record request for leave to withdraw her Complaint against PECO, after entering into a new payment arrangement with the Respondent.

9. The Respondent did not object to Ms. Brown's on-the-record request for leave to withdraw her Complaint.

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 to withdraw her Complaint will be treated as a Petition for Leave to Withdraw her Complaint. *See* 52 Pa.Code § 1.2.

The Complainant has indicated that she wants to withdraw her Complaint against PECO after entering into a new payment arrangement with the Respondent. Tr. 4-5. In particular, Ms. Brown indicated her intentions to apply for various grants and to make a lump payment towards her account with PECO in order to reduce her outstanding balance and achieve the more affordable terms of a new payment arrangement with the Company. *Id.* The Respondent did not object to Ms. Brown's 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. Brown's 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 Myesha Brown's Petition for Leave to Withdraw her Complaint filed at Docket No. C-2019-3009486 is granted.
2. That the Complaint of Myesha Brown against PECO Energy Company filed on April 26, 2019, at Docket No. C-2019-3009486 is withdrawn.
3. That the Secretary's Bureau shall mark Docket No. C-2019-3009486 closed.

Date: September 20, 2019

/s/
Eranda Vero
Administrative Law Judge