

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Patrick Black	:	
	:	
v.	:	C-2019-3009743
	:	
PECO Energy Company	:	

INITIAL DECISION

Before
Eranda Vero
Administrative Law Judge

INTRODUCTION

This Initial Decision grants Patrick Black’s request to withdraw his formal Complaint because the request is unopposed and in the public interest.

HISTORY OF THE PROCEEDING

On May 6, 2019, Patrick Black (Mr. Black or Complainant) filed a formal Complaint (Complaint) against PECO Energy Company (PECO, the Company or Respondent) alleging that the utility is threatening to shut off his electric service and that he is unable to pay his electric bills to PECO. As relief, the Complainant requests that the Pennsylvania Public Utility Commission (Commission) establish an affordable payment arrangement on his behalf.

On May 10, 2019, PECO filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.

A Hearing Notice dated May 13, 2019, notified the parties that an in-person 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.

By facsimile dated June 3, 2019, Mr. Black requested a continuance of the scheduled hearing, citing a recent medical procedure that had affected his ability to walk.

A copy of Mr. Black's communication was provided to PECO's counsel during the June 4, 2019 call-of-the-docket hearing. PECO's counsel had no objection to Mr. Black's request for a continuance.

By Hearing Notice dated June 18, 2019, the hearing was rescheduled for Wednesday, July 24, 2019, at 10:00 a.m.

A second Prehearing Order was issued on June 27, 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 July 24, 2019. Neither Complainant nor a counsel for the Complainant appeared at the hearing. Shawane Lee, Esq. appeared representing PECO and stated on the record that earlier that day Mr. Black sent her, via e-mail, a written request for leave to withdraw the present Complaint against PECO. Ms. Lee produced the electronic copy of Mr. Black's communication to her to be included in the record.

The Respondent did not object to Mr. Black's request for leave to withdraw his Complaint. Tr. 4.

The record closed upon receipt of the hearing transcript on August 19, 2019.

FINDINGS OF FACT

1. The Complainant in this proceeding is Patrick Black, whose mailing address is 3407 Vista Street, Philadelphia, PA 19136.
2. The Respondent in this proceeding is PECO Energy Company.
3. On May 6, 2019, Mr. Black filed a formal Complaint against PECO alleging that the utility is threatening to shut off his electric service and that he is unable to pay his electricity bills.
4. As relief, the Complainant requests that the Commission establish an affordable payment arrangement on his behalf.
5. On May 10, 2019, PECO filed an Answer denying all material allegations of fact and conclusions of law in the Complaint.
6. A Hearing Notice dated May 13, 2019, notified the parties that an in-person 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.
7. 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.
8. On June 3, 2019, Mr. Black submitted a written request for a continuance of the scheduled hearing, citing a recent medical procedure that had affected his ability to walk.

9. By Hearing Notice dated June 18, 2019, the hearing was rescheduled for Wednesday, July 24, 2019, at 10:00 a.m.

10. A second Prehearing Order was issued on June 27, 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.

11. On July 24, 2019, Mr. Black submitted a written request for leave to withdraw his present Complaint against PECO, indicating that he had come to a mutual agreement with the Company.

12. The Respondent did not object to Mr. Black's request for leave to withdraw his Complaint. Tr. 5.

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 the 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 request for leave to withdraw his present Complaint will be treated as a Petition for Leave to Withdraw his Complaint. *See* 52 Pa.Code § 1.2.

In his Petition for Leave to Withdraw his Complaint, Mr. Black indicated his intention to withdraw his present Complaint against PECO, upon coming to a mutual agreement with the Company. The Respondent did not object to Mr. Black's request for leave to withdraw his Complaint. Under these circumstances, granting the Complainant's request to withdraw his 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, Mr. Black's request to withdraw his 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 the Commission.

3. In determining whether to permit withdrawal of the pleading, the presiding officer or the 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 the Petition for Leave to Withdraw the Complaint of Patrick Black against PECO Energy Company filed at Docket No. C-2019-3009743 is granted.

2. That the Complaint of Patrick Black against PECO Energy Company filed on May 6, 2019, at Docket No. C-2019-3009743 is withdrawn.

3. That the Secretary's Bureau shall mark Docket No. C-2019-3009743 closed.

Date: September 20, 2019

_____/s/_____

Eranda Vero
Administrative Law Judge