

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG PA 17120**

**Kathrine E. Hubel**  
v.  
**Duquesne Light Company**

**Public Meeting held March 12, 2020**  
**3002620-ALJ**  
**Docket No. C-2018-3002620**

**MOTION OF VICE CHAIRMAN DAVID W. SWEET**

Before the Commission is the Initial Decision (ID) of Administrative Law Judge Jeffrey A. Watson (ALJ) which dismisses a smart meter complaint with prejudice after the complainant, Kathrine E. Hubel, filed a petition to withdraw her complaint.

Ms. Hubel filed the complaint against Duquesne Light to attempt to prevent the installation of a smart meter at her home. During the litigation process, she filed a petition which indicates that she wished to discontinue her case as she did not wish to expend the resources which would be necessary to continue. She stated in her petition that she understood that this withdrawal would result in Duquesne's contacting her to set up an installation appointment and she accepted this, albeit reluctantly.

When the ALJ scheduled a prehearing conference, Duquesne filed a response to the withdrawal petition. The response indicated that they had successfully installed a smart meter at Ms. Hubel's premises and that Duquesne had no objection to the withdrawal of the complaint, as it was now moot. In response to this, the ALJ issued an interim order which required the attendance of the parties upon penalty of dismissal with prejudice, with the stated purpose of explaining to Ms. Hubel the consequences of withdrawing her complaint.

Ms. Hubel did not attend the prehearing conference, and the ID dismissed the complaint with prejudice for failure to prosecute.

While I appreciate the ALJ's concern for the complainant's understanding of the consequences of her actions, this result seems to be punitive in nature. Ms. Hubel informed the Commission and Duquesne that she did not wish to pursue her complaint so that no additional resources would be expended in litigation which was no longer necessary. This petition, filed prior to the ALJ's decision to hold a prehearing conference, should be addressed. As there is no objection and no harm to the public interest, it should be granted, thus ending the docket and removing the need for further scrutiny. There is no need to address prosecution of the complaint.

THEREFORE,  
I MOVE:

1. That the Initial Decision of Administrative Law Judge Jeffrey A. Watson issued in this matter is vacated.
2. That the Petition to Withdraw Complaint filed by Kathrine E. Hubel in this matter is granted.
3. That the Office of Special Assistants shall prepare an Opinion and Order consistent with this Motion.

March 12, 2020  
DATE

  
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DAVID W. SWEET  
VICE CHAIRMAN