

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Julleen Robinson-Dunbar	:	
	:	
v.	:	C-2020-3019494
	:	
PECO Energy Company	:	

INITIAL DECISION

Before
Christopher P. Pell
Deputy Chief Administrative Law Judge

INTRODUCTION

This Initial Decision grants the Petition for Leave to Withdraw the Complaint filed by the Complainant’s Attorney.

HISTORY OF THE PROCEEDING

On April 16, 2020, Joline R. Price, Esq., filed a formal Complaint on behalf of Julleen Robinson-Dunbar (Complainant) against PECO Energy Company (PECO or Respondent) with the Pennsylvania Public Utility Commission (Commission). The Complainant alleged that PECO improperly calculated her Customer Assistance Program Fixed Credit Option (CAP FCO) while she had been enrolled in PECO’s CAP, in violation of the terms of PECO’s Universal Service and Energy Conservation Plan. The Complainant requested that PECO provide a credit that accounts for the difference between her billed amount and the amount she should have been billed based on the energy affordability standards in place at the time of billing.

On May 6, 2020, the Respondent filed an Answer to the Complaint.

By Initial Telephonic Hearing Notice dated May 20, 2020, a call-in telephonic hearing was scheduled for July 29, 2020 at 10:00 a.m., and the matter was assigned to me.

I issued a Prehearing Order on May 18, 2020. The Prehearing Order directed the parties to comply with various procedural requirements and also explained that the Complainant bears the burden of proof to establish that the Respondent violated its tariff, the Public Utility Code, or a Commission Order or regulation, and that she is entitled to the relief requested in the Complaint.

On June 22, 2020, Ms. Price filed a Petition for Leave to Withdraw the Complaint (Petition). In the Petition, Ms. Price advised that the Complainant had passed away and she was filing the Petition in accordance with 52 Pa.Code § 5.94. Ms. Price further advised that PECO does not object to the Petition. Ms. Price requested that the Complaint be deemed withdrawn without prejudice, and the matter be marked closed.

The matter is ready for decision.

FINDINGS OF FACT

1. The Complainant is Julleen Robinson-Dunbar.
2. The Respondent is PECO Energy Company.
3. On April 16, 2020, the Complainant filed a Complaint against PECO wherein she alleged that PECO improperly calculated her Customer Assistance Program Fixed Credit Option (CAP FCO) while she had been enrolled in PECO's CAP, in violation of the terms of PECO's Universal Service and Energy Conservation Plan.
4. On May 6, 2020, the Respondent filed an Answer to the Complaint.

5. By Initial Telephonic Hearing Notice dated May 20, 2020, a call-in telephonic hearing was scheduled for July 29, 2020 at 10:00 a.m.

6. On June 22, 2020, the Complainant's Attorney filed a Petition for Leave to Withdraw the Complaint.

7. The Respondent did not object to the Petition for Leave to Withdraw the Complaint.

DISCUSSION

The Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.94(a) permit parties to petition to withdraw pleadings in a contested proceeding:

Except as provided in subsection (b), a party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. The petition must set forth the reasons for the withdrawal. A party may object to the petition within 10 days of service. After considering the petition, an objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.

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.

The Complainant's Attorney filed the Petition due to the Complainant's passing. The Respondent did not object to the Petition for Leave to Withdraw the Complaint. Under these circumstances, granting the Petition for Leave to Withdraw the 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, the Petition for Leave to Withdraw the Complaint shall be 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 permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or Commission. 52 Pa.Code § 5.94.

3. It is in the public interest to grant the Petition for Leave to Withdraw the Complaint filed by the Complainant's Attorney.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition for Leave to Withdraw the Complaint filed at Docket No. C-2020-3019494 is granted;

2. That the Complaint of Julleen Robinson-Dunbar against PECO Energy Company filed at Docket No. C-2020-3019494 is withdrawn; and

3. That Docket No. C-2020-3019494 be marked closed.

Date: July 15, 2020

/s/
Christopher P. Pell
Deputy Chief Administrative Law Judge