

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Aleisha Jacobs and Brian Riley	:	
	:	
v.	:	C-2020-3015703
	:	
Philadelphia Gas Works	:	

INITIAL DECISION

Before
Angela T. Jones
Administrative Law Judge

INTRODUCTION

Aleisha Jacobs and Brian Riley (Complainants) filed a formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (PUC or Commission) against Philadelphia Gas Works (PGW, Company or Respondent). The Complainants determined it appropriate to withdraw their Complaint. This decision grants the withdrawal requested by the Complainants because there is no objection to the request and granting the request is in the public interest.

HISTORY OF THE PROCEEDING

On January 10, 2020, the Complainants filed a Complaint against the Respondent. The Complainants alleged the Respondent terminated gas service to 6612 N. 20th Street, Philadelphia, Pennsylvania (service address) without notice. The Complainants alleged safety, reliability, and quality of service issues of utility service at the service address and sought reimbursement for the money they spent to replace what they thought was a faulty heater.

The Complaint was electronically served on the Respondent by the Commission's Secretary on January 13, 2020, per audit history of the docket.

On February 3, 2020, the Respondent filed its Answer to the Complaint. The Answer admitted to terminating service at the service address. The Answer admitted that the Respondent issued a credit to the service account. The Answer denied that there are any safety, reliability, or quality issues with service to the service address. The Respondent requested that the Commission dismiss the Complaint.

A Hearing Notice was issued on February 4, 2020, scheduling an initial in-person hearing on Tuesday, March 17, 2020. The Hearing Notice assigned the Complaint to the undersigned Administrative Law Judge (ALJ). Due to the COVID-19 pandemic, the Commission rescheduled the initial hearing, by Hearing Notice dated May 28, 2020, to a call-in telephonic hearing for Tuesday, July 7, 2020 at 10:00 a.m.

A Prehearing Order dated May 28, 2020, was sent to the parties providing the procedural rules to the proceeding and confirmed the scheduled call-in telephonic hearing for Tuesday, July 7, 2020.

By letter dated June 22, 2020, Cherriel Gentles, Esquire, counsel for the Complainants, filed a Notice of Appearance. The letter also stated that Attorney Gentles had a conflict with the scheduled telephonic hearing, and therefore, required a brief continuance. The letter was not served on counsel for the Respondent.

On July 7, 2020, the telephonic hearing convened as scheduled. The Complainants appeared and counsel for the Respondent appeared. Attorney Gentles did not appear. After some discussion, the requested continuance, without objection, was granted.

A Hearing Notice was issued on July 7, 2020, scheduling a further call-in telephonic hearing for Friday, August 7, 2020, at 10:00 a.m.

The further telephonic hearing convened as scheduled. Attorney Gentles was present representing the Complainants. Attorney Farinas was present representing the Respondent. After attempting settlement negotiations, the parties reported that the Complainants desired to withdraw the Complaint.

On August 12, 2020, the Complainants filed a Petition to Withdraw the Complaint.

The transcript for the telephonic hearing consisted of 31 pages and was received by the undersigned on August 17, 2020. The record closed on that date.

This matter is ripe for decision.

FINDINGS OF FACT

1. The Complainants are Aleisha Jacobs and Brian Riley.
2. The Respondent is Philadelphia Gas Works.
3. The Complainants filed a Complaint with the Commission against the Respondent on January 10, 2020.
4. On August 12, 2020, the Complainants, through counsel, filed a Petition to Withdraw the Complaint.
5. The Respondent did not object to the Complainants' Petition to Withdraw.

DISCUSSION

This matter was a contested proceeding to resolve the Complainants' request to address alleged safety, reliability, and quality of service issues at the service address.

The Complainants have filed a Petition to Withdraw the Complaint without prejudice (Petition). The Complainants represent that the Respondent does not object to the Petition.

Commission regulations address the withdrawal of pleadings in a contested proceeding at Section 5.94(a) of Title 52 of the Pennsylvania Code, which states,

§ 5.94. Withdrawal of pleadings in a contested proceeding.

(a) 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.

52 Pa.Code § 5.94(a).

Section 1.8 of Title 52 of the Pennsylvania Code states, under “Pleading,”

An application, **complaint**, petition, answer, motion, preliminary objection, protest, reply, order to show cause, new matter and reply to new matter or other similar document filed in a formal proceeding.

52 Pa.Code § 1.8 (emphasis added). Based on the definition for pleading, the instant Complaint is a pleading.

It is noted that the Complainants performed this action under their own discretion and while represented by counsel. It is compelling that the Respondent does not object to the withdrawal requested by the Complainants.

It curtails that costs of the Commission and the parties—Ms. Jacobs, Mr. Riley and PGW—to cease any further consideration of the Complaint if the matter is moot or is not viable or no longer in need of pursuit by the Complainants. For these reasons, I find that the Complainants’ request to withdraw their Complaint is in the public interest.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and the subject matter of this proceeding. 66 Pa.C.S. § 701.

2. 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. 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. 52 Pa.Code § 5.94(a).

3. The Petition to Withdraw Complaint is reasonable and granting it is in the public interest.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition to Withdraw the formal Complaint of Aleisha Jacobs and Brian Riley against Philadelphia Gas Works at Docket No. C-2020-3015703 is granted.

2. The formal Complaint filed by Aleisha Jacobs and Brian Riley against Philadelphia Gas Works at Docket No. C-2020-3015703 is withdrawn.

3. That the Secretary's Bureau is to mark this matter closed.

Date: August 24, 2020

/s/
Angela T. Jones
Administrative Law Judge