

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Hallon Gulliver	:	
	:	
v.	:	C-2020-3020968
	:	
Tomorrow Energy Corporation	:	

**INITIAL DECISION
GRANTING JOINT MOTION TO DISMISS COMPLAINT**

Before
Conrad A. Johnson
Administrative Law Judge

HISTORY OF THE PROCEEDING

On July 21, 2020, Complainant Hallon Gulliver (Complainant) filed a Complaint with the Pennsylvania Public Utility Commission (Commission) against Tomorrow Energy Corporation (Respondent). Complainant alleged that in October 2018 someone from Sperian, Respondent’s predecessor, came to his door and fraudulently induced him to fill out a supplier contract with the enticement of reduced gas rates. Complainant alleged his gas rates increased rather than decreased. As relief, Complainant requested that the Commission order Respondent to stop selling supplier contracts in Pennsylvania.

On August 10, 2020, Respondent filed an Answer to the Complaint. Respondent admitted it supplied residential gas service to Complainant from November 16, 2018 to July 31, 2020, at 518 May Street, Floor 1, Millvale, PA 15209. Respondent denied the remaining material allegations of the Complaint. As relief, Respondent requested dismissal of the Complaint with prejudice.

By Call-In Telephonic Hearing Notice dated August 14, 2020, the Commission informed the Parties that the case was assigned to me for a telephonic hearing on September 17, 2020, at 10:00 a.m.

Also, on August 14, 2020, the Parties filed a Joint Motion to Dismiss the Complaint (Motion). The Parties asserted that on August 6, 2020, they jointly resolved the issues raised in the Complaint. As relief, the Parties requested dismissal of the Complaint with prejudice. The Motion was signed by Complainant, Hallon Gulliver, and counsel for Respondent, William S. Evans, Esquire. For the reasons set forth below, the Motion will be granted.

FINDINGS OF FACT

1. Complainant in this proceeding is Hallon Gulliver.
2. Respondent, Tomorrow Energy Corporation, supplies gas service to Pennsylvania customers.
3. On July 21, 2020, Complainant filed a Complaint against Respondent.
4. On August 10, 2020, Respondent filed an Answer to the Complaint.
5. By Call-In Telephonic Hearing Notice dated August 14, 2020, the Parties were informed that the case was scheduled for a telephonic hearing on September 17, 2020, at 10:00 a.m.
6. On August 14, 2020, the Parties filed a Joint Motion to Dismiss the Complaint.
7. The Motion asserted that on August 6, 2020, the Parties jointly resolved the issues raised in the Complaint, and they wished dismissal of the Complaint with prejudice.

DISCUSSION

The Commission's Rules of Practice and Procedure permit parties to file a motion setting forth the relief requested and the grounds for relief. 52 Pa.Code § 5.103. A presiding officer is authorized to rule upon a motion not formerly acted upon by the Commission prior to the commencement of the hearing where an immediate ruling is essential for proceeding to hearing. 52 Pa.Code § 5.103(d)(1)(i). Here, the Parties assert they do not wish to proceed to hearing because the issues raised in this case have been resolved. Therefore, an immediate ruling is required before proceeding to hearing.

According to the Motion, the Parties have resolved the issues raised in the Complaint and they request dismissal of the Complaint with prejudice. The Commission has no interest in mandating that the Parties continue litigation when the issues raised in the Complaint have been resolved to their satisfaction. In addition, Commission policy promotes settlement. 52 Pa.Code § 5.231(a). Furthermore, Section 703(a) of the Public Utility Code, 66 Pa.C.S. § 703(a), provides for dismissal of a complaint without a hearing, if in the Commission's opinion, a hearing is not necessary in the public interest. In the instant case, the Parties have achieved a resolution of the Complaint. Thus, proceeding to hearing would not be in the public interest.

Therefore, in the ordering paragraphs below, the Parties' Joint Motion to Dismiss the Complaint with prejudice will be granted and thereby save the Parties and the Commission the costs in time and money in litigating this matter to conclusion without impacting the public interest.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the Parties to this proceeding.

2. The Commission's regulations permit parties to file a joint motion setting forth the relief requested and the grounds for relief. 52 Pa.Code § 5.103.

3. It is the policy of the Commission to encourage settlements. 52 Pa.Code § 5.231(a).

4. The Public Utility Code provides for dismissal of a complaint without a hearing, if in the Commission's opinion, a hearing is not necessary in the public interest. 66 Pa.C.S. § 703(a).

5. The Parties have achieved a resolution of the issues raised in the Complaint. Therefore, a hearing is not necessary in the public interest. 66 Pa.C.S. § 703(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Joint Motion to Dismiss the Complaint, with prejudice, filed by Complainant Hallon Gulliver and Respondent Tomorrow Energy Corporation, in the case of Hallon Gulliver v. Tomorrow Energy Corporation at Docket No. C-2020-3020968 is granted.

2. That the Complaint filed by Complainant Hallon Gulliver against Respondent Tomorrow Energy Corporation at Docket No C-2020-3020968 is dismissed with prejudice.

3. That the Secretary's Bureau shall mark Docket No. C-2020-3020968 closed.

Date: August 27, 2020

/s/
Conrad A. Johnson
Administrative Law Judge