



Eckert Seamans Cherin & Mellott, LLC
213 Market Street
8th Floor
Harrisburg, PA 17101

TEL: 717 237 6000
FAX: 717 237 6019

Karen O. Moury
717.237.6036
kmoury@eckertseamans.com

Janury 11, 2021

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Zimmerman v. Discount Power, Inc., Docket No. C-2020-3021020

Dear Secretary Chiavetta:

Enclosed for electronic filing please find Discount Power, Inc.'s Petition for Leave to Withdraw Answer and New Matter filed on October 13, 2020 with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

Karen O. Moury
Karen O. Moury

KOM/lww

Enclosure

cc: Cert. of Service w/enc.
Administrative Law Judge Emily I. DeVoe w/enc. (via electronic mail)

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of Discount Power, Inc.'s Petition for Leave to Withdraw Answer and New Matter, upon the person(s) listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email Only

Michael Zimmerman
3812 Howley St.
Pittsburgh, PA 15201
Michael.zimmerman222@gmail.com

Dated: January 11, 2021

/s/ Karen O. Moury
Karen O. Moury, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael Zimmerman,	:	
Complainant	:	
v.	:	Docket No. C-2020-3021020
	:	
Discount Power, Inc.,	:	
Respondent	:	

**UNOPPOSED PETITION FOR LEAVE TO WITHDRAW
ANSWER AND NEW MATTER**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE EMILY I. DEVOE:

Pursuant to Section 5.94 of the Commission’s regulations, 52 Pa. Code § 5.94, Discount Power, Inc. (“DPI”) files this unopposed Petition for Leave to Withdraw, respectfully requesting leave to withdraw the Answer and New Matter filed with the Commission on October 13, 2020. Mr. Michael Zimmerman (“Complainant”) supports this request, as it is consistent with the settlement in principle reached by the parties in this matter on December 31, 2020. In support hereof, DPI avers as follows:

1. DPI is an electric generation supplier licensed by the Commission to provide electric generation supply to retail customers throughout Pennsylvania. *License Application of Discount Power, Inc.*, Docket No. A-2012-2328004 (Order entered June 13, 2013).
2. On July 13, 2020, Complainant and a representative of DPI participated in a telephone call involving the sale of electric generation supply.
3. On July 24, 2020, Complainant filed a Formal Complaint against DPI.

4. After being granted extensions of time for filing responsive pleadings by Secretarial Letters dated August 6, 2020, September 1, 2020 and September 22, 2020, DPI timely filed an Answer and New Matter on October 13, 2020, as well as Preliminary Objections.

5. By Hearing Notice issued on November 4, 2020, a telephonic hearing was scheduled for December 17, 2020.

6. By Interim Order dated November 16, 2020, Administrative Law Judge (“ALJ”) Emily I. DeVoe granted in part and denied in part DPI’s Preliminary Objections.

7. By Hearing Notice issued on December 9, 2020, the telephonic hearing was rescheduled, upon DPI’s unopposed request, for January 12, 2021.

8. From September 2020 through December 2020, the parties engaged in settlement discussions, served and responded to formal and informal discovery, and exchanged settlement proposals and counterproposals. These negotiations resulted in the parties reaching a settlement in principle on December 31, 2020.

9. On January 4, 2021, counsel for DPI informed ALJ DeVoe that the parties had reached a settlement in principle and requested that the hearing scheduled for January 12, 2021 be cancelled. A Hearing Cancellation Notice was issued on the same date.

10. Although the terms of the settlement in principle reached by DPI and the Complainant are confidential, the parties have agreed to reveal one term that entails the filing by DPI of this Petition for Leave to Withdraw its Answer and New Matter filed on October 13, 2020. Upon withdrawal of its Answer and New Matter filed on October 13, 2020, DPI will file a certificate of satisfaction at this proceeding.

11. Under the Commission's regulations at 52 Pa. Code § 5.24(a), the filing of a certificate of satisfaction results in the complaint docket being marked closed unless the complainant objects within ten days of its filing.

12. Since this matter was resolved prior to hearing, it is the desire of the parties to have the Commission's record reflect, prior to the docket being marked closed, the withdrawal of DPI's Answer and New Matter. Such withdrawal would place the parties on par with respect to the status of their respective pleadings.

WHEREFORE, on the basis of the foregoing, Discount Power, Inc. respectfully requests that the Pennsylvania Public Utility Commission grant this Petition for Leave to Withdraw its Answer and New Matter filed on October 13, 2020.

Respectfully submitted,

/s/ Karen O. Moury

January 11, 2021

Karen O. Moury, Esq. (PA I.D. No. 36879)
Sarah C. Stoner, Esq. (PA I.D. No. 313793)
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
Phone: (717) 237-6036
kmoury@eckertseamans.com
sstoner@eckertseamans.com

Attorneys for Discount Power, Inc.