

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

F. Craig LaRocca	:	
	:	
v.	:	F-2020-3021896
	:	
PECO Energy Company	:	

INITIAL DECISION

Before
Marta Guhl
Administrative Law Judge

INTRODUCTION

This Initial Decision grants F. Craig LaRocca’s request to withdraw his Complaint because there were no objections thereto and granting the request is in the public interest.

HISTORY OF THE PROCEEDING

On August 12, 2020, F. Craig LaRocca (Complainant or Mr. LaRocca) filed a Formal Complaint (Complaint) against PECO Energy Company (Respondent) with the Pennsylvania Public Utility Commission (Commission) alleging that the tenant is responsible for the outstanding balance on the account at the Service Address.

This formal Complaint is a timely appeal to a decision issued by the Commission’s Bureau of Consumer Services at BCS Case No. 3749189.

On October 2, 2020, Respondent filed an Answer denying the material allegations of the Complaint.

A Hearing Notice, dated November 30, 2020, assigned the case to me and notified the parties that an initial call-in hearing was scheduled for Wednesday, January 20, 2021, at 10:00 a.m.

I issued a Prehearing Order on December 2, 2020. The Prehearing Order directed the parties to comply with various procedural requirements and directed that a request to change the scheduled hearing should be sent to me at least five days prior to the hearing date, be in writing and state the agreement or opposition of the other party.

On January 11, 2021, Angela Lorenz, Esquire, entered her appearance on behalf of the Respondent.

The hearing convened as scheduled on January 20, 2021. F. Craig LaRocca appeared on his own behalf. Angela Lorenz, Esquire, represented the Respondent. At the time of the hearing, the Complainant indicated that he wished to withdrawal his Complaint. Tr. 5. The Respondent had no objection to the request. Tr. 5.

The record closed on January 25, 2021 when I received a copy of the hearing transcript.

For the reasons set forth below, the Complainant's request to withdraw his Complaint is granted.

FINDINGS OF FACT

1. The Complainant is F. Craig LaRocca.
2. The Respondent is PECO Energy Company.
3. On August 12, 2020, the Complainant filed a Complaint with the Commission against the Respondent.

4. On October 2, 2020, Respondent filed an Answer and New Matter to the Complaint.

5. By Hearing Notice dated November 30, 2020, an initial call-in hearing was scheduled in this matter for January 20, 2021, at 10:00 a.m.

6. The hearing convened as scheduled on January 20, 2021.

7. At the time of the hearing, the Complainant requested to withdraw his Complaint. Tr. 4, 5.

8. The Respondent did not object to the Complainant's request to withdraw his Complaint. Tr. 5.

DISCUSSION

The Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in a contested proceeding. The provision at 52 Pa.Code § 5.94(a) allows withdrawal of pleadings by filing, with the Commission and service to parties, a petition for leave to withdraw the pleading. 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. For purposes of this decision, the Complainant's oral request at the time of the hearing to withdraw his Complaint against PECO Energy Company will be treated as a Petition for Leave to Withdraw the Complaint. See 52 Pa.Code § 1.2 which provides that the Commission may, in order to secure the just, speedy and inexpensive determination of actions or proceedings, disregard an error or defect of procedure which does not affect the substantive rights of the parties.

The Complainant indicated at the hearing on January 20, 2021, that he no longer wished to pursue his Complaint. Tr. 5. The Respondent had no objection to this request. Tr. 5.

The Commission has no interest in mandating that a complainant continue litigation when he has indicated that he no longer wishes to proceed with his complaint. In the present case, the Complainant has effectively abandoned his Complaint. Thus, evaluating Mr. LaRocca's claims and preparing a decision would not be in the public interest. Further, the Complaint does not allege any facts that would impact the public interest. The Complaint does not contain any novel issues or issues of public interest. Under these circumstances, granting the Complainant's request to withdraw his Complaint is in the public interest because doing so will eliminate the need for further litigation and save the parties any additional costs in time and money they would otherwise incur litigating the case. Accordingly, the Complainant's request to withdraw the present Complaint is granted.

CONCLUSIONS OF LAW

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

2. The Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or Commission.

3. In determining whether to permit withdrawal of the pleading, the presiding officer or Commission must consider the petition, any objections thereto and the public interest. 52 Pa.Code § 5.94.

4. Granting the Complainant's request to withdraw the Complaint is in the public interest.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition of F. Craig LaRocca for Leave to Withdraw his Complaint filed at Docket No. F-2020-3021896 is granted.
2. That the Complaint of F. Craig LaRocca against PECO Energy Company filed August 12, 2020, at Docket No. F-2020-3021896 is withdrawn.
3. That the Secretary's Bureau shall mark Docket No. F-2020-3021896 closed.

Date: April 19, 2021

/s/
Marta Guhl
Administrative Law Judge