

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

David Long	:	
	:	
v.	:	C-2020-3022054
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Dennis J. Buckley
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the informal petition of David Long (Complainant) made at the hearing in this matter to withdraw his Complaint. The request to withdraw the Complaint was not opposed and granting it is in the public interest.

HISTORY OF THE PROCEEDING

On September 10, 2020, Complainant filed a formal Complaint alleging that he had been incorrectly billed by PPL Electric Utilities Corporation (PPL or Company).

On October 12, 2020, PPL filed an Answer denying the allegations set forth in the Complaint.

On October 16, 2020, a hearing Notice was issued setting December 9, 2020 as the date for a telephonic hearing in this case.

On November 30, 2020, a prehearing Order was issued.

The hearing convened as scheduled on December 9, 2020. Complainant was present, as was Kimberly Krupka, Esquire, representing PPL. After a brief discussion both on and off the record, Complainant informally petitioned to withdraw his Complaint. PPL did not object to the requested withdrawal. The hearing adjourned, and a six-page transcript was filed on December 14, 2020, at which time the record in this proceeding closed.

Complainant's informal petition to withdraw his Complaint was not opposed and was granted at the hearing on December 9, 2020. This Decision effectuates that request.

FINDINGS OF FACT

1. David Long is the Complainant.
2. PPL Electric Utilities Corporation, a Commission jurisdictional electric distribution company, is the Respondent.
3. On September 10, 2020, Complainant filed a formal Complaint alleging that he had been incorrectly billed by PPL.
4. On October 12, 2020, PPL filed an Answer to the Complaint stating that the disputed amount had been written off in 2015, had never been applied to Complainant's current account, and had been sold to a collection agency. PPL Answer at ¶ 4.
5. On December 9, 2020, a telephonic hearing convened in this case with both parties present.
6. At the hearing on December 9, 2020, Complainant informally petitioned to withdraw his Complaint, which request was not opposed by PPL.

7. Complainant's informal petition to withdraw his Complaint was granted on the record. Tr. at 4.

DISCUSSION

In this case, Complainant filed a formal Complaint alleging that he had been incorrectly billed by PPL. At hearing, the parties agreed that the amount in question had been written off by PPL and the debt had been sold to a collection agency circa 2015. Complainant informally petitioned to withdraw his Complaint. His request was unopposed.

The Commission's Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to *petition*¹ to withdraw 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). 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. *Id.*

Considering any objections to the withdrawal of the Complaint, I note again that PPL does not object to the proposed withdrawal. There are no other parties to this proceeding and therefore no objections to Complainant's request.

¹ Although the verbal request to withdraw the Complaint does not technically comply with the Commission's regulations at 52 Pa. Code § 5.94(a) in that the request was not made through the filing of a Petition, I will disregard this error in procedure pursuant to Section 1.2 of the Commission's regulations which provides that "[t]his subpart shall be liberally construed to secure the just, speedy and proceeding to which it is applicable", and that the presiding officer may disregard an error or defect of procedure which does not affect the substantive rights of the parties. 52 Pa. Code § 1.2(a).

After considering the public interest in the wise use of Commission resources in avoiding unnecessary and costly litigation as well as the Complainant's express request not to prosecute his Complaint, his petition to withdraw was granted. The public interest is best served by allowing withdrawal of the Complaint, and the case is, therefore, dismissed.

CONCLUSIONS OF LAW

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

4. It is in the public interest to allow the withdrawal of the Complaint at Docket No. C-2020-3022054. 52 Pa.Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition for Leave to Withdraw the Complaint made by David Long at the hearing on December 9, 2020, at Docket No. C-2020-3022054 is granted.

2. The Formal Complaint at Docket No. C-2020-3022054 is hereby withdrawn.

3. That the Secretary of the Commission mark this case closed.

Date: June 25, 2021

/s/
Dennis J. Buckley
Administrative Law Judge