

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Deborah S. Hansen	:	
	:	
v.	:	C-2021-3024433
	:	
PECO Energy Company,	:	
Clearview Electric, Inc., and	:	
Ambit Northeast LLC.	:	

INITIAL DECISION

Before
F. Joseph Brady
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the Complainant’s request to withdraw her Complaint because there is no objection to the request and granting the request is in the public interest.

HISTORY OF THE PROCEEDING

On March 4, 2021, Deborah Hansen (Complainant) filed a formal Complaint (Complaint) against PECO Energy Company (PECO), Clearview Electric, Inc. (Clearview), and Ambit Northeast LLC (Ambit) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant alleged that her electric generation supplier (EGS) was changed without her consent. The Complainant also stated that PECO cancelled the change and is her current EGS. The Complainant did not request any monetary relief, but rather, requests overall changes to how PECO handles EGS changes.

On March 19, 2021, PECO filed an Answer to the Complaint denying all material allegations of fact and conclusions of law. In its Answer, PECO averred that: after receiving a switch request from Ambit, PECO sent an enrollment notification letter to the Complainant; the Complainant called PECO and stated that she did not authorize enrollment with Ambit and did not want to be enrolled with Ambit; PECO sent the Complainant a drop supplier notification letter; and the Complainant was returned to PECO.

On March 30, 2021, Clearview filed Preliminary Objections with an attached Notice to Plead. Clearview averred that the Complainant failed to allege any wrongdoing on the part of Clearview in this matter. Thus, the Complaint against Clearview should be dismissed.

On April 8, 2021, Ambit filed an Answer to the Complaint alleging that Ambit has already remedied the Complaint by refunding Ms. Hansen for service received as a result of the alleged unauthorized switch.

By Motion Judge Assignment Notice dated May 17, 2021, the parties were informed that I was assigned as the Presiding Officer in this matter and responsible for resolving any issues which may arise during the preliminary phase of this proceeding.

By Call-In Telephonic Prehearing Conference Notice dated May 17, 2021, a telephonic prehearing conference was scheduled for June 3, 2021, at 10:00 am.

The prehearing conference convened as scheduled on June 3, 2021. The Complainant appeared *pro se* and testified on her own behalf. PECO was represented by Khadijah Scott, Esquire. Clearview was represented by Karen O. Moury, Esquire. Ambit was represented by Lauren M. Burge, Esquire.

At the outset of the hearing, the Complainant stated, under oath, that she wished to withdraw her Complaint. Tr. 6. PECO, Clearview, and Ambit had no objections to the Complainant's request to withdraw. Tr. 6-7.

The record closed on June 24, 2021, upon the filing of the transcript with the Commission.

FINDINGS OF FACT

1. The Complainant is Deborah S. Hansen.
2. The Respondents are PECO Energy Company, Clearview Electric, Inc., and Ambit Northeast LLC.
3. On March 4, 2021, the Complainant filed a Complaint against PECO, Clearview, and Ambit regarding the switching of her EGS.
4. On March 19, 2021, PECO filed an Answer to the Complaint denying all material allegations of fact and conclusions of law.
5. On March 30, 2021, Clearview filed Preliminary Objections with an attached Notice to Plead averring that the Complainant failed to allege any wrongdoing on the part of Clearview in this matter.
6. On April 8, 2021, Ambit filed an Answer to the Complaint alleging that Ambit has already remedied the Complaint by refunding Ms. Hansen for service received as a result of the alleged unauthorized switch.
7. By Motion Judge Assignment Notice dated May 17, 2021, the parties were informed that I was assigned as the Presiding Officer in this matter and responsible for resolving any issues which may arise during the preliminary phase of this proceeding.
8. By Call-In Telephonic Prehearing Conference Notice dated May 17, 2021, a telephonic prehearing conference was scheduled for June 3, 2021, at 10:00 am.

9. The prehearing conference convened as scheduled on June 3, 2021.
Tr. 1-7.
10. The Complainant appeared for the hearing and requested to withdraw her Complaint. Tr. 6.
11. None of the Respondents objected to the Complainant's request to withdraw her Complaint. Tr. 6-7.

DISCUSSION

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

52 Pa.Code § 5.94.

A presiding officer or the Commission may disregard an error or defect of procedure or waive a requirement that does not adversely affect a substantive right of a party, particularly in proceedings involving *pro se* litigants. 52 Pa. Code §§ 1.2(a),(c),(d). Thus, the

Complainant's statement under oath that she wishes to withdraw her Complaint will be treated as a petition for leave to withdraw her Complaint.

In this case, the Complainant's EGS has been changed back to PECO per the Complainant's wishes. Ambit has already refunded the Complainant for service received as a result of the alleged unauthorized switch and the Complainant will not be charged any early termination, cancellation, or change fees. Once the Complainant understood this, she sought to have her Complaint withdrawn. None of the Respondents objected to the Complainant's request to withdraw her Complaint. Under these circumstances, granting the Complainant's request to withdraw her Complaint is in the public interest because doing so will eliminate the need for 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 her Complaint shall be granted.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding. 66 Pa.C.S. § 701.
2. The Commission's Rules of Practice and Procedure permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or Commission. 52 Pa. Code § 5.94.
3. The presiding officer or Commission must consider the petition to withdraw, any objections thereto, and the public interest in determining whether to permit withdrawal of the pleading. 52 Pa.Code § 5.94(a).
4. A presiding officer or the Commission may disregard an error or defect of procedure or waive a requirement that does not adversely affect a substantive right of a party, particularly in proceedings involving *pro se* litigants. 52 Pa. Code §§ 1.2(a),(c),(d).

5. It is in the public interest to grant the Complainant's request to withdraw her Complaint.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Deborah S. Hansen's Petition for Leave to Withdraw her Complaint filed at Docket No. C-2021-3024433 is granted;

2. That the Complaint of Deborah Hansen against PECO Energy Company, Clearview Electric, Inc., and Ambit Northeast LLC filed at Docket No. C-2021-3024433 is withdrawn; and

3. That Docket No. C-2021-3024433 be marked closed.

Date: June 30, 2021

_____/s/
F. Joseph Brady
Administrative Law Judge