

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Yolanda Rosado	:	
	:	
v.	:	C-2021-3024994
	:	
PPL Electric Utilities Corporation	:	

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 it and granting the request is in the public interest.

HISTORY OF THE PROCEEDING

On March 18, 2021, Yolanda Rosado (Complainant) filed a formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL). In the Complaint, the Complainant alleged that she was being billed incorrectly and she did not receive credit for payments made to PPL.

On April 26, 2021, PPL filed an Answer to the Complaint denying in part and admitting in part the allegations in the Complaint.

By Hearing Notice dated April 27, 2021, an Initial Telephonic Hearing was scheduled for Tuesday, June 8, 2021, at 10:00 a.m.

On June 8, 2021, the hearing convened as scheduled. The Complainant, Yolanda Rosado, appeared *pro se*. PPL was represented by Kimberly Krupka, Esquire. Prior to going on the record, Ms. Rosado requested a continuance. Ms. Krupka had no objection to the request. On June 15, 2021, I issued an Order granting the Complainant's request for a continuance.

By Telephonic Hearing Cancellation/Reschedule Notice dated June 15, 2021, an Initial Telephonic Hearing was rescheduled for Tuesday, July 27, 2021, at 10:00 a.m.

The hearing convened as scheduled on July 27, 2021. The Complainant, Yolanda Rosado, appeared *pro se*. PPL was represented by Kimberly Krupka, Esquire.

At the outset of the hearing, the Complainant stated, under oath, that she wished to withdraw her Complaint. Tr. 5. PPL had no objections to the Complainant's request to withdraw. Tr. 6.

The record closed on August 5, 2021, upon the filing of the transcript with the Commission.

FINDINGS OF FACT

1. The Complainant is Yolanda Rosado.
2. The Respondent is PPL Electric Utilities Corporation.
3. On March 18, 2021, the Complainant filed a Complaint against PPL regarding her electric bills.
4. On April 26, 2021, PPL filed an Answer to the Complaint denying in part and admitting in part the allegations in the Complaint.

5. By Hearing Notice dated April 27, 2021, an Initial Telephonic Hearing was scheduled for Tuesday, June 8, 2021, at 10:00 a.m.

6. On June 15, 2021, I issued an Order granting the Complainant's June 8, 2021 oral request for a continuance.

7. By Telephonic Hearing Cancellation/Reschedule Notice dated June 15, 2021, an Initial Telephonic Hearing was rescheduled for Tuesday, July 27, 2021, at 10:00 a.m.

8. The hearing convened as scheduled on July 27, 2021.

9. The Complainant appeared for the hearing and requested to withdraw her Complaint. Tr. 5.

10. The Respondent does not object to the Complainant's request to withdraw her Complaint. Tr. 6.

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:

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 alleged she was being billed incorrectly because PPL was not crediting her account for payments that she made or were made on her behalf. Prior to the original hearing on June 8, 2021, the Complainant informed me that she had no evidence/documentation of the payments that she was alleging PPL failed to credit. I granted her request for a continuance to gather said documentation.

Unfortunately, prior to the rescheduled hearing on July 27, 2021, the Complainant stated she still does not have any records of the alleged payments that PPL did not credit. I advised the Complainant that she may withdraw her Complaint at this time without prejudice and file a new Complaint if she is able to obtain the documentation in the future. Tr. 6. For its part, PPL stated that they would investigate their accounts further if they were presented with documentation of payments made but not credited. Once the Complainant understood this, she sought to have her Complaint withdrawn. PPL did not object. 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. After considering the petition, any 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. 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 Yolanda Rosado's Petition for Leave to Withdraw her Complaint filed at Docket No. C-2021-3024994 is granted;

