

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Zeljko Radovanovic	:	
	:	
v.	:	F-2021-3027267
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Dennis J. Buckley
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the informal petition of Zeljko Radovanovic (Complainant) to withdraw his Complaint. The request to withdraw the Complaint was not opposed and will be granted as it is in the public interest.

HISTORY OF THE PROCEEDING

On July 2, 2021, Complainant filed a formal Complaint alleging that PPL Electric Utilities Corporation (PPL or Company) manipulated customers enrolled in the OnTrack customer assistance program and failed to fully disclose all parts of the agreement, and that PPL had failed to disclose program terms and would not answer his questions. The Complaint was an appeal from a determination by the Commission's Bureau of Consumer Services (BCS) at Case No. 3785927¹

¹ Informal BCS decisions are "determinations" whereas the result of a Formal Complaint is termed a "decision." In addition, informal BCS determinations are governed primarily by Sections 3.111 to 3.113, 52 Pa.

On August 4, 2021, PPL filed an Answer denying the allegations set forth in the Complaint.

On August 9, 2021, this matter was scheduled for a telephonic hearing on September 22, 2021.

On September 14, 2021, a standard form prehearing Order was issued.

On September 21, 2021, an Order granting a continuance of a telephonic hearing previously scheduled for that date was issued.

On September 21, 2021, a hearing Notice was issued setting October 26, 2021, as the date for a telephonic hearing in this case.

The hearing convened as scheduled on October 26, 2021, but due to an error in service neither party was initially present for the hearing. After I sent an email to both parties advising them that the hearing had convened, I was joined by Kimberly G. Krupka, Esquire, representing PPL. Complainant was unable to join the call. I therefore adjourned the hearing. A seven-page transcript was filed on November 18, 2021, which reflects both the technical difficulty associated with the hearing as well as the adjournment of the hearing without prejudice to the parties. The hearing was subsequently rescheduled for November 30, 2021.

On November 29, 2021, Complainant sent me an email in which he asked to withdraw his Complaint as he plans to pursue civil litigation against PPL. On November 30,

Code §§ 3.111, et seq., whereas Formal Complaints are governed by Chapter 5, 52 Pa. Code, 5.1 et seq. More importantly, informal BCS determinations expressly notify the Complainant of a right to appeal by filing a Formal Complaint. If filed, the Commission provides a hearing *de novo*. The BCS functions as an informal arbiter of disputes between a utility provider and customers. 66 Pa.C.S.A. § 308(d). This function usually produces cost-effective results without additional use of agency resources and time. However, the Commission has never agreed to be formally bound by these informal determinations. See *Derek Suggs & Beverly Marell v. The Bell Telephone Company of Pennsylvania*, Docket No. F-00162258 (Order entered July 15, 1993).

2021, counsel for PPL advised me that PPL had no objection to the request to withdraw the Complaint, and the hearing scheduled for that date was cancelled.

Complainant's informal petition to withdraw his Complaint is not opposed and is in the public interest. The Petition will be granted.

FINDINGS OF FACT

1. Zeljko Radovanovic is the Complainant in this case.
2. PPL Electric Utilities Corporation, a Commission jurisdictional electric distribution company, is the Respondent.
3. On July 2, 2021, Complainant filed a formal Complaint alleging that PPL had manipulated its OnTrack customer assistance program and would not respond to his questions.
4. On August 4, 2021, PPL filed an Answer to the Complaint denying any violation of the Public Utility Code or the regulations of the Commission.
5. On October 26, 2021, a telephonic hearing convened in this case, but only counsel for PPL was present.
6. The October 26, 2021 telephonic hearing was rescheduled for November 30, 2021.
7. On November 29, 2021, Complainant informally petitioned to withdraw his Complaint, which request was not opposed by PPL.

DISCUSSION

In this case, Complainant filed a formal Complaint alleging that PPL manipulated customers enrolled in the OnTrack customer assistance program and failed to fully disclose all parts of the agreement, and that PPL had failed to disclose and would not answer his questions. Subsequently, Complainant informally petitioned to withdraw his Complaint.² His request was unopposed.

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 20 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.

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.

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.

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

² Though the Petition was not presented as a formal filing, I accept Complainant's email of November 29, 2021, as such. "The Commission or presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party." 52 Pa. Code § 1.2(c)

prosecute his Complaint, his petition to withdraw is 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. F-2021-3027267. 52 Pa. Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition for Leave to Withdraw the Complaint made by Zeljko Radovanovic at Docket No. F-2021-3027267 is granted.

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

Date: December 21, 2021

_____/s/_____
Dennis J. Buckley
Administrative Law Judge