

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Titsie Barrett	:	
	:	
v.	:	C-2021-3027692
	:	
Philadelphia Gas Works	:	

**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 July 22, 2021, Titsie Barrett (Complainant) filed a formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Philadelphia Gas Works (PGW or Respondent). In the Complaint, the Complainant sought reimbursement for damages that she alleged PGW caused to her water line.

On September 1, 2021, PGW filed an Answer to the Complaint (Answer) denying, in part, and admitting, in part, the allegations in the Complaint.

By Hearing Notice dated September 13, 2021, an Initial Call-In Telephonic Hearing was scheduled for October 13, 2021.

On October 12, 2021, the Complainant requested a continuance in order to obtain legal representation. On that same date, counsel for PGW, Laureto Farinas, Esq., informed me that PGW did not object to the request.

On October 18, 2021, I issued an Order granting the Complainant's request for a continuance.

By Cancelled/Rescheduled Hearing Notice dated October 13, 2021, an Initial Call-In Telephonic Hearing was rescheduled for November 16, 2021.

On November 15, 2021, the Complainant requested in writing to withdraw her Complaint because she now understands that the Commission could not grant her the relief she seeks – monetary damages. On that same date, counsel for PGW informed me by electronic mail that PGW did not object to the request. The record was closed on this date.

#### FINDINGS OF FACT

1. The Complainant is Titsie Barrett.
2. The Respondent is Philadelphia Gas Works.
3. On July 22, 2021, the Complainant filed a formal Complaint against PGW.
4. On September 1, 2021, PGW filed an Answer to the Complaint denying, in part, and admitting, in part the allegations in the Complaint.
5. By Cancelled/Rescheduled Hearing Notice dated October 13, 2021, an Initial Call-In Telephonic Hearing was rescheduled for November 16, 2021.

6. On November 15, 2021, the Complainant requested in writing to withdraw her Complaint because she now understands that the Commission could not grant her the relief she seeks – monetary damages.

7. The Respondent does not object to the Complainant’s request to withdraw her Complaint.

### 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. *Id.* 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 written letter that she wishes to withdraw her Complaint will be treated as a petition for leave to withdraw the Complaint.

In this case, the Complainant sought reimbursement for damages that she alleged PGW caused to her water line. Prior to the hearing, the Complainant came to the proper conclusion that the Commission could not grant her the relief she seeks – monetary damages. As a result, the Complainant now seeks to have her Complaint withdrawn. PGW 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 a case wherein the relief sought cannot be granted. Further, the Complaint does not contain any novel issues or issues that would impact the public interest. 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. 52 Pa. Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Titsie Barrett's Petition for Leave to Withdraw her Complaint filed at Docket No. C-2021-3027692 is granted.
2. That the Complaint of Titsie Barrett against Philadelphia Gas Works filed at Docket No. C-2021-3027692 is withdrawn.
3. That Docket No. C-2021-3027692 be marked closed.

Date: January 26, 2022

\_\_\_\_\_/s/  
F. Joseph Brady  
Administrative Law Judge