

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Endless Mountains Water  
and Energy Services LLC

v.

PECO Energy Company

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C-2022-3030358

**INITIAL DECISION**

Before  
Mary D. Long  
Administrative Law Judge

**INTRODUCTION**

This initial decision grants a petition to withdraw a complaint which alleged that an electric distribution company violated the Commission’s regulations because the company failed to act on a net metering application in a timely fashion. There was no objection to the petition and it is in the public interest to permit the withdrawal.

**HISTORY OF THE PROCEEDINGS**

On January 11, 2022, Endless Mountains Water and Energy Services, LLC (Endless Mountains) filed a formal complaint against PECO Energy Company (PECO) with the Pennsylvania Public Utility Commission (Commission). Endless Mountains alleged that PECO violated the Commission’s regulations because the company failed to act on Endless Mountains’ net metering application in a timely fashion. As relief, Endless Mountains wanted the Commission to direct PECO to either approve or deny the application.

PECO filed an answer on January 31, 2022. PECO admitted that it had neither approved nor denied Endless Mountains' net metering application, but denied that PECO violated the Commission's regulations. According to PECO, Endless Mountains' application was incomplete. PECO further averred that there has been consistent communication between PECO and Endless Mountains regarding the additional information that is required to complete the application for review.

On February 1, 2022, the complaint was assigned to me and scheduled for a call-in telephone hearing on March 22, 2022. On February 2, 2022, Endless Mountains filed a Praeceptum to Withdraw Formal Complaint.

#### FINDINGS OF FACT

1. The Complainant is Endless Mountains Water and Energy Services, LLC.
2. The Respondent is PECO Energy Company, a jurisdictional public utility.
3. On February 2, 2022, Endless Mountains filed a Praeceptum to Withdraw Formal Complaint.
4. PECO did not object to the Praeceptum to Withdraw Formal Complaint.

#### DISCUSSION

The Commission's regulations permit a party to request to withdraw a pleading in a contested proceeding by filing a petition. The petition must include the reasons for the withdrawal. The opposing party may object to the petition within ten days of service of the petition.<sup>1</sup>

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<sup>1</sup> 52 Pa. Code § 5.94(a).

Endless Mountains filed a petition to withdraw its complaint on February 2, 2022. PECO did not object to the withdrawal. Endless Mountains did not include the reasons for withdrawing its complaint. However, the Commissions regulations permit me to waive a procedural requirement when such a waiver will not prejudice another party and to do so would secure “the just, speedy and inexpensive determination” of a proceeding.<sup>2</sup> Here, there is no purpose to be served by requiring Endless Mountains to file a more specific petition to withdraw, especially where PECO has not filed an objection. To do so would merely increase the expense to both parties and waste judicial resources. The Commission has no interest in mandating that Endless Mountains continue litigation when it does not wish to do so. There is no negative impact on the public interest by permitting the withdrawal. Therefore, I will grant Endless Mountains’ petition to withdraw its complaint.

#### CONCLUSIONS OF LAW

1. The Commission’s regulations permit the withdrawal of a formal complaint filed in a contested proceeding after consideration of the petition, any objections by the parties and the public interest. 52 Pa. Code § 5.94(a).
2. It is in the public interest to permit the Complainant to withdraw the formal complaint. 52 Pa. Code § 5.94.

#### ORDER

THEREFORE,

IT IS ORDERED:

1. That the petition to withdraw the complaint of Endless Mountains Water and Energy Services, LLC. v. PECO Energy Company, Docket C-2022-3030358 is granted.

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<sup>2</sup> 52 Pa. Code § 1.2(a).

2. That the Call-In Telephone Hearing scheduled for March 22, 2022 shall be cancelled.

3. That the Secretary mark Docket C-2022-3030358 closed.

Date: March 1, 2022

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Mary D. Long  
Administrative Law Judge