

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Paul Sablich	:	
	:	
v.	:	C-2022-3030736
	:	
PECO Energy Company	:	

INITIAL DECISION

Before
F. Joseph Brady
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the Complainant’s Petition for Leave to Withdraw His Complaint because there is no objection to it and granting the Petition is in the public interest.

HISTORY OF THE PROCEEDING

On January 25, 2022, Paul Sablich (Complainant) filed a formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (PECO or Respondent). In the Complaint, the Complainant requested that an above-ground transformer in the front of his property be relocated to someone else’s property.

On February 22, 2022, PECO filed an Answer to the Complaint (Answer) denying in part, and admitting, in part, the allegations in the Complaint.

By Hearing Notice dated February 22, 2022, an Initial Call-In Telephonic Hearing was scheduled for April 12, 2022.

On April 12, 2022, the hearing convened as scheduled. The Complainant appeared *pro se* and testified on his own behalf. PECO was represented by Angela Lorenz, Esquire.

At the outset of the hearing, the Complainant orally indicated that he wanted to withdraw his Complaint. Counsel for PECO did not object to the request.

The record closed on May 3, 2022, upon submission of the transcript to the Commission.

FINDINGS OF FACT

1. The Complainant is Paul Sablich.
2. The Respondent is PECO Energy Company.
3. On January 25, 2022, the Complainant filed a formal Complaint against PECO.
4. On February 22, 2022, PECO filed an Answer to the Complaint denying, in part, and admitting, in part the allegations in the Complaint.
5. By Hearing Notice dated February 22, 2022, an Initial Call-In Telephonic Hearing was scheduled for April 12, 2022.
6. The hearing convened as scheduled on April 12, 2022.
7. At the hearing, under oath, the Complainant requested to withdraw his Complaint. Tr. 4-5.

8. The Respondent did not object to the Complainant's request to withdraw his Complaint. Tr. 5.

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. 52 Pa. Code § 5.94. 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. *Id.*

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 he wishes to withdraw his Complaint will be treated as a petition for leave to withdraw the Complaint.

In this case, the Complainant sought the relocation of an above-ground transformer located in the front of his property to someone else's property. Prior to the hearing, the Complainant came to the conclusion that he no longer wished to pursue this matter. As a

result, the Complainant now seeks to have his Complaint withdrawn. PECO did not object. Under these circumstances, granting the Complainant's request to withdraw his 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, the relocation of the above-ground transformer to someone else's property, 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 his 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 petition for leave to withdraw his Complaint. 52 Pa. Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Paul Sablich's Petition for Leave to Withdraw his Complaint filed at Docket No. C-2022-3030736 is granted.
2. That the Complaint of Paul Sablich against PECO Energy Company filed at Docket No. C-2022-3030736 is withdrawn.
3. That Docket No. C-2022-3030736 be marked closed.

Date: July 6, 2022

_____/s/
F. Joseph Brady
Administrative Law Judge