

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	C-2022-3035553
	:	
Metro Ride LLC	:	

**INITIAL DECISION**

Before  
Mary D. Long  
Administrative Law Judge

**INTRODUCTION**

This decision grants the petition of the Bureau of Investigation and Enforcement to withdraw its Formal Complaint against a motor carrier. The Formal Complaint alleged that the motor carrier failed to pay its annual assessment. The Bureau of Investigation and Enforcement learned that the motor carrier had paid its assessment.

**HISTORY OF THE PROCEEDINGS**

On September 22, 2022 the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement (I&E) filed a Formal Complaint against Metro Ride LLC (Metro). I&E alleged that Metro failed to satisfy its 2021-2022 Fiscal Year assessment balance. As relief, I&E requested that Metro be ordered to pay a total of \$2,711, consisting of its outstanding assessment balance of \$2,357 and a total civil penalty of \$354. I&E’s complaint included a notice to plead informing Metro that it had 20 days to file an answer to the Formal Complaint. The Commission served the complaint on Metro on September 22, 2022.

The Commission's Bureau of Administrative Services later advised I&E that Metro had, in fact, paid its assessment, but the payment was not processed by the Commission until after the complaint was filed. I&E promptly filed this petition for leave to withdraw the complaint on September 29, 2022.

### FINDINGS OF FACT

1. Complainant, I&E, filed a Formal Complaint on September 22, 2022 alleging that Metro Ride LLC failed to pay its annual assessment.
2. The Respondent is Metro Ride LLC.
3. I&E requests to withdraw the complaint.
4. Metro Ride LLC did not object to the withdrawal of the complaint.

### DISCUSSION

The withdrawal of pleadings in a contested proceeding is governed by Section 5.94 of the Commission's regulations. This Section provides:

§ 5.94. Withdrawal of pleadings in a contested proceeding.

(a) 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, 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).

The Commission has no interest in mandating that I&E continue litigation, particularly in view of Metro's payment of its assessment.<sup>1</sup> Metro did not object to the withdrawal. Therefore, there is no negative impact on the public interest by permitting the withdrawal. The request to withdraw is granted.

### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and parties to the dispute. 66 Pa.C.S. § 701.

2. 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 setting forth the reasons for the withdrawal. 52 Pa. Code § 5.94(a).

3. After considering a petition to withdraw, 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).

### ORDER

THEREFORE,

IT IS ORDERED:

1. That the petition of the Bureau of Investigation and Enforcement for leave to withdraw the Formal Complaint in Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement v. Metro Ride, LLC, at Docket No. C-2022-3035553 is granted.

---

<sup>1</sup> To do so may be an interference with I&E's exercise of prosecutorial discretion.

2. That the Secretary mark Docket No. C-2022-3035553 closed.

Date: November 10, 2022

\_\_\_\_\_/s/\_\_\_\_\_  
Mary D. Long  
Administrative Law Judge