**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission, :

Bureau of Investigation and Enforcement :

: C-2022-3030251 v. : P-2021-3030002

:

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Westover Property Management Company, L.P. :

**INTERIM ORDER GRANTING WESTOVER’S PETITION FOR LEAVE TO WITHDRAW THE MOTION OF WESTOVER PROPERTY MANAGEMENT COMPANY, L.P. D/B/A WESTOVER COMPANIES FOR AN EXTENSION OF TIME TO ANSWER SOME OF THE INTERROGATORIES PROPOUNDED BY THE BUREAU OF INVESTIGATION AND ENFORCEMENT, SET I**

On December 13, 2021, Westover Property Management Company, L.P. d/b/a Westover Companies (Westover) filed a Petition for Declaratory Order pursuant to 66 Pa. C.S. § 331(f) and 52 Pa. Code § 5.42 to resolve an actual case and controversy regarding whether Westover is subject to the Gas and Hazardous Liquids Pipelines Act, 58 P.S. §§ 801.101 et seq. (Act 127).

On January 3, 2022, I&E filed a formal Complaint against Westover Property Management Company, L.P. d/b/a Westover Companies (Westover) alleging violations of Act 127, and Part 192 of the Federal pipeline safety regulations, 49 CFR §§ 192.1-192.1015. The Complaint was docketed at C-2022-3030251.

On March 30, 2022, I&E served its Interrogatories and Requests for Production of Documents – Set I.

On April 11, 2022, Westover served its Objections of Westover Property Management Company, L.P. d/b/a Westover Companies to the Interrogatories and Requests for the Production of Documents – Set 1, Propounded by the Bureau of Investigation and Enforcement.

On April 21, 2022, I&E filed its Motion of the Bureau of Investigation and Enforcement to Dismiss Objections and Compel Answers to Interrogatories and Requests for Production of Documents.

On May 16, 2022, Westover filed an Amended Petition of Westover Companies for Declaratory Order.

By Order entered on August 25, 2022, the Commission ordered that pursuant to 52 Pa.Code § 5.81, Westover’s Petition for Declaratory Order is consolidated with the Complaint proceeding at Docket No. C-2022-3030251, and that the matter be assigned to the Office of Administrative Law Judge (OALJ) for resolution of the disputed material facts and legal issues in the ongoing controversy at Docket No. C-2022-3030251 and issuance of a recommended decision.

By Initial Call-In Telephonic Prehearing Conference Notice dated

August 29, 2022, an Initial Call-In Telephonic Prehearing Conference was scheduled for

October 5, 2022, and the matters at Docket Nos. P-2021-3030002 and C-2022-3030251 were assigned to me.

By Interim Order Addressing Motions to Compel filed by Westover Property Management Company, L.P. and the Bureau of Investigation and Enforcement dated

October 25, 2022, I granted I&E’s Motion to Compel in part and directed Westover to provide, within twenty days from the date of issuance of the Order, responses to I&E Interrogatories Set I, Nos. 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, and 39 for the apartment complexes specifically identified by I&E in their Complaint and addressed by Westover in its Answer and Amended Petition.

On November 14, 2022, Westover filed its Motion of Westover Property Management Company, L.P. D/B/A Westover Companies for an Extension of Time to Answer Some of the Interrogatories Propounded by the Bureau of Investigation and Enforcement, Set I (Motion). In the Motion, Westover indicated its concern that it would not be able to fully answer I&E’s interrogatories by the November 14, 2022 deadline and requested an additional twenty days to fully answer I&E’s interrogatories.

On November 15, 2022, Westover filed its Request to Withdraw Motion of Westover Property Management Company, L.P. d/b/a Westover Companies for an Extension of Time to Answer Some of the Interrogatories Propounded by the Bureau of Investigation and Enforcement, Set I. In the request, Westover indicated that it had served responses to all interrogatories in Set I by the deadline. As such, Westover requested leave to withdraw the Motion on the grounds that it is moot.

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. 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. 52 Pa. Code §§ 1.2(a),(c),(d). Thus, Westover’s request to withdraw its Motion will be treated as a Petition for Leave to Withdraw the Motion.

In the present case, I&E has not objected to Westover’s Petition to Withdraw. Westover has indicated that it provided all responses to I&E’s Interrogatories, Set I, and that it’s Motion is now moot. As the issue is now moot, Westover’s Petition to Withdraw will be granted.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Westover’s Petition for Leave to Withdraw its Motion of Westover Property Management Company, L.P. D/B/A Westover Companies for an Extension of Time to Answer Some of the Interrogatories Propounded by the Bureau of Investigation and Enforcement, Set I filed by Westover at docket No. C-2022-3030251 is granted.
2. That the Motion of Westover Property Management Company, L.P. D/B/A Westover Companies for an Extension of Time to Answer Some of the Interrogatories Propounded by the Bureau of Investigation and Enforcement, Set I filed by Westover at docket No. C-2022-3030251 on November 14, 2022 is withdrawn.

Date: December 5, 2022 /s/

Christopher P. Pell

Deputy Chief Administrative Law Judge

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Westover Property Management Company, L.P.

Docket Number C-2022-3030251, P-2021-3030002

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