

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Marlene Aman	:	
	:	
v.	:	C-2022-3033236
	:	
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 the Formal Complaint because there is no objection to it and granting the Petition is in the public interest.

HISTORY OF THE PROCEEDING

On June 16, 2022, Marlene Aman (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 placed checkmarks in the boxes indicating: “The utility is threatening to shut off my service or has already shut off my service,” and “I would like a payment arrangement.”

On July 6, 2022, PECO filed an Answer to the Complaint denying in part, and admitting, in part, the allegations in the Complaint. In its Answer, PECO states, *inter alia*, that the Complainant has already received four Company-issued payment agreements and one

Commission-issued payment agreement, all of which she defaulted on the terms. PECO requested that the Complaint be dismissed.

By Hearing Notice dated September 20, 2022, an Initial Call-In Telephonic Hearing was scheduled for November 16, 2022.

A Prehearing Order was issued on October 25, 2022, advising the parties of the date and time of the scheduled hearing, and informing them of the procedures applicable to this proceeding.

On November 16, 2022, the hearing convened as scheduled. The Complainant appeared *pro se* and testified on her own behalf. PECO was represented by Khadijah Scott, Esquire.

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

The record closed on December 6, 2022, upon submission of the transcript to the Commission.

FINDINGS OF FACT

1. The Complainant is Marlene Aman.
2. The Respondent is PECO Energy Company.
3. On June 16, 2022, the Complainant filed a Formal Complaint against PECO.
4. On July 6, 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 September 20, 2022, an Initial Call-In Telephonic Hearing was scheduled for November 16, 2022.

6. The hearing convened as scheduled on November 16, 2022.

7. At the hearing, under oath, the Complainant requested to withdraw her Complaint. Tr. 5-6.

8. The Respondent did not object to the Complainant's request to withdraw her Complaint. Tr. 6.

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 she wishes to withdraw her Complaint will be treated as a Petition for Leave to Withdraw the Complaint.

In this case, the Complainant sought a new payment arrangement. The hearing convened and shortly after being sworn-in, the Complainant stated she did not want to continue and would like to withdraw her Complaint. PECO 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 matter the Complainant no longer wishes to pursue. Further, the Complaint does not contain any novel issue 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 Petition for Leave to Withdraw the Complaint. 52 Pa. Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Marlene Aman's Petition for Leave to Withdraw the Complaint filed at Docket No. C-2022-3033236 is granted.

2. That the Complaint of Marlene Aman at Marlene Aman v. PECO Energy Company, Docket No. C-2022-3033236 is withdrawn.

3. That Docket No. C-2022-3033236 be marked closed.

Date: February 7, 2023

/s/
F. Joseph Brady
Administrative Law Judge