

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jay Larry Moyer	:	
	:	
v.	:	C-2022-3036908
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
Jeffrey A. Watson  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision grants Complainant’s unopposed Petition to Withdraw his Complaint.

**HISTORY OF THE PROCEEDING**

On November 9, 2022, Jay Larry Moyer (Complainant or Mr. Moyer) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) averring the existence of incorrect charges on his electric utility bill.

On December 12, 2022, PPL Electric Utilities Corporation (Respondent, Company or PPL) filed an Answer and New Matter to the Complaint, as well as a Preliminary Objection. In its Answer, Respondent avers this is the sixth formal complaint filed by Complainant against PPL concerning the Company’s virtual meter aggregation at the Complainant’s properties and the Company’s billing processes. PPL further avers, to the extent Complainant attempts to relitigate issues from those prior proceedings, those issues have already

been ruled upon by the Commission and Pennsylvania appellate courts and, therefore, should be dismissed.

In its New Matter, Respondent argues the Complaint is barred by Section 316 of the Public Utility Code (Code), 66 Pa.C.S. § 316, and the doctrines of *res judicata* and collateral estoppel, and constitutes an abuse of administrative process.

In its Preliminary Objection, Respondent argues the Complaint is legally insufficient and an abuse of the administrative process. Respondent further argues the Complaint should be dismissed due to the pendency of prior proceedings.

The Preliminary Objection was attached to a Notice to Plead. Complainant filed an Answer to the Preliminary Objection dated December 22, 2022.

Complainant filed a letter with the Commission dated December 15, 2022, requesting, pursuant to 52 Pa. Code § 5.91 (a) and (b) that the Formal Complaint be withdrawn as Complainant awaits further data which Complainant avers he requested from PPL regarding his expanded PV generating system. A certificate of service dated December 15, 2022, was attached to the letter, indicating that a copy of the letter was provided to counsel for Respondent.

No objection to the petition to withdraw was filed by Respondent.

A Motion Judge Assignment Notice was entered on January 11, 2023, assigning this matter to the undersigned presiding officer. An Interim Order closing the record was entered January 18, 2023. This matter is now ripe for adjudication.

#### FINDINGS OF FACT

1. Complainant is Jay Larry Moyer.
2. Respondent is PPL Electric Utilities Corporation.

3. On November 9, 2022, Jay Larry Moyer filed a Formal Complaint with the Pennsylvania Public Utility Commission, averring the existence of incorrect charges on his electric utility bill.

4. On December 12, 2022, PPL Electric Utilities Corporation filed an Answer and New Matter to the Complaint, as well as a Preliminary Objection.

5. In its Answer, Respondent avers this is the sixth formal complaint filed by Complainant against PPL concerning the Company's virtual meter aggregation at the Complainant's properties and the Company's billing processes. Respondent further avers, to the extent Complainant attempts to relitigate issues from those prior proceedings, those issues have already been ruled upon by the Commission and Pennsylvania appellate courts and, therefore, should be dismissed.

6. In its New Matter, Respondent argues the Complaint is barred by 66 Pa.C.S. § 316 and the doctrines of *res judicata* and collateral estoppel, and constitutes an abuse of administrative process.

7. In its Preliminary Objection, Respondent argues the Complaint is legally insufficient and an abuse of administrative process. Respondent further argues the Complaint should be dismissed due to the pendency of prior proceedings.

8. The Preliminary Objection was attached to a Notice to Plead.

9. Complainant filed an Answer to the Preliminary Objection dated December 22, 2022.

10. Complainant filed a letter with the Commission dated December 15, 2022, requesting, pursuant to 52 Pa. Code § 5.91 (a) and (b) that the Formal Complaint be withdrawn as Complainant awaits further data which Complainant avers he requested from PPL regarding

his expanded PV generating system. A certificate of service dated December 15, 2022, was attached to the letter, indicating that a copy of the letter was provided to counsel for Respondent.

11. No objection to the petition to withdraw was filed by Respondent.

### DISCUSSION

The Commission's rules provide that a party in a contested proceeding may file for leave to withdraw a pleading with the Commission and serve it upon the other parties.<sup>1</sup> The Commission's rules provide that any objection to the petition must be filed within ten days of service.<sup>2</sup> 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.<sup>3</sup> The Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties.<sup>4</sup>

In this case, Complainant sent a letter to the Commission Secretary indicating his desire to withdraw the Complaint.<sup>5</sup> A certificate of service dated December 15, 2022, was attached to the letter, indicating that a copy of the letter was provided to counsel for Respondent. No objection to the petition to withdraw was filed by Respondent.

Complainant clearly indicated his intent to withdraw the Complaint, and Respondent did not file an objection to the request. To the extent the letter request filed by Complainant deviated from the Commission's rules regarding the filing of petitions for leave to withdraw complaints, and objections thereto, I am exercising my discretion to disregard these defects of procedure. There appears to be no purpose in moving forward with the instant

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<sup>1</sup> 52 Pa. Code § 5.94(a).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> 52 Pa. Code § 1.2(a).

<sup>5</sup> Complainant cited to 52 Pa. Code § 5.91(a) and (b) in his December 15, 2022, withdrawal request letter but the regulation addressing petitions for leave to withdraw is found at 52 Pa. Code § 5.94.

Complaint at the present time under the circumstances. It is in the public interest to grant Complainant's Petition for Leave to Withdraw the Complaint and dismiss the Complaint. Forcing the parties to proceed to an evidentiary hearing in this matter would needlessly consume the Commission's and parties' time and resources.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter in this proceeding. 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. 52 Pa. Code § 5.94(a).
  
3. A party may object to a petition for leave to withdraw a pleading within ten days of service. 52 Pa. Code § 5.94(a).
  
4. The Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties. 52 Pa Code § 1.2(a)
  
5. After considering a petition for leave to withdraw a pleading, 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 for Leave to Withdraw the Complaint filed by Jay Larry Moyer against PPL Electric Utilities Corporation is granted.
2. That the Complaint filed by Jay Larry Moyer in Jay Larry Moyer v. PPL Electric Utilities Corporation at Docket No. C-2022-3036908 is dismissed without prejudice.
3. That the Docket at C-2022-3036908 shall be marked as closed.

Date: April 4, 2023

\_\_\_\_\_/s/  
Jeffrey A. Watson  
Administrative Law Judge