

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Natashe Williams	:	
	:	
v.	:	F-2022-3036536
	:	
Philadelphia Gas Works	:	

INITIAL DECISION

Before
Michael J. Mroczka
Special Agent

INTRODUCTION

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

HISTORY OF THE PROCEEDING

On November 2, 2022, Natashe Williams (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Philadelphia Gas Works (PGW or Respondent).¹ The Complaint alleges that Respondent is threatening to shut off her electric service and that she is having a reliability, safety, or quality problem with her utility service. Complainant requested that someone examine her meter again because her bill is too high.

¹ The Complaint is a timely appeal from the determination of Complainant’s informal complaint by the Commission’s Bureau of Consumer Services (BCS) at BCS No. 3866612, dated October 18, 2022.

On November 25, 2022, PGW filed an Answer to the Complaint denying in part, and admitting, in part, the allegations in the Complaint. In its Answer, PGW states, *inter alia*, that there is no record of Complainant reporting billing or service issues, that the service address is equipped with a functioning automatic meter reading device and the bills are based on actual meter readings. PGW requested that the Complaint be dismissed.

By Hearing Notice dated December 2, 2022, an Initial Call-In Telephonic Hearing was scheduled for February 21, 2023.

A Prehearing Order was issued on December 16, 2022, reminding the parties of the date and time of the scheduled hearing, and informing them of the procedures applicable to this proceeding.

On February 14, 2023, I received an email from Complainant stating that she would like to “withdraw from the hearing.”

On February 15, 2023, I forwarded the email I received from Complainant to PGW’s attorney, Graciela Christlieb, Esquire, and asked if PGW objected to Ms. Williams withdrawing her Complaint.

On February 15, 2023, attorney Christlieb replied to my email, copying Ms. Williams. Attorney Christlieb stated that Ms. Williams spoke with Jessica Glace, the assigned Senior Customer Review Unit Officer. Attorney Christlieb relayed that after speaking with Ms. Glace, Ms. Williams stated that she would like to keep the payment arrangement granted by the BCS at the informal level. Therefore, PGW did not object to the withdrawal of the Complaint and would initiate the original BCS payment arrangement.

On February 17, 2023, a Hearing Cancellation Notice was served on the parties, cancelling the hearing scheduled for February 21, 2023.

For the reasons discussed below, the Complainant's email request will be treated as a Petition for Leave to Withdraw the Formal Complaint and will be granted.

FINDINGS OF FACT

1. The Complainant is Natashe Williams.
2. The Respondent is Philadelphia Gas Works.
3. On November 2, 2022, the Complainant filed a Formal Complaint against PGW.
4. On November 25, 2022, PGW filed an Answer to the Complaint denying, in part, and admitting, in part, the allegations in the Complaint.
5. By Hearing Notice dated December 2, 2022, an Initial Call-In Telephonic Hearing was scheduled for February 21, 2023.
6. On February 14, 2023, I received an email from Complainant stating that she would like to "withdraw from the hearing."
7. On February 15, 2023, I forwarded the email I received from Complainant to PGW and asked if PGW objected to Ms. Williams withdrawing her Complaint.
8. On February 15, 2023, PGW replied to my email stating that they did not object to Ms. Williams withdrawing her Complaint.

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

In this case, the Complainant timely appealed from a BCS determination granting her a payment arrangement. After discussions with PGW, Complainant decided that she wished to withdraw her Complaint. PGW did not object and further explained its understanding of Complainant's reasoning for withdrawal, which is to keep and begin the payment arrangement granted by BCS. 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 Petition 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 Formal Complaint. 52 Pa. Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED:

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

