

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

v.

Kyle Arthur Sargent t/a
Kyle Sargents Landscaping

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C-2022-3036981

INITIAL DECISION

Before
Mark A. Hoyer
Deputy Chief Administrative Law Judge

INTRODUCTION

This decision grants the unopposed petition for leave to withdraw the Formal Complaint (Complaint) because there is no objection to the petition and it is in the public interest to do so.

HISTORY OF THE PROCEEDING

On November 30, 2022, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission) filed a Formal Complaint (Complaint) against Kyle Arthur Sargent (Respondent) alleging Respondent failed to file assessment reports with the Commission detailing its 2019 and 2020 gross intrastate operating revenues in violation of Section 510(b) of the Public Utility Code (Code). I&E also alleged that Respondent failed to satisfy its 2021-2022 Fiscal Year assessment balance after receiving notification of the balance it owed through an invoice served to it by the Commission in violation of Section 510(c) of the Code. I&E requested that Respondent be ordered to pay a total of \$587,

consisting of its 2021-2022 Fiscal Year Assessment balance of \$37 and a total civil penalty of \$550 for Respondent's alleged violations of the Code.

After filing the Complaint, I&E discovered that Respondent had paid its \$37 2021-2022 Fiscal Year assessment balance prior to the filing of the Complaint.

On December 21, 2022, I&E filed a petition for leave to withdraw the Complaint averring that granting the petition for leave to withdraw was in the public interest. Respondent did not file a response to the petition for leave to withdraw the Complaint.

On January 12, 2023, a Judge Assignment Notice was served on the parties.

The record in this Complaint proceeding is hereby closed on February 21, 2023. This matter is procedurally ready for disposition.

FINDINGS OF FACT

1. Complainant is I&E.
2. Respondent is Kyle Arthur Sargent.
3. On December 21, 2022, I&E filed a petition for leave to withdraw the Complaint averring that granting the petition for leave to withdraw was in the public interest.
4. Respondent did not file an answer or objection to I&E's petition for leave to withdraw the Complaint.

DISCUSSION

Pursuant to 52 Pa. Code § 5.94(a), 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.”¹

I&E no longer wishes to pursue the Complaint and has averred that the \$37 2021-2022 Fiscal Year assessment balance was paid by Respondent before the Complaint was filed. The public interest is not served or benefitted if the Commission requires I&E to continue to pursue this Complaint. Additionally, Respondent does not object to the petition to withdraw. Therefore, it is in the public interest to grant I&E leave to withdraw the Formal Complaint. Accordingly, it is ordered that the Complaint is withdrawn.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S. § 701.
2. The Commission has the power, and the duty, to enforce the requirements of the Public Utility Code. 66 Pa.C.S. § 501(a).
3. Pursuant to 66 Pa.C.S. § 332(a), the burden of proof in this proceeding is on Complainant as the proponent of a Commission Order.
4. Complainant, as the party desiring to withdraw a pleading in a contested proceeding, has indicated it wishes to withdraw its Formal Complaint and has set forth a valid reason for the withdrawal. 52 Pa. Code § 5.94(a).

¹ 52 Pa. Code § 5.94(a).

5. As Respondent did not object to the withdrawal, it is in the public interest to grant Complainant's request to withdraw the Formal Complaint, and to close this matter. 52 Pa. Code § 5.94(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the request of Complainant for leave to withdraw its Formal Complaint docketed at Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Kyle Arthur Sargent, Docket No. C-2022-3036981, is granted.

2. That the Formal Complaint docketed at Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Kyle Arthur Sargent, Docket No. C-2022-3036981, is hereby withdrawn.

3. That the record in Docket No. C-2022-3036981 shall be marked closed.

Date: April 14, 2023

_____/s/_____
Mark A. Hoyer
Deputy Chief Administrative Law Judge