

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Angela Bowman c/o Sonceiray Bowman	:	
	:	
v.	:	C-2022-3036666
	:	
Philadelphia Gas Works	:	

INITIAL DECISION

Before
Mark A. Hoyer
Deputy Chief Administrative Law Judge

INTRODUCTION

This decision grants the unopposed oral petition for leave to withdraw the Formal Complaint (Complaint) because it is in the public interest to do so.

HISTORY OF THE PROCEEDING

On October 26, 2022, Angela Bowman (Complainant) filed a Complaint against Philadelphia Gas Works (PGW or Respondent) with the Pennsylvania Public Utility Commission (Commission) alleging Respondent is threatening to shut off or has shut off gas service; that Complainant would like a payment arrangement; and that there are reliability, safety, or quality problems with gas service.

On November 29, 2022, PGW filed its answer to the Complaint. PGW admitted that it terminated gas service on October 19, 2022, and that Complainant requested a payment arrangement. PGW denied Complainant is experiencing reliability, safety, or quality problems with her gas service. PGW further avers that gas service was restored on November 6, 2022,

after Complainant made a downpayment and entered into a payment arrangement with PGW. PGW requested that the Complaint be dismissed, and the relief requested by Complainant be denied.

On December 13, 2022, an Initial Call-In Telephone Hearing Notice was served on the parties, scheduling a hearing for January 27, 2023. On December 14, 2022, a Prehearing Order for Telephone Hearing was served on the parties.

On January 27, 2023, prior to the hearing, I received an e-mail communication from Complainant and her power of attorney, Sonceiray Bowman, advising that they had spoken with a PGW representative and Complainant wanted to withdraw her Complaint. I advised Complainant and PGW that the hearing would convene as scheduled.

On January 27, 2023, the initial telephone hearing convened as scheduled. Angela Bowman appeared and represented herself. PGW was represented by Graciela Christlieb, Esquire. Angela Bowman orally petitioned for leave to withdraw her Complaint. PGW did not object to the petition for leave to withdraw the Complaint.

On February 8, 2023, the transcript of the hearing was filed with the Commission's Secretary's Bureau. An interim order was served on the parties closing the hearing record on February 8, 2023.

FINDINGS OF FACT

1. Complainant is Angela Bowman.
2. Respondent is PGW.
3. At the hearing on January 27, 2023, Complainant orally petitioned for leave to withdraw her Complaint. Tr. 5.

4. At the hearing on January 27, 2023, Respondent’s counsel stated on the record that PGW did not object to the petition for leave to withdraw the Complaint. Tr. 5.

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

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.² Therefore, the Complainant’s statement at the hearing, that she wishes to withdraw her Complaint, will be treated as a Petition for Leave to Withdraw the Complaint.

After speaking with a PGW representative about her Complaint, Complainant no longer wishes to pursue the Complaint. The public interest is not served or benefitted if the Commission requires Complainant to continue to pursue this Complaint. Therefore, it is in the public interest to grant Complainant leave to withdraw the Complaint. Accordingly, it is ordered that the Complaint is withdrawn.

¹ 52 Pa. Code § 5.94(a).

² 52 Pa. Code §§ 1.2(a), (c), (d).

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 burden of proof in this proceeding is on Complainant as the proponent of a Commission Order. 66 Pa.C.S. § 332(a)

3. Complainant, as the party desiring to withdraw a pleading in a contested proceeding, has indicated she wishes to withdraw her Formal Complaint and has set forth a valid reason for the withdrawal. 52 Pa. Code § 5.94(a).

4. 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 petition of Complainant, Angela Bowman, for leave to withdraw her Formal Complaint docketed at Angela Bowman c/o Sonceiray Bowman v. Philadelphia Gas Works, Docket No. C-2022-3036666, is granted.

2. That the Formal Complaint docketed at Angela Bowman c/o Sonceiray Bowman v. Philadelphia Gas Works, Docket No. C-2022-3036666, is hereby withdrawn.

3. That the record in Docket No. C-2022-303666 shall be marked closed.

Date: May 4, 2023

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