

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Aisha Bradley

v.

Philadelphia Gas Works

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F-2022-3036743

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 7, 2022, Aisha Bradley (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Philadelphia Gas Works (PGW or Respondent).¹ The Complainant alleged that the payment arrangement issued by BCS was not based on her income and should be lower.

On November 30, 2022, PGW filed an Answer to the Complaint denying in part, and admitting, in part, the allegations in the Complaint.

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. 3867389, dated September 28, 2022.

By Hearing Notice dated December 2, 2022, an Initial Call-In Telephonic Hearing was scheduled for February 28, 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.

All parties were present for the scheduled hearing on February 28, 2023. Prior to going on the record, I provided time for the parties to discuss the prospect of settlement. During the discussion, Complainant indicated that she wished to withdraw the Complaint and proceed with the BCS determination. PGW did not object to Complainant withdrawing her Complaint. I convened the hearing to place Complainant's request for withdrawal of the Complaint on the record.

The record closed on February 28, 2023 at conclusion of the hearing. A 5-page transcript was filed with the Commission on March 17, 2023.

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

FINDINGS OF FACT

1. The Complainant is Aisha Bradley.
2. The Respondent is Philadelphia Gas Works.
3. On November 7, 2022, the Complainant filed a Formal Complaint against PGW.

4. On November 30, 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 28, 2023.

6. All parties were present for the hearing on February 28, 2023.

7. Prior to the hearing, during settlement discussions, Complainant indicated that she would like to withdraw the Formal Complaint and proceed under the BCS determination.

8. PGW has no objection to Complainant withdrawing the 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 oral request 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 settlement discussions prior to the hearing, Complainant decided that she wished to withdraw her Complaint and proceed under the BCS determination. 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 Aisha Bradley's Petition for Leave to Withdraw the Formal Complaint filed at Docket No. F-2022-3036743 is granted.

2. That the Formal Complaint of Aisha Bradley at Aisha Bradley v. Philadelphia Gas Works, Docket No. F-2022-3036743, is withdrawn.

3. That Docket No. F-2022-3036743 be marked closed.

Date: May 25, 2023

/s/
Michael J. Mroczka
Special Agent