

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Marilyn Rice	:	
	:	
v.	:	C-2023-3039491
	:	
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 March 30, 2023, Marilyn Rice (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Philadelphia Gas Works (PGW or Respondent). The Complaint alleges that Respondent is threatening to shut off her electric service and that she would like a payment arrangement.

On April 26, 2023, 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 the Complainant has had two Commission-issued payment arrangements that have not been satisfied.

By Hearing Notice dated May 1, 2023, an Initial Call-In Telephonic Hearing was scheduled for June 13, 2023.

A Prehearing Order was issued on May 30, 2023, reminding the parties of the date and time of the scheduled hearing, and informing them of the procedures applicable to this proceeding.

On June 7, 2023, the Office of the Administrative Law Judge received an email from Complainant stating, "I am requesting to cancel the hearing because I no longer have a balance with PGW and I was requested from PGW to send you this email to cancel the hearing."

On June 7, 2023, I forwarded the email received from Complainant to PGW's attorney, Anita Murray, Esquire, copying Ms. Rice, and asked if PGW objected to Ms. Rice withdrawing her Complaint.

On June 7, 2023, attorney Murray replied to my email, copying Ms. Rice. Attorney Murray stated that PGW has no objection to the withdrawal.

On June 7, 2023, a Hearing Cancellation Notice was served on the parties, cancelling the hearing scheduled for June 13, 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 Marilyn Rice.
2. The Respondent is Philadelphia Gas Works.

3. On March 30, 2023, the Complainant filed a Formal Complaint against PGW.

4. On April 26, 2023, PGW filed an Answer to the Complaint denying, in part, and admitting, in part, the allegations in the Complaint.

5. By Hearing Notice dated May 1, 2023, an Initial Call-In Telephonic Hearing was scheduled for June 13, 2023.

6. On June 7, 2023, I received an email from Complainant stating that she would like to cancel the hearing because she no longer had a PGW account balance.

7. On June 7, 2023, I forwarded the email I received from Complainant to PGW and asked if PGW objected to Ms. Rice withdrawing her Complaint.

8. On June 7, 2023, PGW replied to my email stating that they did not object to Complainant 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). Therefore, 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 her email Complainant stated, "I am requesting to cancel the hearing because I no longer have a balance with PGW and I was requested from PGW to send you this email to cancel the hearing." PGW does not object to the withdrawal. 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 will 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 Marilyn Rice's Petition for Leave to Withdraw the Formal Complaint filed at Docket No. C-2023-3039491 is granted.

2. That the Formal Complaint of Marilyn Rice at Marilyn Rice v. Philadelphia Gas Works, Docket No. C-2023-3039491, is withdrawn.

3. That Docket No. C-2023-3039491 be marked closed.

Date: June 26, 2023

\_\_\_\_\_/s/  
Michael J. Mroczka  
Special Agent