

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Annuradha Goel	:	
	:	
v.	:	C-2022-3035690
	:	
Aqua Pennsylvania Wastewater, Inc.	:	

INITIAL DECISION

Before
Dennis J. Buckley
Administrative Law Judge

INTRODUCTION

This Initial Decision grants a letter/Petition to Withdraw the Formal Complaint filed in this matter by Annuradha Goel (Complainant). The request to withdraw the Complaint is unopposed by Aqua Pennsylvania Wastewater, Inc. (Respondent or Aqua PA) and will be granted.

HISTORY OF THE PROCEEDING

On September 28, 2022, Annuradha Goel filed a Formal Complaint (Complaint) against Aqua Pennsylvania Wastewater, Inc. challenging Respondent’s lawfully tariffed rate and the lack of wastewater metering.

On October 18, 2022, Aqua PA filed an Answer to the Complaint averring that new, increased wastewater rates became effective on May 19, 2022. Aqua PA contends that at all times relevant to this matter it has provided reasonable and adequate service in compliance with its Commission-approved tariff, the Public Utility Code and the rules and regulations of the

Commission. *Pa. Pub. Util. Comm'n, et al. v. Aqua Pa. Wastewater, Inc.* Docket Nos. R-2021-3027385, R-2021-3027386, (Opinion and Order entered May 16, 2022).

On December 12, 2022, a standard form prehearing Order was issued.

On March 14, 2023, a telephonic evidentiary hearing convened. Complainant was present and offered testimony. Margaret A. Morris, Esquire, appeared on behalf of Aqua PA Wastewater and introduced five exhibits that were received into evidence: Aqua PA Exhibit 1, a Customer Information Screen; Aqua PA Exhibit 2, a Notice of Proposed Rate Increase for New Garden Township Division, (Docket No. R-2021-30273860); Aqua PA Exhibit 3, a Tariff Approval Secretarial Letter, dated 6/3/22; Aqua PA Exhibit 4, Rate Zone 11, Tariff for New Garden Township Division; Aqua PA Exhibit 5, Quarterly Monthly Bills, dated 4/1/22; 6/17/22; 9/19/22; 12/13/22; and 2/28/23. At the conclusion of the hearing, Complainant verbally petitioned to withdraw her Complaint. Aqua PA did not object to the petition.

On April 27, 2023, a 43-page transcript and the Aqua PA exhibits comprising the record in this case were filed by the court reporter. As there is no opposition to the Petition to withdraw the Complaint, the Petition will be granted.

FINDINGS OF FACT

1. Annuradha Goel is the Complainant in this matter.
2. Aqua Pennsylvania Wastewater, Inc., is the Respondent in this matter.
3. Complainant receives wastewater service from Aqua Pennsylvania Wastewater, Inc., at 5 Queens Court, Lindenberg, PA.
4. Complainant filed a Formal Complaint objecting to the lack of volumetric metering of wastewater and the terms of Respondent's lawful, tariffed rates. Tr. at 7.

5. Respondent filed an Answer denying the allegations and any violation of the Public Utility Code or the regulations of the Commission.

6. At hearing, Complainant made a verbal request/Petition to Withdraw her Complaint, and Aqua-PA has no objection to that request. Tr. 34.

DISCUSSION

The Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.94 permit parties to withdraw pleadings in a contested proceeding. The provision at 52 Pa. Code § 5.94(a) allows withdrawal of pleadings by a petition for leave to withdraw the pleading. Such a petition is granted only by permission of the presiding officer or the Commission. 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.

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

Having reviewed the request to withdraw, the lack of any objection to the request and considering the public interest, I conclude that the request to withdraw should be granted. Granting the request to withdraw will terminate the litigation, saving the parties the costs in time and money they would otherwise incur litigating the case. Granting the request to withdraw will not adversely impact the public interest and will conserve administrative hearing resources.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. § 701.

2. The Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.94 permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or the Commission.

3. 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).

4. In determining whether to permit withdrawal of the pleading, the presiding officer or the Commission must consider the petition, any objections thereto and the public interest. 52 Pa. Code § 5.94.

5. Granting the Petition to Withdraw the Complaint against Aqua Pennsylvania Wastewater, Inc. by Annuradha Goel at Docket No. C-2022-3035690 is in the public interest.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the verbal Petition to Withdraw the Complaint against Aqua Pennsylvania Wastewater, Inc. made by Annuradha Goel at Docket No. C-2022-3035690 is hereby granted as in the public interest.

2. That the Formal Complaint of Annuradha Goel in Annuradha Goel v. Aqua Pennsylvania Wastewater, Inc. at Docket No. C-2022-3035690 is withdrawn.

3. That the case at Docket No. C-2022-3035690 is to be marked closed.

Date: July 25, 2023

_____/s/_____
Dennis J. Buckley
Administrative Law Judge