

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Brenda G. Dixon	:	
	:	
v.	:	F-2023-3041134
	:	
Philadelphia Gas Works	:	

INITIAL DECISION

Before
Darlene Heep
Administrative Law Judge

INTRODUCTION

The Complainant, Brenda G. Dixon, has stated that she would like to withdraw her Formal Complaint against Philadelphia Gas Works. The Complainant’s Petition for Leave to Withdraw her Formal Complaint will be granted.

HISTORY OF THE PROCEEDING

On May 24, 2023, Brenda G. Dixon (“Complainant”) filed a Formal Complaint (“Complaint”) with the Pennsylvania Public Utility Commission (“Commission”) against Philadelphia Gas Works (“PGW” or “Respondent”). The Formal Complaint was an appeal of the payment arrangement issued by the Bureau of Consumer Services (BCS) at BCS Case Number 3895899. The Complainant alleged that her PGW bills were too high and that she would like a payment arrangement with a lower month amount than the payment arrangement issued by BCS.

On June 27, 2023, PGW filed an Answer to the Formal Complaint. In the Answer, PGW acknowledged that the Complainant had received a payment arrangement through BCS to pay her PGW bill.

On June 28, 2023, an Initial Call-In Telephonic Hearing Notice was issued, setting a hearing for August 29, 2023. A Prehearing Order was issued on August 14, 2023, setting procedural guidelines and due dates.

On August 27, 2023, the Complainant sent an email stating she would like to withdraw her Complaint. PGW sent an email stating that the company had no objection to the request to withdraw.

The record closed on August 27, 2023, upon receipt of the Complainant's request to withdraw.

FINDINGS OF FACT

1. On May 24, 2023, Complainant Brenda G. Dixon filed a Formal Complaint with the Commission against Philadelphia Gas Works.
2. PGW filed an Answer on June 27, 2023, wherein the Company acknowledged that BCS had awarded the Complainant a payment arrangement to pay her PGW bill.
3. On August 27, 2023, the Complainant sent an email stating that she would like to withdraw the Formal Complaint.
4. Philadelphia Gas Works does not object to Complainant's request to withdraw the Formal Complaint.

DISCUSSION

Commission regulations address the withdrawal of pleadings in a contested proceeding at Section 5.94(a) of Title 52 of the Pennsylvania Code, which states,

§ 5.94. Withdrawal of pleadings in a contested proceeding.

(a) 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 Complainant sent an email stating that she wished to withdraw her Formal Complaint against Philadelphia Gas Works. The Code provides that pleadings shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable. *See*, 52 Pa. Code § 1.2(a). 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. 52 Pa. Code § 1.2(c). Therefore, the email sent by Ms. Dixon will be treated as a Petition for Leave to Withdraw her Formal Complaint (Petition).

Granting the Complainant's Petition is in the public interest and does not prejudice Philadelphia Gas Works. Further, granting the Petition ends the use of resources to continue a proceeding that the Complainant no longer wishes to pursue. Additionally, Respondent Philadelphia Gas Works does not oppose the request to withdraw. Accordingly, the Complainant's Petition for Leave to Withdraw her Formal Complaint will be granted.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and the 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. The email of the Complainant requesting to withdraw the Complaint was liberally construed to be a Petition for Leave to Withdraw her Formal Complaint to secure the just, speedy and inexpensive determination of this action. *See*, 52 Pa. Code § 1.2(a).

4. Granting the Petition for Leave to Withdraw her Formal Complaint is in the public interest. 52 Pa. Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED.

1. The Formal Complaint of in Brenda G. Dixon v. Philadelphia Gas Works at Docket Number F-2023-3041134 is withdrawn.

2. That the Secretary's Bureau mark this matter closed.

Date: October 17, 2023

/s/
Darlene Heep
Administrative Law Judge