

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Philip Shropshire	:	
	:	
v.	:	C-2023-3042638
	:	
Duquesne Light Company	:	

INITIAL DECISION

Before
Emily I. DeVoe
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the unopposed Petition for Leave to Withdraw the Complaint filed by Philip Shropshire against Duquesne Light Company, because it is in the public interest.

HISTORY OF THE PROCEEDING

On August 31, 2023, Philip Shropshire (Complainant or Mr. Shropshire) filed a Formal Complaint against Duquesne Light Company (Company, Respondent, or DLC) with the Pennsylvania Public Utility Commission (Commission) requesting a payment arrangement for the amount due on his electric service at 740 Franklin Avenue, Pittsburgh, PA 15221 (service location).

On September 20, 2023, DLC filed an Answer to the Complaint, averring Complainant had previously been awarded four payment arrangements (PARs) by the Company

and one by the Commission. DLC argued Complainant was ineligible for a second Commission-awarded PAR absent a change in income.

On October 2, 2023, the Commission issued a Telephone Hearing Notice, scheduling an evidentiary hearing for December 5, 2023.

On December 3, 2023, I issued a Prehearing Order.

On November 30, 2023, Complainant filed a Motion to Continue the hearing. Later that same day, counsel for DLC emailed me, advising it had no objection to the continuance.

After consulting with the parties by email, I rescheduled the hearing for January 18, 2024. A Hearing Reschedule Notice was issued December 4, 2023.

The hearing convened as scheduled on January 18, 2024. Complainant appeared and represented himself. David Beane, Esquire, appeared on behalf of the Company. Prior to the parties presenting any evidence or testimony, the parties engaged in settlement discussions. Ultimately, the parties came to an agreement, and Complainant made an oral request on the record to withdraw his Complaint without prejudice. The Company did not object to the withdrawal.

The record closed at the conclusion of the hearing.

This matter is now ripe for decision. Complainant's unopposed request to withdraw his Complaint shall be granted as it is in the public interest.

FINDINGS OF FACT

1. On August 31, 2023, Philip Shropshire filed a Formal Complaint against DLC, requesting a payment arrangement.

2. On September 20, 2023, DLC filed an Answer to the Complaint.
3. On December 4, 2023, the Commission issued a Hearing Notice, rescheduling the evidentiary hearing in this matter for January 18, 2024.
4. The hearing convened as scheduled on January 18, 2024.
5. During the hearing, but prior to the parties providing evidence or testimony, Complainant requested to withdraw the Complaint.
6. The Company had no objection to the withdrawal.

DISCUSSION

The Commission's rules provide that a party in a contested proceeding may file for leave to withdraw a pleading with the Commission and serve it upon the other parties.¹ Additionally, the Commission or presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party.² The liberal construction provisions apply with particularity in proceedings involving *pro se* litigants.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.⁴

In this matter, Complainant made an oral request to withdraw his Complaint without prejudice at the hearing, after the parties engaged in discussions, but prior to the parties

¹ 52 Pa. Code § 5.94(a).

² 52 Pa. Code § 1.2(c).

³ 52 Pa. Code § 1.2(d).

⁴ 52 Pa. Code § 5.94(a).

offering any evidence or testimony. Considering Complainant is self-represented, I am disregarding any non-compliance with the Commission's rules regarding withdrawals of complaints. Further, I am considering his request at the hearing to be a Petition to Withdraw the Complaint.

In this case, there is no purpose in moving forward with the instant Complaint. Complainant seeks to withdraw his Complaint and the Company does not object to the withdrawal. It is in the public interest to grant Complainant's Petition for Leave to Withdraw the Complaint. Forcing the parties to proceed to an evidentiary hearing in this matter would needlessly consume the Commission's and parties' time and resources. Therefore, I grant the Petition for Leave to Withdraw.

I make particular note that the withdrawal of the Complaint is without prejudice. This means that Complainant's withdrawal does not prohibit him from filing another Complaint on the same facts and circumstances in the future.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter in this proceeding. 66 Pa.C.S. § 701.
2. 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. 52 Pa. Code § 5.94(a).
3. A party may object to a petition for leave to withdraw a pleading within ten days of service. 52 Pa. Code § 5.94(a).
4. The Commission or presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party. 52 Pa. Code § 1.2(c).

5. The liberal construction provisions apply with particularity in proceedings involving *pro se* litigants. 52 Pa. Code § 1.2(d).

6. After considering a petition for leave to withdraw a pleading, 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).

7. The withdrawal of this Complaint is in the public interest. 52 Pa. Code § 5.94(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the unopposed Petition for Leave to Withdraw the Complaint filed by Philip Shropshire, is granted.

2. That the Complaint filed by Philip Shropshire at Philip Shropshire v. Duquesne Light Company, Docket No. C-2023-3042638 is hereby withdrawn without prejudice.

3. That the Docket at C-2023-3042638 be marked as closed.

Date: January 23, 2024

_____/s/
Emily I. DeVoe
Administrative Law Judge