

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Polachek	:	
	:	
v.	:	C-2023-3042343
	:	
Pennsylvania American Water Company	:	

INITIAL DECISION

Before
Marta Guhl
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the Complainant’s request to withdraw his Complaint because there is no objection to it and granting the request is in the public interest.

HISTORY OF THE PROCEEDING

On August 16, 2023, Richard Polachek (Complainant) filed a Formal Complaint (Complaint) against Pennsylvania American Water Company (PAWC or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant sought relief from the 120% rate increase by PAWC for wastewater treatment.

On September 11, 2023, PAWC filed an Answer with New Matter (Answer) along with a Notice to Plead. In its Answer, PAWC denied all material allegations in the Complaint.

On December 4, 2023, the Complainant filed a Petition for Leave to Withdraw the Complaint (Petition) pursuant to 52 Pa. Code § 5.94.

The Respondent has not filed any objection to this request.

The record closed on December 14, 2024, when the response to the Petition was due.

FINDINGS OF FACT

1. The Complainant is Richard Polachek.
2. The Respondent is Pennsylvania American Water Company.
3. On August 16, 2023, the Complainant filed a Formal Complaint against Duquesne.
4. On September 11, 2023, PAWC filed an Answer with New Matter to the Complaint denying all material allegations in the Complaint.
5. On December 4, 2023, the Complainant filed a Petition for Leave to Withdraw the Complaint pursuant to 52 Pa. Code § 5.94.
6. The Respondent has not objected to the Complainant's Petition for Leave to Withdraw 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:

[e]xcept 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. *Id.* 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. 52 Pa. Code § 5.94.

In this case, the Complainant filed a Complaint *pro se* seeking relief for a rate increase by PAWC. Thereafter, the Complainant filed a Petition for Leave to Withdraw the Complaint. The Respondent has not indicated any objections to the Petition.

Under these circumstances, granting the Complainant's request to withdraw the 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 case. Therefore, it is in the public interest to dismiss this Complaint. Accordingly, the Complainant's Petition for Leave to Withdraw the 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. It is in the public interest to grant the Complainant's Petition for Leave to Withdraw the Complaint. 52 Pa. Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complainant's Petition for Leave to Withdraw the Complaint filed in the matter of Richard Polachek v. Pennsylvania American Water Company at Docket No. C-2023-3042343 is granted.

2. That the Complaint of Richard Polachek in the matter of Richard Polachek v. Pennsylvania American Water Company at Docket No. C-2023-3042343 is withdrawn.

