

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Melinda Brown	:	
	:	
v.	:	C-2023-3041788
	:	
Metropolitan Edison Company	:	

INITIAL DECISION

Before
Darlene Heep
Administrative Law Judge

INTRODUCTION

The Complainant, Melinda Brown, requests to withdraw her Formal Complaint against Metropolitan Edison Company. The Complainant’s Petition for Leave to Withdraw her Formal Complaint will be granted.

HISTORY OF THE PROCEEDING

On July 7, 2023, Melinda Brown (Complainant or Ms. Brown), filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Metropolitan Edison Company (Met-Ed, Respondent, or the Company). In the Complaint, Ms. Brown stated that she sought credit for payments made to the account and “honor agreed upon amount.”

On August 8, 2023, Met-Ed filed an Answer to the Complaint. In the Answer, Met-Ed denied all material allegations of fact and stated the Complainant was enrolled in the budget billing program and that the Complainant was properly billed.

Hearings were set for and convened on September 21, 2023, and February 14, 2024. At both hearings, the Complainant appeared *pro se* and Met-Ed was represented by Margaret Morris, Esq. During each hearing, the parties sought to resolve the matter. Ms. Brown and the Company agreed to exchange information regarding payments made and credited to the Complainant's account and to advise the Commission once the matter was settled or if it could not be settled.

On February 15, 2024, a Further Call-In Telephonic Hearing Notice scheduled a hearing for March 27, 2024. Also, on February 21, 2024, I issued an Order directing as follows:

1. That no later than March 5, 2024, the Complainant provide the undersigned and counsel for Metropolitan Edison:
 - a. copies of documents reflecting payments that she contends should have been credited to her account, including state documents referenced during the hearing and any other documentation,
 - b. a statement listing each payment amount that the Complainant asserts Metropolitan Edison should have credited to her account and the dates the payments were made.
2. That no later than March 12, 2024, Metropolitan Edison may submit a response to the documents provided by the Complainant.
3. That the parties meet by telephone or in person no later than March 15, 2024, to discuss the payments at issue.

On March 26, 2023, I received an email from Ms. Brown in which she stated that she wanted to withdraw her Complaint. The March 27, 2024 hearing was subsequently cancelled.

The record closed on March 26, 2024; the date I received the Complainant's withdrawal request.

FINDINGS OF FACT

1. Complainant is Melinda Brown.
2. Respondent is Metropolitan Edison Company.
3. On July 7, 2023, Melinda Brown filed a Formal Complaint with the Commission against Met-Ed in which she alleged that she did not receive credit for payments made on her account.
4. Met-Ed filed an Answer on August 8, 2023, denying all material allegations.
5. Hearings were held on September 21, 2023, and February 14, 2024.
6. During both the September 21, 2023, and February 14, 2024 hearings, the parties stated that they believed that they could resolve the matter after an exchange of additional information.
7. On February 21, 2024, an Order was issued that required that, no later than March 5, 2024, the Complainant provide Met-Ed with documentation regarding payments made and Met-Ed to file any response by March 12, 2024.
8. On March 26, 2024, the Complainant sent me an email stating that she would like to withdraw the Complaint against Met-Ed.
9. Met-Ed does not oppose the Complainant's Petition to Withdraw the 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).

On March 26, 2024, the Complainant sent an email to the Commission stating that she wished to withdraw her Formal Complaint against Met-Ed. The Commission's regulations provide that pleadings shall be liberally construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which they are 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(a), (c). Therefore, the email sent by Ms. Brown will be treated as a Petition for Leave to Withdraw her Formal Complaint under 52 Pa. Code § 5.94(a). *Ulishney v. W. Penn Power Co.*, Docket No. C-2021-3024487 (Opinion and Order entered May 19, 2022) (holding that complainant's email correspondence is deemed to be a petition to withdraw complaint).

Granting the Complainant's Petition is in the public interest and does not prejudice Met-Ed. Further, granting the Petition ends the use of resources to continue a proceeding that the Complainant no longer wishes to pursue. Additionally, Respondent Met-Ed 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 Commission's regulations shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is applicable. 52 Pa. Code § 1.2(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. 52 Pa. Code §§ 1.2(a), (c).

5. The email from 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), (c).

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

