

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Gary Lee Furhosel	:	
	:	
v.	:	C-2021-3024002
	:	
PPL Electric Utilities Corporation	:	

**INITIAL DECISION**

Before  
Charece Z. Collins  
Administrative Law Judge

**INTRODUCTION**

This Decision grants a petition to withdraw a Formal Complaint, as there is no objection to the petition, and granting the petition is in the public interest.

**HISTORY OF THE PROCEEDING**

On January 28, 2021, Gary Lee Furhosel (Mr. Furhosel or Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL). In his Complaint, Mr. Furhosel averred that PPL installed a smart meter at his home without his permission. Mr. Furhosel requested that the smart meter be removed.

On February 24, 2021, PPL filed an answer to Mr. Furhosel’s Complaint. In its answer, PPL admitted or denied the various averments in the Complaint. Moreover, PPL asserted that the smart meter was properly installed under the requirements of the Public Utility Code, the Commission’s orders, and the PPL’s Commission-approved Smart Meter Plan. *See* 66

Pa.C.S. § 2807(f); *Petition of PPL Electric Utilities Corp. for Approval of Its Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2014-2430781 (Opinion and Order Entered Sept. 3, 2015).

On April 9, 2021, Administrative Law Judge (ALJ) Charece Z. Collins issued an order staying this proceeding because by order entered November 4, 2020, the Commission ordered that any formal complaint filed with the Commission on or after November 4, 2020, challenging an electric distribution company's deployment of smart meter technology as being in violation of Section 1501 of the Public Utility Code, 66 Pa.C.S. § 1501, was to be stayed until the Commission takes further action to lift the stay. *See, Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered Nov. 4, 2020) (*November 2020 Order*).

On November 9, 2023, the Commission entered an order lifting the stay implemented by the *November 2020 Order. Smart Meter Procurement and Installation*, Docket no. M-2009-2092655 (Order entered Nov. 9, 2023) (*November 2023 Order*). On November 14, 2023, the Commission issued a notice to the parties in this proceeding that the stay in this proceeding has been lifted, pursuant to the *November 2023 Order*.

On July 9, 2024, this ALJ spoke with Mr. Furhosel by telephone, and he confirmed that he no longer wished to pursue his Complaint. In a subsequent email to the Parties, I asked if anyone objected to the withdrawal of Mr. Furhosel's Complaint. No objection was filed within the 10-day objection period.

The record in this case closed on July 19, 2024, the date that the objection period expired. Mr. Furhosel's verbal request will be treated as a Petition to withdraw the Complaint (Petition). As there is no objection to Mr. Furhosel's Petition and permitting Mr. Furhosel to withdraw his Complaint is in the public interest, Mr. Furhosel's Petition will be granted, and this matter will be marked closed.

## FINDINGS OF FACT

1. The Complainant is Gary Lee Furhosel.
2. The Respondent is PPL Electric Utilities Corporation.
3. On January 28, 2021, Mr. Furhosel filed a Formal Complaint with the Commission against PPL, seeking the removal of a smart meter from his home.
4. On February 24, 2021, PPL filed an answer in response to Mr. Furhosel's Complaint averring that it properly installed the smart meter as required by the Commission and related regulations.
5. On July 9, 2024, Mr. Furhosel notified me via telephone that he wanted to withdraw his Formal Complaint.
6. No objection to Mr. Furhosel's Petition to Withdraw was filed within the 10-day objection period.

## DISCUSSION

The withdrawal of pleadings in a contested proceeding is governed by Section 5.94(a) of the Commission's regulations, which provides:

### **§ 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, 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).

Moreover, an error or defect of procedure which does not affect the substantive rights of the parties may be disregarded. 52 Pa. Code § 1.2(a). Instead of filing a petition with the Commission, Mr. Furhosel notified me of his request to withdraw his Complaint via telephone. While Section 5.94(a) of the Commission's regulations requires a petition to be filed with the Commission and served on the parties, allowing Mr. Furhosel to communicate his intentions by telephone in lieu of filing a formal petition with the Commission would not affect the substantive rights of the parties. In fact, it has enabled Mr. Furhosel to request the withdrawal of his Complaint with ease, as he no longer desires to proceed with his Complaint. PPL did not object to Mr. Furhosel's request to withdraw his Complaint or the format in which he submitted his request. Therefore, for the purposes of this proceeding, I consider Mr. Furhosel's telephonic request to be a Petition to withdraw his Complaint. *See, Ulishney v. West Penn Power Co.*, Docket No. C-2021-3024487 (Opinion and Order entered May 19, 2022).

In his Petition filed on July 9, 2024, Mr. Furhosel requested that his Complaint be withdrawn. It is in the public interest to allow Mr. Furhosel to withdraw his Complaint if he no longer seeks to pursue the issues raised at this time. Furthermore, no objection to Mr. Furhosel's Petition has been filed in this matter. As a result, the requirements of Section 5.94(a) of the Commission's regulations governing withdrawal of pleadings in contested proceedings have been satisfied, and Mr. Furhosel's Petition to withdraw his Complaint will be granted. The Petition to withdraw will be granted without prejudice.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to 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 setting forth the reasons for the withdrawal. 52 Pa. Code § 5.94(a).

3. After considering a petition to withdraw, 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. An error or defect of procedure which does not affect the substantive rights of the parties may be disregarded. 52 Pa. Code § 1.2(a).

5. Granting Mr. Furhosel's Petition to withdraw the Complaint that he filed on January 28, 2021 is in the public interest.

#### ORDER

THEREFORE,

IT IS ORDERED:

1. That Gary Lee Furhosel's Petition to withdraw the Complaint that he filed on January 28, 2021 at Docket Number C-2021-3024002 is hereby granted.

2. That the Formal Complaint filed by Gary Lee Furhosel in Gary Lee Furhosel v. PPL Electric Utilities Corporation at docket number C-2021-3024002 is hereby withdrawn without prejudice.

3. That this matter is marked closed.

Date: August 20, 2024

\_\_\_\_\_/s/  
Charece Z. Collins  
Administrative Law Judge