

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Christopher Haymes

v.

Philadelphia Gas Works

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C-2024-3047840

INITIAL DECISION

Before
F. Joseph Brady
Administrative Law Judge

INTRODUCTION

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

HISTORY OF THE PROCEEDING

On March 26, 2024, Christopher Haymes (Complainant) filed a Formal Complaint (Complaint) against Philadelphia Gas Works (PGW or Respondent) with the Pennsylvania Public Utility Commission (Commission). In the Complaint, the Complainant alleged he was being billed incorrectly and requested a payment agreement.

On April 15, 2024, PGW filed an Answer denying all material allegations of fact in the Complaint.

By Hearing Notice dated April 19, 2024, an Initial Call-In Telephonic Hearing was scheduled for June 13, 2024.

On June 13, 2024, the hearing convened as scheduled. The Complainant appeared *pro se* and testified on his own behalf. PGW was represented by Graciela Christlieb, Esquire.

At the outset of the hearing, the Complainant confirmed that he wanted to withdraw this Complaint because he already had a pending Complaint before the Commission at Docket No. F-2023-3042824 regarding the same issues. Counsel for PGW did not object to the request.

The record closed on June 21, 2024, upon the filing of the transcript with the Commission.

FINDINGS OF FACT

1. The Complainant is Christopher Haymes.
2. The Respondent is Philadelphia Gas Works.
3. On March 26, 2024, the Complainant filed a Formal Complaint against PGW.
4. On April 15, 2024, PGW filed an Answer to the Complaint.
5. By Hearing Notice dated April 19, 2024, an Initial Call-In Telephonic Hearing was scheduled for June 13, 2024.

6. The hearing convened as scheduled on June 13, 2024. Tr. 1-5.

7. At the hearing, under oath, the Complainant requested to withdraw his Complaint. Tr. 5.

8. The Respondent did not object to the Complainant's request to withdraw his Complaint. Tr. 5.

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:

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 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.

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, particularly in proceedings involving *pro se* litigants. 52 Pa. Code §§ 1.2(a), (c), (d). Thus, the Complainant's request under oath that he wishes to withdraw his Complaint will be treated as a Petition for Leave to Withdraw the Complaint.

In this case, the Complainant filed the instant Complaint alleging that he was being billed incorrectly and requesting a payment agreement. However, prior to going on the record, the parties established that the Complainant already had a pending complaint before the Commission at Docket No. F-2023-3042824 regarding the same issues. The Complainant confirmed this was the case on the record and consequently requested to withdraw the instant Complaint. PGW does not object.

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 that is already pending before the Commission. 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 in the matter of Christopher Haymes v. Philadelphia Gas Works at Docket No. C-2024-3047840 is granted.

2. That the Formal Complaint of Christopher Haymes in the matter of Christopher Haymes v. Philadelphia Gas Works at Docket No. C-2024-3047840 is withdrawn.

3. That Docket No. C-2024-3047840 be marked closed.

Date: September 18, 2024

/s/
F. Joseph Brady
Administrative Law Judge