

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Lydia Lamar	:	
	:	
v.	:	C-2024-3048847
	:	
Philadelphia Gas Works	:	

INITIAL DECISION

Before
Darlene Heep
Administrative Law Judge

INTRODUCTION

The Complainant, Lydia Lamar, would like to withdraw her Formal Complaint against Philadelphia Gas Works. The Complainant’s Petition for Leave to Withdraw her Formal Complaint will be granted.

HISTORY OF THE PROCEEDING

On May 2, 2024, Lydia Lamar, Complainant, filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Philadelphia Gas Works (PGW, Respondent or the Company). On the Formal Complaint form, Ms. Lamar checked the boxes indicating that she would like a payment agreement and that she is having a reliability, safety or quality problem.

On May 24, 2024, PGW filed an Answer to the Complaint. In the Answer, PGW denied all material allegations of fact and stated that PGW and the Complainant had entered into several payment agreements.

On June 18, 2024, an Initial Call-In Telephonic Hearing Notice was issued for a hearing on July 31, 2024. A Prehearing Order was issued on June 26, 2024.

The hearing convened as scheduled on July 31, 2024. Gracelia Christlieb, Esquire was present on behalf of PGW. The Complainant did not call in to the hearing.

Ms. Christlieb advised that the gas service was restored at the Complainant's residence and that Ms. Lamar had sent PGW an email stating that she would like to withdraw the Complaint but did not know the procedure. Tr. 5. The hearing was adjourned and following the hearing, Ms. Christlieb forwarded to me a copy of the email from Ms. Lamar where she stated that she wanted to end this action but did not know the proper procedure for doing so.

The Complainant was contacted and confirmed by email that she wished to withdraw the Complaint. The Complainant's emails to Ms. Christlieb and to me requesting withdrawal of her Complaint were placed in the record.

The record closed on August 12, 2024, the date the transcript of the hearing was received.

FINDINGS OF FACT

1. On May 3, 2024, Lydia Lamar filed a Formal Complaint with the Commission against PGW.

2. On May 24, 2024, PGW filed an Answer to the Complaint.
3. On June 18, 2024, an Initial Call-In Telephonic Hearing Notice was issued, setting a hearing for July 31, 2024.
4. A Prehearing Order was issued on June 26, 2024.
5. By email dated July 25, 2024, Ms. Lamar advised counsel for PGW, Graciela Christlieb, Esquire, that she wished to close this matter but did not know the procedure.
6. The Complainant confirmed that she wished to withdraw the case in an email dated September 27, 2024.
7. PGW did not object to Complainant's request to withdraw the Formal 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).

By email dated July 25, 2024, Ms. Lamar advised counsel for PGW, Graciela Christlieb, Esquire, that she wished to close this matter but did not know the procedure. In an email to me dated September 27, 2024, Ms. Lamar confirmed that she wished to withdraw this Complaint.

Commission regulations provide that pleadings shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which it is 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(c). Here, the emails sent by Ms. Lamar will be treated as a Petition for Leave to Withdraw her Formal Complaint (Petition) as it will not affect the substantive rights of PGW.¹

During the hearing on July 31, 2024, PGW advised that the Complainant's gas service was restored. Granting the Complainant's Petition to Withdraw is in the public interest and does not prejudice PGW. Further, granting the Petition ends the use of resources to continue a proceeding that the Complainant no longer wishes to pursue. Additionally, Respondent PGW does not oppose the request to withdraw. Accordingly, the Complainant's Petition for Leave to Withdraw her Formal Complaint will be granted.

¹ See *Ulishney v. West Power Co.*, Docket No. C-2021-3024487 (Opinion and Order entered May 19, 2022) (finding an email request to withdraw complaint constitutes a petition to withdraw under 52 Pa. Code § 5.94(a)).

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 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); *Ulishney v. West Power Co.*, Docket No. C-2021-3024487 (Opinion and Order entered May19, 2022).

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

ORDER

THEREFORE,

IT IS ORDERED.

1. That Complainant's Petition for Leave to Withdraw her Complaint against Philadelphia Gas Works at Docket Number C-2024-3048847 is granted.

