

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Dr. Mustafa Easa	:	
	:	
v.	:	C-2024-3048223
	:	
PECO Energy Company	:	

**INITIAL DECISION**

Before  
Eranda Vero  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision grants Dr. Mustafa Easa’s request to withdraw his Formal Complaint against PECO Energy Company, as there was no objection to the request, and granting the request is in the public interest.

**HISTORY OF THE PROCEEDING**

On April 5, 2024, Dr. Mustafa Easa (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PECO Energy Company (Respondent) alleging that he is having a reliability, safety or quality problem with his utility service at 264 Thompson Mill Rd., Newtown, PA (Service Address). As relief, Complainant requested that the Commission instruct PECO to take the necessary steps to rectify the situation.

On April 25, 2024, Respondent filed an Answer denying the material allegations of the Complaint. In particular, the Answer avers that the Complainant is not the customer of record at 264 Thompson Mill Rd., Newtown, PA, and that the Service Address has electric service established in the name of Patricia Ziemba.

By Interim Order issued on May 2, 2024, Chief Administrative Law Judge, Charles E. Rainey, Jr. set the matter for resolution conference. The parties were unable to reach a resolution of the matter.

By Hearing Notice dated June 10, 2024, a telephonic hearing was scheduled for August 14, 2024, and the matter was assigned to me.

On July 1, 2024, counsel for PECO Energy Company filed a Motion requesting the continuance of the hearing scheduled for August 14, 2024, at 10:00 a.m. in the above-captioned matter. As reason for requesting the continuance, counsel cited the unavailability of Respondent's witness, senior engineer, Nichole DeMott, due to a pre-planned vacation.

Counsel further explained that PECO had informed the Complainant of the request. The Complainant did not inform PECO or me that he objected to the request for a continuance of the scheduled hearing.

By Order dated August 6, 2024, I granted PECO's request for a continuance.

A Hearing Cancellation/Reschedule Notice dated August 6, 2024, notified the parties that the hearing scheduled for August 14, 2024, was cancelled and that a new hearing date was set for August 28, 2024.

The hearing convened as scheduled on August 28, 2024. Complainant appeared *pro se* and testified in support of her Complaint. Khadijah Scott, Esq., represented the Respondent, PECO Energy Company, and presented the testimony of Nicole DeMott and Connor Kaufmann. The Respondent sponsored two exhibits which were admitted into the record.

During the hearing, the Respondent questioned Complainant's standing to bring forth the present Complaint given that he is not the customer record for the Service Address. Tr. 7. The Complainant testified that he is a tenant at the Service Address and that electric service is in the name of his landlord. Tr. 17. The Complainant was instructed to submit a copy of his lease for the Service Address as a late-filed exhibit by no later than September 6, 2024. Tr. 7, 51. Counsel for PECO made an oral Motion to dismiss the Complaint for lack of standing in the event the Complainant failed to submit a copy of his lease by the due date provided. Tr. 53. The Motion was held in abeyance.

In emails dated September 5, 2024, the Complainant expressed his intention to withdraw his Complaint. According to the Complainant, the owner of the Service Address intends to file her own complaint against PECO regarding this matter and does not wish the Complainant to pursue his claims concerning the Service Address any further. PECO counsel, Khadijah Scott was copied on these communications. The Respondent did not object to Complainant's request to withdraw the present Complaint. The record closed on September 26, 2024, which was the original deadline for filing objections.

For the reasons set forth below, the Complainant's request to withdraw his Complaint is granted.

## FINDINGS OF FACT

1. The Complainant is Dr. Mustafa Easa.
2. The Respondent is PECO Energy Company.
3. On April 5, 2024, the Complainant filed a Formal Complaint against PECO Energy Company, alleging that he is having a reliability, safety or quality problem with his utility service at the Service Address.
4. As relief, Complainant requested that the Commission instruct PECO to take the necessary steps to rectify the situation.
5. On April 25, 2024, Respondent filed an Answer denying the material allegations of the Complaint and averring that the Complainant is not the customer of record for the Service Address.
6. By Hearing Notice dated June 10, 2024, a telephonic hearing was scheduled for August 14, 2024, at 10:00 a.m.
7. On July 1, 2024, counsel for PECO Energy Company filed a Motion requesting the continuance of the hearing scheduled for August 14, 2024.
8. An Order dated August 6, 2024, granted PECO's request for a continuance.
9. A Hearing Cancellation/Reschedule Notice dated August 6, 2024, notified the parties that the hearing scheduled for August 14, 2024, was cancelled and that a new hearing date was set for August 28, 2024.

10. The hearing convened as scheduled on August 28, 2024.

11. At the hearing, the Complainant testified that he is a tenant at the Service Address and that electric service is in the name of his landlord. Tr. 17.

12. The Complainant was instructed to submit a copy of his lease for the Service Address as a late-filed exhibit by no later than September 6, 2024. Tr. 7, 51.

13. By emails dated September 5, 2024, the Complainant requested leave to withdraw his present Complaint against PECO so that the owner of the Service Address could file her own complaint.

14. PECO did not object to Complainant's request to withdraw his Complaint.

### DISCUSSION

The Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.94 permit parties to withdraw pleadings in a contested proceeding. The provision at 52 Pa. Code § 5.94(a) allows withdrawal of pleadings by filing, with the Commission and service to parties, a petition for leave to withdraw the pleading. 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. *Id.* Pursuant to 52 Pa. Code § 1.2, the Commission may, in order to secure the just, speedy and inexpensive determination of actions or proceedings, disregard an error or defect of procedure which does not affect the substantive rights of the parties. For purposes of this decision, the Complainant's email request to withdraw his Complaint against PECO Energy Company will be treated as a Petition for Leave to Withdraw the Complaint. 52 Pa. Code § 1.2.

In emails dated September 5, 2024, the Complainant expressed his desire to withdraw the present Complaint. According to the Complainant, the property owner for the Service Address intends to file her own complaint against PECO regarding the quality of electric service at the Service Address. The Respondent did not object to Complainant's request to withdraw the present Complaint.

The Commission has no interest in mandating that complainants continue litigation when they have indicated that they no longer wish to proceed with their complaint. In the present case, the Complainant wishes to allow the owner of the Service Address to pursue on her own any claims concerning the electric service provided by PECO to her property. Thus, evaluating the Complainant's claims and preparing a decision at this time would not be in the public interest. Further, the Complaint does not allege any facts that would impact the public interest. The Complaint does not contain any novel issues or issues of public interest. Under these circumstances, granting the Complainant's request to withdraw his Complaint is in the public interest because doing so will eliminate the need for further litigation and save the parties any additional costs in time and money they would otherwise incur litigating the case. Accordingly, the Complainant's request to withdraw the present Complaint is 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. In order to secure the just, speedy and inexpensive determination of actions or proceedings, the Commission may disregard an error or defect of procedure which does not affect the substantive rights of the parties. 52 Pa. Code § 1.2.

