

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Margaret Doucette	:	
	:	
v.	:	C-2023-3043824
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Dennis J. Buckley
Administrative Law Judge

INTRODUCTION

This decision grants a letter/Petition to Withdraw the Formal Complaint filed in this matter by Margaret Doucette. The request to withdraw the Complaint is unopposed and will be granted.

HISTORY OF THE PROCEEDING

On October 18, 2023, (Complainant or Ms. Doucette) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (Respondent or PPL), alleging failure on the part of PPL to render adequate service.

On November 15, 2023, PPL filed an Answer to the Complaint denying the material allegations of the Complaint and any violation of the Public Utility Code (Code) or of lack of lack of responsiveness from PPL.

By Order dated November 21, 2023, this matter was referred by the Chief Administrative Law Judge to the mediation unit of the Office of Administrative Law Judge. Mediation, however, was not successful and hearing was scheduled for February 21, 2024.

On January 22, 2024, the Complainant filed a letter requesting to withdraw her Complaint, which will be treated as a Petition to Withdraw the Complaint. PPL has no objection to the requested withdrawal.

The Petition to Withdraw the Complaint is unopposed and is in the public interest and will, therefore, be granted.

FINDINGS OF FACT

1. The Complainant is Margaret Doucette.
2. The Respondent is PPL Electric Utilities Corporation (PPL).
3. Complainant filed a Formal Complaint alleging that Respondent had failed to provide adequate service.
4. Respondent filed an Answer denying the material allegations of the Complaint.
5. Complainant filed a letter/Petition to Withdraw her Complaint on January 22, 2024.

6. PPL has no objection to Complainant's request to withdraw her Complaint and filed a letter in support of the Petition to Withdraw Complaint on February 14, 2024.

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 a petition for leave to withdraw the pleading. The petition is granted only by permission of the presiding officer or the Commission. 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).

Having reviewed the request to withdraw,¹ the lack of any objection to the request and considering the public interest, I conclude that the request to withdraw should be granted. Granting the request to withdraw will terminate the litigation, saving the parties the costs in time and money they would otherwise incur litigating the case. Granting the request to withdraw will not adversely impact the public interest and will conserve administrative hearing resources.

¹ Although Complainant's request may not have met the technical procedural standards of a formal Petition for Withdrawal of a Pleading; the Commission or presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party. 52 Pa. Code § 1.2(c). Here, I deem Complainant's letter requesting withdrawal of her Complaint as a Petition for Withdrawal of a Pleading pursuant to 52 Pa. Code § 5.94.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. § 701.
2. The Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.94 permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or the Commission.
3. In determining whether to permit withdrawal of the pleading, the presiding officer or the Commission must consider the petition, any objections thereto and the public interest. 52 Pa. Code § 5.94.
4. The Commission or presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party. 52 Pa. Code § 1.2(c).
5. Granting Complainant's letter/Petition to Withdraw the Complaint against PPL Electric Utilities Corporation, filed on October 18, 2023, at Docket No. C-2023-3043824 is in the public interest.

