

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bureau of Investigation and Enforcement	:	
	:	
v.	:	C-2024-3044610
	:	
Jose’s Moving & Handyman Services, LLC	:	

**INITIAL DECISION**

Before  
Emily I. DeVoe  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision grants the unopposed Petition for Leave to Withdraw the Complaint filed by the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement against Jose’s Moving & Handyman Services, LLC, because it is in the public interest.

**HISTORY OF THE PROCEEDING**

On December 7, 2023, the Bureau of Investigation and Enforcement (BIE) of the Pennsylvania Public Utility Commission (Commission) filed a Formal Complaint (Complaint) against Jose’s Moving & Handyman Services, LLC (Jose’s, Company, or Respondent) alleging Jose’s was charging a flat rate for transportation of household goods, rather than the rate set in its Commission-approved tariff in violation of 66 Pa.C.S.

§ 1303 and 52 Pa. Code § 31.27(a). *See* PUC utility certificate no. 8926463, Docket No. A-2023-3042277. As relief, BIE requested the Commission impose a civil penalty of \$250.00.

On December 11, 2023, Respondent filed an Answer to the Complaint, denying the material averments in the Complaint.

On April 25, 2024, BIE filed a Petition for Leave to Withdraw the Complaint (Petition), explaining that, based on information provided to BIE by Respondent, the facts and circumstances of the case had changed such that BIE desired to withdraw the Complaint “in the interest of justice.”

The Company did not file a response to the Petition.

On December 11, 2024, the Commission issued a Motion Judge Assignment Notice, assigning this matter to me.

This matter is now ripe for decision. The Petition for Leave to Withdraw will be granted in an Ordering Paragraph below as it is in the public interest.

#### FINDINGS OF FACT

1. On December 7, 2023, BIE filed a Complaint against Respondent alleging Respondent was charging a flat rate for transportation of household goods, rather than the rate set in its Commission-approved tariff in violation of 66 Pa.C.S. § 1303 and 52 Pa. Code § 31.27(a).

2. On December 11, 2023, Respondent filed an Answer to the Complaint, denying the material averments in the Complaint.

3. On April 25, 2024, BIE filed a Petition for Leave to Withdraw the Complaint, explaining that, based on information provided to BIE by Respondent, the facts and circumstances of the case had changed such that BIE desired to withdraw the Complaint “in the interest of justice.”

4. Respondent did not file a response to the Petition.

### DISCUSSION

The Commission’s rules provide that a party in a contested proceeding may file for leave to withdraw a pleading with the Commission and serve it upon the other parties. 52 Pa. Code § 5.94(a). Any objection to the petition must be filed within ten days of service. *Id.*

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. *Id.*

In this case, BIE filed a Petition for Leave to Withdraw the Complaint, explaining that, based on information provided to BIE by Respondent, the facts and circumstances of the case had changed such that BIE desired to withdraw the Complaint “in the interest of justice.”

Respondent did not file a response to the Petition.

There is no purpose in moving forward with the instant Complaint. It is in the public interest to grant BIE’s Petition for Leave to Withdraw the Complaint. Forcing the parties to proceed to an evidentiary hearing in this matter would needlessly consume

the Commission's and parties' time and resources. Therefore, I grant the Petition for Leave to Withdraw.

### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter in 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. 52 Pa. Code § 5.94(a).
3. A party may object to a petition for leave to withdraw a pleading within ten days of service. 52 Pa. Code § 5.94(a).
4. After considering a petition for leave to withdraw a pleading, 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).
5. The withdrawal of this Complaint is in the public interest. 52 Pa. Code § 5.94(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the unopposed Petition for Leave to Withdraw the Formal Complaint filed by the Commission's Bureau of Investigation and Enforcement against Jose's Moving & Handyman Services, LLC is granted.
  
2. That the Formal Complaint filed by the Commission's Bureau of Investigation and Enforcement in Bureau of Investigation and Enforcement v. Jose's Moving & Handyman Services, LLC at Docket No. C-2023-3044610, is hereby withdrawn.
  
3. That the Docket at C-2023-3044610 be marked as closed.

Date: February 5, 2025

\_\_\_\_\_/s/\_\_\_\_\_  
Emily I. DeVoe  
Administrative Law Judge