

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Stacey Martin	:	
	:	
v.	:	F-2024-3051811
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
John M. Coogan
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the unopposed Petition for Leave to Withdraw the Formal Complaint filed by Stacey Martin against PPL Electric Utilities Corporation because it is unopposed and in the public interest.

HISTORY OF THE PROCEEDING

On October 24, 2024, Stacey Martin (Ms. Martin or Complainant) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against PPL Electric Utilities Corporation (PPL or Company).¹ PPL was served the

¹ The Complaint is a timely appeal from the determination of the Commission's Bureau of Consumer Services (BCS), at BCS No. 3997322, which dismissed Complainant's informal complaint. A timely BCS appeal is subject to *de novo* review. 52 Pa. Code § 56.173(a).

Formal Complaint on October 25, 2024. In the Complaint, Ms. Martin indicated that PPL is threatening to shut off her service or has already shut off her service and that she would like a payment agreement. She further stated that she was previously enrolled in PPL's OnTrack customer payment plan, but that the monthly amount has changed and it is unaffordable. As relief, Ms. Martin requests a lower affordable monthly payment plan or extension of her original OnTrack plan.

On November 14, 2024, PPL filed an answer. In its answer, PPL averred that Ms. Martin had been enrolled in PPL's OnTrack payment plan since December 29, 2023, but that she exhausted her annual OnTrack credit on April 4, 2024, at which time PPL removed her from the OnTrack plan and enrolled her in its OnTrack Budget Billing program. PPL admitted that it sent Ms. Martin a 10-day notice of service termination on June 3, 2024, but stated that it did not terminate service pursuant to the notice.

On November 20, 2024, the Commission issued an initial telephonic hearing notice setting a formal call-in telephonic hearing of the Formal Complaint for January 22, 2025, at 1:30 p.m. Also on November 20, 2024, I issued a prehearing order, setting forth various rules that would govern the January 22, 2025 hearing.

On January 7, 2025, the Commission issued a corrected initial call-in telephonic hearing notice with corrected call-in information. On January 8, 2025, I issued a corrected prehearing order with corrected call-in information.

On January 21, 2025, I received an e-mail from Ms. Martin, stating that "with the enrollment with the ontrack program I will not need to proceed with this case." I responded to Ms. Martin and counsel for PPL, stating that I would treat Ms. Martin's request as a Petition to Withdraw her Formal Complaint and would cancel the hearing scheduled for January 22, 2025. On January 21, 2025, counsel for PPL stated by e-mail that the Company did not object to Ms. Martin's request to withdraw her Complaint. The

Commission issued a hearing cancellation notice on January 21, 2025, cancelling the scheduled hearing.

The record closed on January 21, 2025, the date I received the Complainant's withdrawal request. I will treat Ms. Martin's email request as a Petition for Leave to Withdraw, and I will grant the Petition as it is unopposed and in the public interest.

FINDINGS OF FACT

1. The Complainant in this case is Stacey Martin.
2. The Respondent in this case is PPL Electric Utilities Corporation.
3. On October 24, 2024, Ms. Martin filed a Formal Complaint against PPL.
4. On November 14, 2024, PPL filed an answer.
5. An initial telephonic hearing was scheduled for January 22, 2025, at 1:30 p.m.
6. On January 21, 2025, Ms. Martin requested by e-mail that her Formal Complaint be withdrawn.
7. On January 21, 2025, counsel for PPL stated by e-mail that the Company does not oppose Ms. Martin's request to withdraw her Formal Complaint.

DISCUSSION

Commission regulations address the withdrawal of pleadings in a contested proceeding in relevant part as follows:

§ 5.94. Withdrawal of pleadings in a contested proceeding.

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).

A “pleading” is defined as “[a]n application, complaint, petition, answer, motion, preliminary objection, protest, reply, order to show cause, new matter and reply to new matter or other similar document filed in a formal proceeding.” 52 Pa. Code § 1.8. This matter became a contested proceeding once PPL filed an answer to the Formal Complaint. *Pa. Pub. Util. Comm’n v. West Penn Utils.*, Docket No. C-2022-3031862 (Opinion and Order entered May 18, 2023); *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009).

The Commission’s regulations provide that the Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties. 52 Pa. Code § 1.2(a). The liberal construction provisions apply with particularity in proceedings involving *pro se* litigants. 52 Pa. Code § 1.2(d).

Complainant's e-mail requesting that her Formal Complaint be withdrawn does not comply with the Commission's regulations at 52 Pa. Code § 5.94(a). In particular, the email request was sent to the undersigned and counsel for PPL, but it was not filed with the Commission. I will exercise my discretion pursuant to Sections 1.2(a) and 1.2(d) of the Commission's regulations and treat Complainant's e-mail as a Petition for Leave to Withdraw the Complaint. *See Ulishney v. West Penn Power Co.*, Docket No. C-2021-3024487 (Opinion and Order entered May 19, 2022) (finding that an e-mail requesting withdrawal of a complaint constituted a petition to withdraw). PPL's substantive rights are not affected because PPL was included on Ms. Martin's e-mail request and had the opportunity to and did respond.

Pursuant to the Commission's regulations above, I must consider any objection to the Petition, and the public interest, when determining whether the Petition will be granted. PPL did not object to the Petition. It would not be in the public interest to have the parties in this matter further litigate this proceeding when Complainant no longer wishes to pursue the Formal Complaint. Granting the Petition will save the parties and the Commission additional costs in time and money they would otherwise incur in further litigating this case. Furthermore, the Complaint does not contain any novel issues or issues of public interest. Therefore, the Petition will be granted in the ordering paragraphs below.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to 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 other parties. 52 Pa. Code § 5.94(a).

3. A petition to withdraw a pleading in a contested proceeding must set forth the reasons for the withdrawal and that a party may object to the petition within ten days. 52 Pa. Code § 5.94(a).

4. After considering a petition to withdraw a pleading in a contested proceeding, 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 Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties. 52 Pa. Code § 1.2(a).

6. The liberal construction provisions apply with particularity in proceedings involving *pro se* litigants. 52 Pa. Code § 1.2(d).

7. A party's e-mail request to withdraw his/her complaint constitutes a petition to withdraw a pleading under 52 Pa. Code § 5.94(a). *Ulishney v. West Penn Power Co.*, Docket No. C-2021-3024487 (Opinion and Order entered May 19, 2022).

8. It is in the public interest to allow Complainant to withdraw her Formal Complaint. 52 Pa. Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition for Leave to Withdraw the Formal Complaint made by Stacey Martin at Docket Number F-2024-3051811 is granted.
2. That the Formal Complaint filed in the matter of Stacey Martin v. PPL Electric Utilities Corporation at Docket Number F-2024-3051811 is withdrawn.
3. That the Secretary's Bureau shall mark Docket Number F-2024-3051811 as closed.

Date: April 17, 2025

/s/
John M. Coogan
Administrative Law Judge