

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Darnell Davis

v.

PECO Energy Company

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C-2025-3054687

INITIAL DECISION

Before
Marta Guhl
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the Complainant’s request to withdraw his Formal Complaint because there is no opposition to it and it is in the public interest to grant it.

HISTORY OF THE PROCEEDING

On April 22, 2025, Darnell Davis (Complainant) filed a Formal Complaint (Complaint) against PECO Energy Company (PECO or Respondent) with the Pennsylvania Public Utility Commission (Commission) indicating that the utility was threatening to shut off or already shut off his utility service and requesting a payment arrangement.

On April 23, 2025, the Complainant filed a letter indicating that he wished to withdraw the Complaint. Complainant indicated that he no longer wished to pursue his Complaint.

On May 12, 2025, PECO filed an Answer to the Complaint which denied the material allegations of the Complaint.

Under 52 Pa. Code § 5.94(a), the Respondent had 10 days to file an objection to the Petition for Withdraw or by May 5, 2025. As of the date of this Decision, there has been no objection from counsel for the Respondent.

On May 15, 2025, the matter was assigned to me via a Notice of Motion Judge Assignment.

The record closed on May 15, 2024, when the matter was assigned to me.

FINDINGS OF FACT

1. The Complainant is Darnell Davis.
2. The Respondent is PECO Energy Company.
3. On April 22, 2025, the Complainant filed a Complaint against Respondent.
4. On April 23, 2025, the Complainant filed a letter requesting withdrawal of the Complaint.
5. On May 12, 2025, the Respondent filed an Answer to the Complaint.

6. On May 15, 2025, the matter was assigned to me as Motion Judge.

7. The Respondent did not object to the 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 petition to withdraw pleadings in a contested proceeding:

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).

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 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(a), (c). Thus, the Complainant's request to withdraw his

Complaint, through a letter, will be treated as a Petition for Leave to Withdraw his Complaint.

In the Formal Complaint, the Complainant indicated that the utility was threatening to shut off or already shut off his utility service and requested a payment arrangement. However, the Complainant then requested to withdraw his Complaint. Respondent did not oppose the Complainant's request to withdraw his Complaint. There are no novel issues involved in this matter to be considered. 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 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 his 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. 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 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.
4. 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(a), (c).

5. It is in the public interest to grant the Complainant's request to withdraw his Complaint.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Darnell Davis's Petition for Leave to Withdraw his Formal Complaint filed at Docket No. C-2025-3054687 is granted.

2. That the Formal Complaint of Darnell Davis in Darnell Davis v. PECO Energy Company filed at Docket No. C-2025-3054687 is withdrawn; and

3. That Docket No. C-2025-3054687 be marked closed.

Date: June 6, 2025

_____/s/
Marta Guhl
Administrative Law Judge