

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Event Transportation Associates LLC	:	
	:	
v.	:	C-2024-3052429
	:	
Wertz Motor Coaches Inc.	:	

**INITIAL DECISION**

Before  
Mark A. Hoyer  
Deputy Chief Administrative Law Judge

**INTRODUCTION**

This decision grants Complainant’s request to withdraw the Formal Complaint.

**HISTORY OF THE PROCEEDING**

On December 4, 2024, Event Transportation Associates LLC (Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Wertz Motor Coaches, Inc. (Respondent or Wertz) alleging, among other things, that Wertz failed to deliver transportation services as required under an agreement between the parties. No answer to the Complaint or other responsive pleading was filed by Wertz.

On January 28, 2025, a Call-In Telephone Prehearing Conference Notice was served on Complainant and Respondent (the Parties). A prehearing conference was scheduled before Administrative Law Judge (ALJ) Conrad A. Johnson on February 24, 2025, at 10:00 a.m. On January 29, 2025, ALJ Johnson served a Prehearing Order for Telephone Hearing on the Parties.

On February 14, 2025, ALJ Johnson served a First Interim Order Directing Each Party to Cause Entry of a Notice of Appearance by Legal Counsel.

On February 19, 2025, Matthew M. Hennesy, Esquire filed an Entry of Appearance on behalf of Complainant.

On February 21, 2025, John M. Quain, Jr., Esquire filed an Entry of Appearance on behalf of Complainant.

On February 24, 2025, a telephone prehearing conference was held as scheduled. Attorney Quain appeared at the conference on behalf of Complainant. Respondent did not appear at the conference and was not represented at the conference. Attorney Quain requested a continuance during the conference to confer with his client and decide how to proceed with this matter. ALJ Johnson granted the continuance request during the conference.

On March 4, 2025, a Judge Change-Assignment Notice was served assigning this matter to me.

On March 5, 2025, counsel for Complainant filed and served a Petition for Leave to Withdraw Complaint (Petition). No responsive pleading was filed by or on behalf of Respondent.

An Interim Order Closing the Hearing Record was issued on June 10, 2025.

### FINDINGS OF FACT

1. Complainant is Event Transportation Associates LLC.
2. Respondent is Wertz Motor Coaches Inc.
3. Complainant petitioned for leave to withdraw its Complaint.
4. Respondent did not file an objection to Complainant's Petition for Leave to Withdraw Complaint.

### DISCUSSION

#### Legal Standards

Section 5.94(a) of the Commission's regulations, 52 Pa. Code § 5.94(a), in relevant part, provides as follows:

(a) 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.

Respondent did not file an objection to the Petition. The Commission has no interest in mandating Complainant continue litigation when it has no interest in

prosecuting the Complaint. Further, Section 703(b) of the Public Utility Code, 66 Pa.C.S. § 703(b), provides for dismissal of a complaint without a hearing, if in the Commission's opinion, a hearing is not necessary in the public interest. In the instant case, Complainant has effectively abandoned its Complaint. Further, Respondent did not file an objection to the withdrawal. Thus, proceeding to hearing would not be in the public interest.

Accordingly, granting Complainant's Petition for Leave to Withdraw Complaint will terminate the litigation, and thereby save the parties and the Commission the costs in time and money in litigating this matter to conclusion without impacting the public interest. Therefore, in the ordering paragraphs below, the Petition will be granted.

#### 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 permit a party to withdraw a pleading in a contested proceeding by permission of the presiding officer or Commission. 52 Pa. Code § 5.94(c).
3. In determining whether to permit withdrawal of the pleading, the presiding officer or Commission must consider the petition, any objections thereto and the public interest. 52 Pa. Code § 5.94(a).
4. The Public Utility Code provides for dismissal of a complaint without a hearing, if in the Commission's opinion, a hearing is not necessary in the public interest. 66 Pa.C.S. § 703(b).

ORDER

THEREFORE,

IT IS ORDERED:

1. That Complainant Event Transportation Associates LLC's Petition for Leave to Withdraw Complaint entered into the record in the matter of Event Transportation Associates LLC v. Wertz Motor Coaches Inc., at Docket Number C-2024-3052429, is hereby granted.

2. That the Formal Complaint of Event Transportation Associates LLC in Event Transportation Associates LLC v. Wertz Motor Coaches Inc., at Docket Number C-2024-3052429, is hereby withdrawn.

3. That Commission's Secretary's Bureau shall mark Docket No. C-2024-3052429 closed.

Date: September 3, 2025

\_\_\_\_\_/s/  
Mark A. Hoyer  
Deputy Chief Administrative Law Judge