

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Steve and Betty Magill	:	
	:	
v.	:	C-2018-3005818
	:	
West Penn Power Company	:	

INITIAL DECISION

Before
Emily A. Farren
Administrative Law Judge

INTRODUCTION

This Decision dismisses the Formal Complaint of electric service customers who seek to prevent the installation of a smart meter at their residence, finding that the customers did not meet their burden of proof that the installation of a smart meter at their residence would constitute unreasonable service under the Public Utility Code.

HISTORY OF THE PROCEEDING

On November 5, 2018, Steve and Betty Magill (Complainants) filed a Formal Complaint (Complaint) against West Penn Power Company¹ (West Penn or

¹ On January 1, 2024, FirstEnergy's Pennsylvania operating companies (i.e., Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company) merged into FirstEnergy Pennsylvania Electric Company. Due to the merger transaction, the affected operating companies'

Respondent) with the Pennsylvania Public Utility Commission (Commission), seeking an exemption from the installation of a smart meter due to their daughter's health concerns.

On November 26, 2018, Respondent filed an Answer with New Matter.

On November 26, 2018, Respondent filed Preliminary Objections.

On December 8, 2018, Complainants filed a Reply to the Preliminary Objections.

On January 2, 2019, a Motion Judge Assignment Notice was issued, assigning this proceeding to Administrative Law Judge (ALJ) Jeffrey A. Watson.

On January 10, 2019, a Pre-Hearing Conference Notice was issued, scheduling a prehearing conference for January 31, 2019, at 11:00 a.m.

On January 16, 2019, ALJ Watson issued an Interim Order denying the Preliminary Objections. Also on this date, ALJ Watson issued an Interim Order establishing an initial litigation schedule.

On March 5, 2019, ALJ Watson issued an Interim Order rescheduling the prehearing conference for April 29, 2019, and was further rescheduled to June 26, 2019.

On June 26, 2019, ALJ Watson convened the prehearing conference.

tariffs were consolidated into a single tariff, with each former operating company's rates becoming its own rate district. As such, the customers of the former Metropolitan Edison Company have their own separate and distinct rate district under FirstEnergy Pennsylvania Electric Company's tariff.

On May 7, 2020, a Prehearing Order was entered setting forth procedural rules and requirements for this proceeding, including the deadline of August 13, 2020, for the presiding officer and the parties to receive hearing exhibits. A Notice also was issued scheduling telephonic hearings for August 27-28, 2020. On August 12, 2020, the presiding officer received Respondent's proposed hearing exhibits.

On August 13, 2020, Complainants requested an extension until August 24, 2020, to submit their exhibits. On August 14, 2020, an Interim Order was entered denying Complainants' requested extension of the exhibit deadline.

On August 27, 2020, ALJ Watson convened an evidentiary hearing. At the hearing, ALJ Watson took judicial notice of Respondent's exhibits PD-1 through PD-4. ALJ Watson admitted Respondent's exhibits JCA-1, JCA-3, and JCA-4. Tr. 208. Respondent's exhibits further identified as:

- PD-1 – Chapter 28 of Title 66 of the Public Utility Code
- PD-2 – Commission's Implementation Order entered on 6-24-09
- PD-3 – Commission's 6-30-11 Order
- PD-4 – Commission's 6-25-14 Order
- JCA-1 – West Penn's final approved deployment plan
- JCA-3 – Customer Contact history
- JCA-4 – WPP documentation

During the hearing, ALJ Watson marked documents presented by Complainants for identification purposes as follows:

- C-1 – A chart
- C-2 – The petition from scientists and appeal to the World Health Organization
- C-3 – One-page slide regarding neurological issues
- C-4 – Six-page report regarding the World Health Organization

Tr. 210-11.

None of Complainants’ proposed exhibits were admitted during the hearing. Tr. 210-15. ALJ Watson instructed Complainants to submit their proposed exhibits as late-filed exhibits by noon on August 31, 2020, and set September 11, 2020, as the Respondent’s deadline to serve objections, if any. Tr. 214-17.

The hearing concluded by ALJ Watson setting a briefing schedule, to be filed at the parties’ option, for October 30, 2020.

On September 15, 2020, ALJ Watson issued an Interim Order ruling on Respondent’s Objections to Complainants’ late-filed exhibits, which sustained Respondent’s objections and denied the admission of Complainants’ late-filed exhibits, marked for identification at the hearing as C-1 through C-4.

On October 8, 2020, the Commonwealth Court of Pennsylvania (“Commonwealth Court”) issued an Opinion in *Povacz v. Pennsylvania Public Utility Commission*, 241 A.3d 481 (Pa. Cmwlth. 2020) (*Povacz I*), wherein it held, amongst other things, that Act 129² does not mandate the installation of smart meters, and that the

² 66 Pa.C.S. §§ 2803, 2806.1, 2807, 2811, 2813-2815 (Act 129).

Commission had the authority to grant customers accommodations based on their health concerns. *Id.* at 490.

On October 15, 2020, West Penn filed a Motion to Stay the Proceeding with the Commission, seeking a stay and an extension of all applicable deadlines in this proceeding in light of the Commonwealth Court's decision in *Povacz I*.

On October 30, 2020, ALJ Watson issued an Interim Order suspending the briefing schedule.

On November 4, 2020, the Commission entered an Order and Notice, at Docket No. M-2009-2092655, pursuant to 66 Pa.C.S. § 501, instituting a stay of certain formal complaint proceedings then-pending before the Commission involving challenges to electric distribution company deployment of smart meter technology as being in violation of Section 1501 of the Code (Stay Order). The Stay Order directed that the stay would remain in place until it was lifted by further Commission action. The Stay Order was applied to and was docketed at this instant case.

On August 16, 2022, the Supreme Court of Pennsylvania (Supreme Court) issued an Opinion and Order at *Povacz v. Pennsylvania Public Utility Commission*, 280 A.3d 975 (Pa. 2022) (*Povacz II*). In its Opinion and Order in *Povacz II*, the Supreme Court reversed the Commonwealth Court. The Supreme Court held, amongst other things, that Act 129 does mandate smart meter deployment requiring the system-wide installation of smart meter technology by electric distribution companies. *Id.* at 992.

On November 14, 2023, given the Supreme Court's decision in *Povacz II*, the Commission lifted the stay implemented by the Stay Order. The Commission entered an Order at Docket No. M-2009-2092655, explaining that cases pending before the Office of Administrative Law Judge, such as this instant case, would proceed as directed

by the assigned presiding officer. *See Smart Meter Procurement and Installation*, Docket No. M-2009-2092655 (Order entered Nov. 14, 2023).

On August 26, 2024, the Commission issued a Judge Change – Assignment Notice, assigning this matter to ALJ Dennis J. Buckley.

On October 15, 2024, the Commission issued a Post Hearing Conference Notice, scheduling a prehearing conference on November 7, 2024.

On November 7, 2024, the post hearing conference was held as scheduled. An 11-page transcript of the post hearing conference was filed with the Commission on November 20, 2024.

The record consists of 236 total pages of transcript and Respondent’s seven exhibits.

On April 23, 2025, the Commission issued a Judge Change – Assignment Notice, informing the parties that this matter is now assigned to me.³

This matter is now ripe for decision, and for the reasons discussed below, the Complaint will be dismissed.

FINDINGS OF FACT

1. Complainants in this case are Steve and Betty Magill, who reside at 265 Shoaf Road, Smithfield, Pennsylvania 15478 (Service Address).

³ The record does not reflect any other activity between the filing of the post hearing conference transcript and the April 23, 2025, Judge Change Notice.

2. The Magills's 34-year-old daughter, Rebekah, resides with the Magills at the Service Address. Tr. 141, 159.

3. Respondent in this case is West Penn Power Company, a rate district of FirstEnergy Pennsylvania Electric Company.

4. The Magills did not offer any expert testimony at the hearing in this proceeding.

5. The Magills's daughter, Rebekah, did not provide testimony.

6. West Penn presented the testimony of John C. Ahr, a smart meter regulatory compliance advisor. Tr. 169.

7. Act 129 of 2008 requires that all electric distribution companies (EDCs) with at least 100,000 customers install smart meters throughout their service territories. Tr. 174; PD-1, p. 29.

8. Act 129 does not allow for any customer to opt-out of smart meter installation. Tr. 183.

9. West Penn is an EDC with at least 100,000 customers. Tr. 175.

10. On June 24, 2009, the Commission issued an implementation order that provided the general direction to EDCs regarding their adoption of smart meter programs. Tr. 176-77; PD-2.

11. On August 14, 2009, West Penn's Smart Meter Technology Procurement and Installation Plan (SMTPIP) was submitted to the Commission. Tr. 177.

12. On June 30, 2011, the Commission entered an Order approving a settlement regarding Respondent's SMTPIP. Tr. 177-78; PD-3.

13. On December 31, 2012, West Penn filed its initial smart meter deployment plan (SMDP) with the Commission. Tr. 179.

14. On June 25, 2014, the Commission entered an Order approving Respondent's final SMDP. Tr. 181; PD-4.

15. West Penn's SMDP was approved by the Commission under the assumption that no customer may opt out of the smart meter installation. Tr. 184.

16. West Penn's SMDP requires West Penn to deploy 98.5% of smart meters to its customer service locations by mid-2019, and the remaining 1.5% of smart meters, which are located in hard-to-access locations, such as remote hunting cabins, by December 31, 2022. Tr. 184; JCA-1, p. 47-48.

17. Act 129 and West Penn's SMDP never included any type of opt-out. The SMDP was developed and always based on 100% of its customers receiving a smart meter. Tr. 185.

18. On or about October 4, 2019, the Complainants refused smart meter installation, due to their daughter Rebekah's health concerns. Complaint ¶ 4; Tr. 188.

19. On October 8, 2019, West Penn contacted Mrs. Magill to explain there was no opt-out available and continued refusal of smart meter installation could result in the termination of service. Tr. 190.

20. West Penn has not installed a smart meter at the service address. Tr. 191.

DISCUSSION

Legal Standards

General burden of proof

As the party seeking affirmative relief from the Commission, a complainant has the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm'n*, 578 A.2d 600 (Pa. Cmwlth. 1990). A preponderance of the evidence is evidence that is more convincing, by even the smallest amount, than that presented by the opposing party. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950). As a matter of law, a complainant must show that the named utility is responsible or accountable for the problem described in the Complaint in order to prevail and that the offense is a violation of the Code, the Commission's regulations, or order. *Patterson v. Bell Tel. Co. of Pa.*, 72 Pa.P.U.C. 196 (1990); 66 Pa.C.S. § 701. The burden of proof is comprised of two distinct burdens: (1) the burden of production; and (2) the burden of persuasion. *Hurley v. Hurley*, 754 A.2d 1283 (Pa. Super. 2000). The burden of production, also called the burden of going forward with the evidence, determines which party must come forward with evidence to support a particular claim or defense. *Moore v. Nat'l Fuel Gas Distrib.*, Docket. No. C-2014-2458555 (Final Order entered Aug. 25, 2015) (*Moore*). The burden of production goes to the legal sufficiency of a party's claim or affirmative defense. *Id.* The burden of production may shift

between the parties during a hearing. A complainant may establish a prima facie case with circumstantial evidence. *See Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001) (*Milkie*). If a complainant introduces sufficient evidence to establish legal sufficiency of the claim, also called a prima facie case, the burden of production shifts to the utility to rebut the complainant's evidence. *See Moore*.

If the utility introduces evidence sufficient to balance the evidence introduced by the complainant, that is, evidence of co-equal value or weight, the complainant's burden of proof has not been satisfied and the burden of going forward with the evidence shifts back to the complainant, who must provide some additional evidence favorable to the complainant's claim. *See Milkie*, 768 A.2d at 1220; *see also, Burleson v. Pa. Pub. Util. Comm'n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *aff'd*, 461 A.2d 1234 (Pa. 1983).

Having produced sufficient evidence to establish legal sufficiency of a claim, the party with the burden of proof must also carry the burden of persuasion to be entitled to a favorable ruling. *See Moore*. While the burden of production may shift back and forth during a proceeding, the burden of persuasion never shifts; it always remains on a complainant as the party seeking affirmative relief from the Commission. *See Milkie*, 768 A.2d at 1220; *see also, Riedel v. Cnty. of Allegheny*, 633 A.2d 1325 (Pa. Cmwlth. 1993); *Burleson*, 443 A.2d at 1375. It is entirely possible for a party to carry the burden of production but not be entitled to a favorable ruling because the party did not carry the burden of persuasion. *See Moore*. In determining whether a complainant has met the burden of persuasion, the fact-finder may engage in determinations of credibility, may accept or reject testimony of any witness in whole or in part, and may accept or reject inferences from the evidence. *See Moore* (citing *Suber v. Pa. Comm'n on Crime & Delinquency*, 885 A.2d 678 (Pa. Cmwlth. 2005)).

Additionally, any decision of the Commission must be supported by substantial evidence in the record; more is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. 2 Pa.C.S. § 704; *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980). As the Commission explained, “opinions and conclusions cannot be relied upon as substantial evidence in a decision by this agency.” *Norman v. Phila. Gas Works*, Docket No. C-2018-2640719 at 30 (Opinion and Order entered Oct. 7, 2021) (*Norman*).

Smart meters

In *Povacz I*, the first of several appeals involving PECO Energy Company’s deployment of smart meter technology pursuant to Act 129, the Commonwealth Court partially affirmed, and partially reversed and remanded, the Commission’s March 28, 2019, and May 9, 2019, Orders in Maria Povacz and related cases. *Povacz I* at 495. Specifically, the Commonwealth Court held that Act 129 does not mandate the installation of smart meters, and that the Commission had the authority to grant customers accommodations based on their health concerns. *Id.* at 490. However, the Commonwealth Court affirmed: (1) the Commission’s application of the preponderance of evidence standard; (2) the Commission’s finding that the customers in those cases failed to sustain their burden of proof; and (3) that the Commission’s findings of fact were supported by substantial evidence. *Id.* at 490, 491, 493-495. The Commonwealth Court also declined to find that the deployment of smart meters violated the customers’ Fourteenth Amendment liberty interests in bodily integrity. *Id.* at 487- 488.

In *Povacz II*, the Supreme Court affirmed the Commission’s determinations in all respects and reversed the Commonwealth Court’s determination. In so doing, the Supreme Court concluded that Act 129 mandates smart meter deployment and requires the system-wide installation of smart meter technology by EDCs. *Id.* at 992. The Supreme Court found that Section 2807(f)(1), when read in conjunction with Section

2807(f)(2), provides instructions for furnishing smart meters to all customers. In short, the Supreme Court found that under Act 129, customers have no right to refuse smart meter installation. *Id.* at 997.

The Supreme Court did, however, affirm the Commonwealth Court’s conclusion that the “[c]ustomers failed to meet their burden of proving, by a preponderance of the evidence, a conclusive causal connection between [radio frequency] emissions from smart meters and adverse human health effects.” *Id.* at 1014. The Supreme Court noted that while Act 129 does not provide customers with the right to opt-out of smart meter installation at their residence, they may file a complaint with the Commission raising a claim that installation of a smart meter violates Section 1501 of the Code, 66 Pa.C.S. § 1501 (Section 1501). *Id.* at 999. The Supreme Court reiterated that complainants seeking relief from the Commission must satisfy their burden of proof by a preponderance of the evidence. The Supreme Court explained that inconclusive evidence – evidence that does not lead to a conclusion of a definite result one way or the other – does not meet even the minimal requirements of the preponderance of the evidence standard. *Id.* at 1005. The Supreme Court opined that while a customer’s evidence does not need to prove their assertion beyond any doubt, evidence of a mere possibility that harm could result is insufficient to satisfy the preponderance of the evidence standard. *Id.* at 1008.

The Supreme Court noted that the burden of proof is two-fold for Section 1501 claims involving the safety of smart meters and radio frequency (RF) emissions. First, a customer must present expert opinion rendered to a reasonable degree of scientific certainty that radio frequency emissions from smart meters cause adverse health effects. Next, a customer must present expert opinion rendered to a reasonable degree of medical certainty that RF emissions from the smart meters, either alone or cumulative to other sources of RF emissions, caused them harm. The utility may then refute the customer’s evidence by providing scientific and/or medical expert testimony that, within a

reasonable degree of certainty, the RF emissions from smart meters did not cause the alleged harm. Once the parties have presented their evidence, the onus then falls on the fact finder to weigh the evidence and determine whether it is more likely than not that the smart meter caused the customer harm. *Id.* at 1006. The Supreme Court held that if a customer establishes by a preponderance of the evidence, based on the totality of the circumstances, that smart meter service violates Section 1501, they are entitled to an accommodation to the extent allowed by Act 129 and a utility's tariff. However, given that Act 129 mandates smart meter deployment, the Supreme Court clarified that such accommodation may not rise to the level of an opt-out from smart meter installation. *Id.* at 1014.

Reasonable service

Pursuant to Section 1501 of the Code, all public utilities have a duty to maintain “adequate, efficient, safe, and reasonable service and facilities” and to make repairs, changes, and improvements that are necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. 66 Pa.C.S. § 1501. Section 1501 of the Code, provides, in pertinent part, as follows:

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service and facilities shall be in conformity with the regulations and orders of the commission.

66 Pa.C.S. § 1501.

Analysis

Although the Supreme Court held that Act 129 does not provide customers with the right to opt-out of smart meter installation at their residence, it noted that they may file a complaint with the Commission raising a claim that installation of a smart meter violates Section 1501. *Povacz II* at 999. In this matter, the Magills raised a Section 1501 claim, arguing that the installation of a smart meter at home would adversely affect their daughter's health. Complaint ¶ 4; Tr. 96, 105, 137.

At the hearing, in support of their claim that the installation of a smart meter at their home would exacerbate their daughter's (Rebekah) health conditions in violation of Section 1501, Ms. Magill sought to provide testimony regarding her experience as a naturopathic doctor. Tr. 97-103. Ms. Magill also sought to provide the testimony of another daughter, Rachel, regarding Rachel's observations of Rebekah. Tr. 154-164. Neither Ms. Magill nor her daughter Rachel were qualified to testify as experts at the evidentiary hearing. Tr. 104-105, 108, 120, 164. No exhibits offered by Complainants were admitted into the record. Rebekah did not testify.

The issue of whether the installation of a smart meter at the Magill's service address will cause their daughter Rachel adverse health effects is an issue that involves explanations and inferences not within the range of ordinary training, knowledge, intelligence and experience. When the issue at hand, here the safety of a smart meter, involves scientific, technical, or other specialized knowledge beyond that possessed by a layperson, expert testimony is needed to assist the factfinder to understand the evidence or to determine a fact in issue. *See Pa.R.E. 702; see also Povacz II*. As explained in *Povacz II*, for a complainant to meet their burden of proof in Section 1501 claims involving the safety of smart meters and RF emissions, the customer must first present expert opinion rendered to a reasonable degree of scientific certainty that RF emissions from smart meters cause adverse health effects, and then the customer must

present expert opinion rendered to a reasonable degree of medical certainty that RF emissions from the smart meters, either alone or cumulative to other sources of RF emissions, caused them harm. *Povacz II* at 1006.

As there is no evidence that Ms. Magill is qualified to offer testimony as an engineer, doctor, or other medical professional, the record is devoid of any expert testimony or credible evidence to support the Magills’s claim that the installation of a smart meter at their service address would present a health hazard to their daughter. Without expert testimony and credible evidence, the Magills’s claims are reduced to unsubstantiated opinions. Assertions, personal opinions or perceptions do not constitute factual evidence. As the Commission explained, “[O]pinions and conclusions cannot be relied upon as substantial evidence in a decision by this agency.” *Norman* at 30. The Supreme Court in *Povacz II* further explained:

To the extent Customers challenge the safety of smart meters based on their individualized concerns about adverse effects, we conclude that neither fear nor inconclusive scientific research is sufficient to prove that smart meter technology constitutes unsafe service under Section 1501. Allowing fear — however reasonable given the inconclusiveness of scientific research and studies — to support a finding or conclusion that smart meter technology is unsafe, in the absence of substantial evidence of causality between RF emissions and adverse human health effects, eliminates the requirement that a customer prove the utility is responsible or accountable for the problem described in the complaint.

Povacz II at 1005.

To establish a *prima facie* case, the Magills must show that the installation of a smart meter at their service address would adversely affect their daughter’s health in violation of Section 1501 of the Code. Due to the absence of: (1) expert testimony

presented by the Magills in this proceeding; and (2) any competent evidence of a conclusive causal connection between RF emissions from smart meters and the adverse health effects they believe their daughter suffers from, they cannot be found to have made a *prima facie* case. As the Magills did not establish a *prima facie* case, the burden of production never shifted to West Penn.

Conclusion

In this proceeding, the burden of proof is on the Magills to show by a preponderance of the evidence that the installation of a smart meter at their service address would adversely affect the health of their daughter in violation of Section 1501 of the Code. As the Magills failed to establish by a preponderance of the evidence that smart meter installation by the Company would violate Section 1501 of the Code, they are not entitled to an exemption from the Company's smart meter installation, or to any other relief that they are seeking in this proceeding. Since the Magills failed to meet their burden of proof, the Complaint will be dismissed 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. The party seeking relief from the Commission has the burden of proof. 66 Pa.C.S. § 332(a).
3. "Burden of proof" means a duty to establish a fact by a preponderance of the evidence, or evidence more convincing, by even the smallest degree, than the evidence presented by the other party. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950).

4. Any decision of the Commission must be supported by substantial evidence in the record; more is required than a mere trace of evidence or a suspicion of the existence of a fact that sought to be established. 2 Pa.C.S. § 704; *Norfolk & W. Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980).

5. Assertions, personal opinions and conclusions cannot be relied upon as substantial evidence in a Commission decision. *Norman v. Phila. Gas Works*, Docket No. C-2018-2640719 (Opinion and Order entered Oct. 7, 2021).

6. Act 129 does not provide customers with the right to opt-out of smart meter installation at their residence. *Povacz v. Pa. Pub. Util. Comm'n*, 280 A.3d 975 (Pa. 2022).

7. The Public Utility Code mandates that a public utility must furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and must make such repairs, changes, alterations, substitutions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience and safety of its patrons and the public. 66 Pa.C.S. § 1501.

8. Specific to smart meters and RF emissions, the burden of proof is two-fold. First, a customer must present expert opinion rendered to a reasonable degree of scientific certainty that smart meters emit RFs and that RF emissions cause adverse health effects and, second, expert opinion rendered to a reasonable degree of medical certainty that RF emissions from the smart meters, either alone or cumulative to other sources of RF emissions, caused them harm. *Povacz v. Pa. Pub. Util. Comm'n*, 280 A.3d 975 (Pa. 2022).

9. To meet their burden of proof, complainants must show, “by a preponderance of the evidence, a conclusive causal connection between [radio frequency] emissions from smart meters and adverse human health effects.” *Povacz v. Pa. Pub. Util. Comm’n*, 280 A.3d 975, 1014 (Pa. 2022).

10. The Magills failed to carry their burden of proof establishing that the installation of a smart meter at their home would violate Section 1501 of the Code. 66 Pa.C.S. § 332.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint filed in the matter of *Steve and Betty Magill v. West Penn Power Company*, Docket No. C-2018-3005818, is dismissed.

2. That the Secretary’s Bureau shall mark Docket No. C-2018-3005818 as closed.

Date: September 11, 2025

_____/s/
Emily A. Farren
Administrative Law Judge