

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Eagle Village POA	:	
	:	
v.	:	C-2025-3055381
	:	
Community Utilities of Pennsylvania, Inc.	:	

**INITIAL DECISION**

Before  
Steven K. Haas  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision grants the Complainant's Petition to Withdraw Formal Complaint with Prejudice, since the request is unopposed and in the public interest.

**HISTORY OF THE PROCEEDING**

On May 21, 2025, Eagle Village POA (Complainant or Eagle Village) filed a Formal Complaint (Complaint) against Community Utilities of Pennsylvania, Inc. (CUPA) seeking bill adjustments to high bills and a payment plan because of “massive water leaks and busted pipes” in several of Complainant’s time-share units. In its Complaint, Eagle Village indicated that it was represented in this proceeding by an attorney.

On June 16, 2025, CUPA filed an Answer and New Matter to the Complaint. In its Answer, CUPA denied that the Complainant was entitled to bill

adjustments. In its New Matter, CUPA argued that the Complainant failed to state a claim for which relief can be granted because it did not allege that CUPA violated the Public Utility Code, a Commission order or regulation, or CUPA's tariff. CUPA requested that the Commission dismiss the Complaint.

By Notice dated July 21, 2025, the Commission scheduled a telephonic evidentiary hearing for September 24, 2025, and assigned me as the Presiding Officer.

On June 6, 2025, CUPA served Interrogatories and Requests for Production of Documents on Complainant. Complainant never served any objections or answers to the discovery requests.

On August 26, 2025, CUPA filed a Motion to Compel, requesting that I issue an order compelling Complainant to provide full and complete answers to the discovery requests or, alternatively, prohibit Complainant from introducing at any hearing held in this matter evidence that would have been obtained had Complainant responded to the discovery requests. Complainant did not file an Answer to CUPA's Motion to Compel.

On September 8, 2025, I issued an Order granting CUPA's Motion to Compel. In my Order, I directed the Complainant to provide full and complete responses to CUPA's discovery requests by September 15, 2025. My Order stated that, in the event Complainant failed to respond to the discovery requests by September 15, 2025, CUPA may make an appropriate motion requesting further relief. To date, I have received no indication that the Complainant provided the discovery responses as directed.

On September 17, 2025, CUPA filed a Motion for Sanctions by which it seeks dismissal of Eagle Village's Complaint.

Also on September 17, 2025, and unknown to CUPA at the time it filed its Motion for Sanctions, Eagle Village filed an Unopposed Petition to Withdraw its Formal Complaint with Prejudice. In its Petition, Eagle Village stated that it no longer wished to pursue its Complaint. It further stated, “Eagle Village waives any and all claims against Respondent related to the facts and circumstances set forth in the Complaint.” Petition, ¶ 6. Eagle Village noted in its Petition that it had conferred with CUPA’s counsel and that CUPA does not oppose the Petition to Withdraw.

For the reasons set forth below, I will grant Eagle Village’s Petition to Withdraw its Formal Complaint with Prejudice.

#### FINDINGS OF FACT

1. The Complainant in this proceeding is the Eagle Village POA.
2. The Respondent in this proceeding is Community Utilities of Pennsylvania, Inc.
3. On May 21, 2025, Eagle Village filed a Formal Complaint against CUPA.
4. On June 16, 2025, CUPA filed an Answer and New Matter in response to the Complaint.
5. On June 6, 2025, CUPA served Interrogatories and Requests for the Production of Documents on Eagle Village.
6. By Notice dated July 21, 2025, the Commission scheduled a telephonic evidentiary hearing for September 24, 2025.

7. On August 26, 2025, CUPA filed a Motion to Compel Discovery Responses.

8. On September 8, 2025, I issued an Order granting CUPA's Motion to Compel and directing Eagle Village to provide responses to CUPA's discovery requests no later than September 15, 2025.

9. On September 17, 2025, CUPA filed a Motion for Sanctions seeking dismissal of Eagle Village's Formal Complaint.

10. Also on September 17, 2025, Eagle Village's attorney filed a Petition to Withdraw its Formal Complaint with Prejudice. In its Petition, Eagle Village stated it no longer wished to pursue its Complaint.

11. CUPA does not oppose Eagle Village's Petition to Withdraw its Formal Complaint with Prejudice.

### DISCUSSION

The Commission's regulations permit the withdrawal of pleadings in a contested proceeding. The applicable regulation provides, in relevant part:

#### **§ 5.94. Withdrawal of pleadings in a contested proceeding.**

(a) 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.

Here, Eagle Village, which is represented by legal counsel, filed a Petition to Withdraw its Formal Complaint with Prejudice, indicating that it no longer wishes to pursue its Complaint and further stating that it waives any and all claims against Respondent related to the facts and circumstances set forth in the Complaint. The Complaint involves billing for service provided only to the Complainant's properties. The Complaint does not involve or implicate service or billing to any other customers or members of the public. Accordingly, there is no harm to the public interest in granting the request. Further, as noted above, CUPA does not object to the withdrawal.

Having considered the Petition, any objections thereto and the public interest, I conclude there is no point in requiring either party to further pursue this matter at this time, and there is no prejudice to either party or the public interest in allowing the withdrawal.

The Commission may dismiss any complaint without a hearing if a hearing is not necessary in the public interest. 66 Pa.C.S. § 703(b). A hearing now would serve no purpose, and therefore, the hearing will be cancelled, and the docket will be closed.

#### CONCLUSIONS OF LAW

1. Withdrawal of a pleading in a contested proceeding is permitted under the Commission regulations. 52 Pa. Code § 5.94.

2. The Commission may dismiss any complaint without a hearing if a hearing is not necessary in the public interest. 66 Pa.C.S. § 703(b).

3. In ruling on a petition to withdraw a pleading, the Commission must consider the petition, any objections thereto and the public interest. 52 Pa. Code § 5.94(a).

4. The Commission may dismiss any complaint without a hearing if a hearing is not necessary in the public interest. 66 Pa.C.S. § 703(b).

5. A hearing in this matter is not necessary in the public interest.

#### ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition of Eagle Village POA to Withdraw with Prejudice its Formal Complaint against Community Utilities of Pennsylvania, Inc. at Docket No. C-2025-3055381 is granted.

2. That the Formal Complaint filed by Eagle Village POA in Eagle Villiage POA v. Community Utilities of Pennsylvania, Inc. at Docket No. C-2025-3055381 is withdrawn with prejudice.

