

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Daisy Smalls	:	
	:	
v.	:	F-2025-3055179
	:	
Philadelphia Gas Works	:	

**INITIAL DECISION**

Before  
F. Joseph Brady  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision grants Complainant’s request to withdraw her Formal Complaint because there is no objection to it and granting the request is in the public interest.

**HISTORY OF THE PROCEEDING**

On May 8, 2025, Daisy Smalls (Complainant) filed a Formal Complaint (Complaint) against Philadelphia Gas Works (PGW or Respondent) with the Pennsylvania Public Utility Commission (Commission) alleging that there were incorrect charges on her bill.

On June 3, 2025, Respondent filed an Answer in which it denied the material allegations of fact and conclusions of law in the Complaint. Respondent requested that the Complaint be dismissed.

On June 10, 2025, an Initial Telephonic Hearing Notice was served on the parties scheduling a hearing on August 27, 2025, and the matter was assigned to me.

On June 10, 2025, a Prehearing Order was served on the parties reminding them of the date and time of the hearing and informing them about the applicable procedural rules.

On August 27, 2025, Complainant filed a Petition for Leave to Withdraw the Complaint pursuant to 52 Pa. Code § 5.94.

#### FINDINGS OF FACT

1. Complainant is Daisy Smalls.
2. Respondent is Philadelphia Gas Works.
3. On May 8, 2025, Complainant filed a Formal Complaint against PGW.
4. On June 3, 2025, PGW filed an Answer.
5. On August 27, 2025, Complainant filed a Petition for Leave to Withdraw the Complaint pursuant to 52 Pa. Code § 5.94.
6. PGW did not object to the Petition for Leave to Withdraw.

## 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.

In this case, Complainant filed a Complaint *pro se* alleging her bills were incorrect. Subsequently, Complainant filed a Petition for Leave to Withdraw the Complaint. PGW did not object.

Under these circumstances, granting Complainant's request to withdraw the 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 a case wherein the relief sought cannot be granted. Further, the Complaint does

not contain any novel issues or issues that would impact the public interest. Accordingly, Complainant's Petition for Leave to Withdraw the Complaint shall be 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. After considering the petition, 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).
4. It is in the public interest to grant Complainant's Petition for Leave to Withdraw the Complaint. 52 Pa. Code § 5.94.

### ORDER

THEREFORE,

IT IS ORDERED:

1. That Complainant's Petition for Leave to Withdraw the Complaint is granted.

