

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|-------------------------------------|---|----------------|
| Imelda Torres | : | |
| | : | |
| v. | : | F-2025-3057779 |
| | : | |
| Pennsylvania-American Water Company | : | |

INITIAL DECISION

Before
John M. Coogan
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the unopposed Petition for Leave to Withdraw the Formal Complaint filed by Imelda Torres against Pennsylvania-American Water Company because it is in the public interest.

HISTORY OF THE PROCEEDING

On September 29, 2025, Imelda Torres (Ms. Torres or Complainant) filed a Formal Complaint (Complaint) with the Pennsylvania Public Utility Commission (Commission) against Pennsylvania-American Water Company (PAWC or Company).¹

¹ The Complaint is a timely appeal from the determination of the Commission’s Bureau of Consumer Services (BCS), at BCS No. 4081407, which dismissed Complainant’s informal complaint. A timely BCS appeal is subject to de novo review. 52 Pa. Code § 56.173(a).

The Complaint was served on PAWC on October 2, 2025. In her Complaint, Ms. Torres stated she was disputing an unreasonable water bill of \$10,297.16 from PAWC. Ms. Torres alleged that the overage was not due to household consumption but a meter pit leak. Ms. Torres states that PAWC only applied a limited leak adjustment of \$2,982.64. As relief, Ms. Torres requests that the Commission order PAWC to further adjust or remove the \$10,297.16 in charges, recalculate her account to reflect only normal consumption, and provide any additional relief deemed just and reasonable.

On October 22, 2025, PAWC filed an answer and new matter. In its answer, the Company admitted that Complainant experienced a leak on her customer-owned service line near her meter pit. The Company further admitted that the leak affected two billing periods, and the total amount of disputed bills was \$13,467.04 for water and wastewater service. PAWC admits it provided Complainant a one-time leak adjustment in the amount of \$2,982.64. The Company denies it violated the Public Utility Code, the Commission's regulations, a Commission Order, or the Company's Commission-approved Tariff. In its new matter, the Company avers that Complainant fails to state a claim upon which relief can be granted because the Company's Commission-approved Tariff maintains that responsibility for the service line is the customer's, not the Company's. A notice to plead accompanied PAWC's new matter.

Also on October 22, 2025, PAWC filed a preliminary objection. PAWC's preliminary objection avers the Complaint should be dismissed because it is legally insufficient pursuant to 52 Pa. Code § 5.101(a)(4). Specifically, PAWC asserts that because it has already applied an adjustment to the Complainant's account consistent with its Commission-approved Tariff; because the Complainant failed to plead that PAWC violated any applicable law, regulation, order, or Tariff provision; because the Complainant is responsible for leaks occurring on her customer-owned service line; and because all of the disputed bill(s) were rendered based on actual meter readings, the Complaint is legally insufficient as a matter of law, no relief can be granted, and the

Complaint should be dismissed with prejudice. A notice to plead accompanied PAWC's preliminary objection.

No response to the new matter or preliminary objection has been filed.

On November 19, 2025, the Commission issued a motion judge assignment notice, assigning me as the presiding officer in this proceeding.

On November 21, 2025, the Commission's Secretary's Bureau forwarded me an e-mail from Ms. Torres, stating in relevant part:

I am writing to formally withdraw my complaint. I understand the utility has filed a Preliminary objection, and I do not wish to proceed with the case. Please mark the complaint as withdrawn and close the docket.

On November 21, 2025, I responded to Ms. Torres by e-mail, copying counsel for PAWC, stating that I would be fine with treating her e-mail as an informal petition to withdraw the Formal Complaint. However, I also emphasized to Ms. Torres that:

[Y]ou state you understand that the utility has filed preliminary objections, and you do not wish to proceed. Since you made this comment, I want to make it clear that it is not a requirement that you, as a self-represented individual, have an attorney to represent you in this proceeding. There are outstanding preliminary objections which I must rule on. If I grant the preliminary objections, I will likely write a decision dismissing your Formal Complaint. If I deny the preliminary objections, your Formal Complaint may proceed to a hearing or mediation. In either event, you may represent yourself. Based on this information, if you do want to proceed with your Formal Complaint without an attorney, please let me know by

Monday, December 1, 2025. Otherwise, I will treat your request below as an informal petition to withdraw your Formal Complaint.

On November 21, 2025, counsel for PAWC responded by e-mail that there were no objections to the informal petition to withdraw. Also on November 21, 2025, Ms. Torres responded by e-mail, stating: “I am writing to confirm that I do not wish to proceed with my Formal Complaint. Please treat this email as my voluntary request to withdraw the complaint.”

The record closed on November 21, 2025, the date I received the Complainant’s e-mail withdrawal request. I will treat Ms. Torres’ request as a Petition for Leave to Withdraw her Formal Complaint (Petition), and I will grant the Petition as it is unopposed and in the public interest.

FINDINGS OF FACT

1. The Complainant in this case is Imelda Torres.
2. The Respondent in this case is Pennsylvania-American Water Company.
3. On September 29, 2025 Ms. Torres filed a Formal Complaint against PAWC.
4. On October 22, 2025, PAWC filed an answer.
5. On October 22, 2025, PAWC filed a preliminary objection.

6. On November 19, 2025, the Commission issued a motion judge assignment notice, assigning me as the presiding officer in this proceeding.

7. On November 21, 2025, Ms. Torres requested by e-mail that her Formal Complaint be withdrawn.

8. On November 21, 2025, counsel for PAWC stated by e-mail that the Company did not object to Ms. Torres' request to withdraw the Formal Complaint.

DISCUSSION

Commission regulations address the withdrawal of pleadings in a contested proceeding in relevant part as follows:

§ 5.94. Withdrawal of pleadings in a contested proceeding.

[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).

A “pleading” is defined as “[a]n application, complaint, petition, answer, motion, preliminary objection, protest, reply, order to show cause, new matter and reply to new matter or other similar document filed in a formal proceeding.” 52 Pa. Code § 1.8. This matter became a contested proceeding once PAWC filed an answer and new

matter, as well as a preliminary objection, to the Formal Complaint. *Pa. Pub. Util. Comm'n v. W. Penn Utils.*, Docket No. C-2022-3031862 (Opinion and Order entered May 18, 2023); *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered Jun. 24, 2009).

The Commission's regulations provide that the Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties. 52 Pa. Code § 1.2(a). The liberal construction provisions apply with particularity in proceedings involving *pro se* litigants. 52 Pa. Code § 1.2(d).

Complainant's e-mail requesting that her Formal Complaint be withdrawn does not comply with the Commission's regulations at 52 Pa. Code § 5.94(a). In particular, the request was not sent to counsel for PAWC and was not filed with the Commission. I will exercise my discretion pursuant to Sections 1.2(a) and 1.2(d) of the Commission's regulations and treat Complainant's e-mail as a Petition for Leave to Withdraw the Complaint. *See Ulishney v. W. Penn Power Co.*, Docket No. C-2021-3024487 (Opinion and Order entered May 19, 2022) (finding that an e-mail requesting withdrawal of a complaint constituted a petition to withdraw). PAWC's substantive rights are not affected because I informed PAWC of Ms. Torres' request and PAWC had the opportunity to and did respond stating that it did object to Ms. Torres' request.

Pursuant to the Commission's regulations above, I must consider any objection to the Petition, and the public interest, when determining whether the Petition will be granted. In addition to her original withdrawal request, Ms. Torres responded to my e-mail regarding self-representation, confirming that she would like to withdraw her Formal Complaint. PAWC does not object to Ms. Torres' request to withdraw her Formal Complaint. It would not be in the public interest to have the parties in this matter further litigate this proceeding when Complainant no longer wishes to pursue the Formal

Complaint. Granting the Petition will save the parties and the Commission additional costs in time and money they would otherwise incur in further litigating this case. Finally, the Complaint does not contain any novel issues or issues of public interest. Therefore, the Petition will be granted in the ordering paragraphs below.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter of and the parties to this proceeding. 66 Pa.C.S. § 701.
2. 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 other parties. 52 Pa. Code § 5.94(a).
3. A petition to withdraw a pleading in a contested proceeding must set forth the reasons for the withdrawal and that a party may object to the petition within ten days. 52 Pa. Code § 5.94(a).
4. After considering a petition to withdraw a pleading in a contested proceeding, 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).
5. The Commission or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties. 52 Pa. Code § 1.2(a).
6. The liberal construction provisions apply with particularity in proceedings involving *pro se* litigants. 52 Pa. Code § 1.2(d).

7. A party's e-mail request to withdraw his/her complaint constitutes a petition to withdraw a pleading under 52 Pa. Code § 5.94(a). *Ulishney v. W. Penn Power Co.*, Docket No. C-2021-3024487 (Opinion and Order entered May 19, 2022).

8. It is in the public interest to allow Complainant to withdraw her Formal Complaint. 52 Pa. Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Petition for Leave to Withdraw the Formal Complaint filed by Imelda Torres on November 21, 2025, at Docket Number F-2025-3057779, is granted;

2. That the Formal Complaint filed by Imelda Torres in the matter of Imelda Torres v. Pennsylvania-American Water Company, at Docket Number F-2025-3057779, is withdrawn;

3. That the preliminary objections filed on October 22, 2025 at Docket Number F-2025-3057779 are dismissed as moot; and

