

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joseph Nabogis	:	
	:	
v.	:	C-2025-3053860
	:	
PPL Electric Utilities Corporation	:	

INITIAL DECISION

Before
Charece Z. Collins
Administrative Law Judge

INTRODUCTION

This Initial Decision grants the Complainant's request to withdraw his Formal Complaint since his request is unopposed and doing so is in the public interest.

HISTORY OF THE PROCEEDING

On March 10, 2025, Joseph Nabogis (Complainant or Mr. Nabogis) filed a Formal Complaint (Complaint) against PPL Electric Utilities Corporation (Respondent or PPL), alleging that he was having a reliability of service issue, as he was experiencing a high number of power outages. The Complainant requested that PPL “do more tree cutting.” Complaint at ¶ 5.

On March 31, 2025, PPL filed its Answer in response to the Complaint. PPL denied that it has provided unreliable service and listed the various vegetation management procedures that it has implemented.

On April 8, 2025, an Interim Order Setting Resolution Conference was served on the parties directing them to attempt to resolve the matter themselves and set a date to hold a conference about resolving the case. The conference was to take place no later than May 6, 2025. The parties were unable to resolve the matter.

On July 21, 2025, an Initial Telephonic Hearing Notice was served on the parties scheduling a telephonic hearing on September 24, 2025, at 10:00 a.m., and the matter was assigned to me. On July 22, 2025, a Prehearing Order was served on the parties reminding them of the date and time of the hearing and setting forth various procedures for the hearing.

The hearing proceeded as scheduled on September 24, 2025. The Complainant participated *pro se*. The Respondent appeared and was represented by Alice Wade, Esquire. No testimony was taken at the hearing. During off-the-record settlement discussions, Mr. Nabogis indicated his desire to withdraw his Complaint. On the record, Mr. Nabogis stated that his reasoning for seeking to withdraw his Complaint was that he had learned about all of the improvements that PPL made to its vegetation management processes and was pleased with their progress. Mr. Nabogis therefore saw no reason to pursue his Complaint. Tr. 8-10. Also on the record, PPL stated that it did not object to Mr. Nabogis' request to withdraw his Complaint. Tr. 10.

The request that Mr. Nabogis made at the September 24, 2025 hearing will be treated as a Petition to withdraw his Complaint. An error or defect of procedure which does not affect the substantive rights of the parties may be disregarded. 52 Pa. Code § 1.2(a). While Section 5.94(a) of the Commission's regulations requires a Petition to be

filed with the Commission and served on the parties to formally request a withdrawal, allowing Mr. Nabogis to make his request on the record at a hearing, in lieu of filing a formal petition with the Commission, would not affect the substantive rights of the parties. In fact, it has enabled Mr. Nabogis to request the withdrawal of his Complaint with ease, as he no longer desires to proceed with his Complaint. PPL did not object to Mr. Nabogis' request to withdraw his Complaint or the format in which he submitted his request. Therefore, I consider Mr. Nabogis' on-the-record request to be a Petition to withdraw his Complaint.

The record closed on October 8, 2025, upon receipt of the hearing transcript. Complainant's Petition is now ripe for review.

FINDINGS OF FACT

1. Complainant is Joseph Nabogis.
2. Respondent is PPL Electric Utilities Corporation.
3. On March 10, 2025, Complainant filed a formal Complaint against PPL.
4. On March 31, 2025, Respondent filed its Answer.
5. On July 21, 2025, a hearing notice was issued establishing a telephonic hearing for September 24, 2025 at 10:00 a.m., to hear Mr. Nabogis' Complaint.
6. At the September 24, 2025 hearing, Complainant sought leave to withdraw his Formal Complaint. Tr. 7-8.

7. Respondent stated that it has no objection to Complainant's Petition.

Tr. 10.

DISCUSSION

Commission regulations permit the withdrawal of pleadings in a contested proceeding:

§ 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(a).

Here, Complainant stated that he was satisfied with the various improvements made by PPL and there appears to be no reason to pursue the Complaint. Tr. 8. As noted, the Respondent did not object to Complainant's Petition. There is no purpose in requiring either party to pursue this matter at this time, and there is no prejudice to either party 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). As Complainant is pleased with the improvements that PPL has made to its vegetation management procedures, and

he does not wish to pursue his Complaint further, a hearing now would serve no purpose. It is therefore in the public interest to allow Mr. Nabogis to withdraw his Complaint. Moreover, PPL confirmed that it had no objection to Mr. Nabogis' withdrawal of his Complaint. As a result, the requirements of Section 5.94(a) of the Commission's regulations governing withdrawal of pleadings in contested proceedings have been satisfied, and Mr. Nabogis' Petition to withdraw his Complaint will be granted.

CONCLUSIONS OF LAW

1. Withdrawal of a pleading in a contested proceeding is permitted under 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. After considering a Petition to withdraw, 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. An error or defect of procedure which does not affect the substantive rights of the parties may be disregarded. 52 Pa. Code § 1.2(a).
5. Granting Mr. Nabogis' Petition to withdraw his Complaint is in the public interest.

