**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Karen Scott :

:

v. : F-2015-2460967

:

Philadelphia Gas Works :

**INITIAL DECISION**

Before

Eranda Vero

Administrative Law Judge

HISTORY OF THE PROCEEDING

This Initial Decision grants the Complainant’s Petition for Leave to Withdraw her Complaint.

On December 22, 2014, Karen Scott (Complainant) filed a formal Complaint (Complaint) against Philadelphia Gas Works (PGW or Respondent). In her Complaint, Ms. Scott

alleges that PGW failed to enroll her in its Customer Responsibility Program (CRP) despite her submitting all the necessary documents in April of 2014. As relief, she requests that her gas bills be corrected to reflect the CRP rate she would have received had she been enrolled in the program at the time she applied for it.

On January 26, 2015, Respondent filed an Answer denying the material allegations of the Complaint.

A Hearing Notice dated February 27, 2015, notified the parties that an initial hearing was scheduled for Tuesday, April 21, 2015, at 10:00 a.m.

By letter dated March 3, 2015, Ms. Scott informed the undersigned of her intention to withdraw the present Complaint against PGW. She explained that she had recently obtained employment and that she had discussed her CRP enrollment directly with PGW. On March 4, 2015, I sent a copy of Ms. Scott’s letter to Respondent’s counsel with instructions to treat it as a Petition for Leave to Withdraw the Complaint and to act in accordance with the Commission’s regulations at 52 Pa.Code § 5.94.

By letter dated March 5, 2015, counsel for PGW indicated that the Respondent had no objections to Ms. Scott’s Petition for Leave to Withdraw her Complaint.

For the reasons set forth below, the Complainant’s Petition to Withdraw her Complaint is granted and the initial hearing in this matter scheduled for April 21, 2015, is cancelled.

FINDINGS OF FACT

1. The Complainant in this proceeding is Karen Scott, whose mailing address is 941 W. Fisher Avenue, Philadelphia, PA 19141.
2. The Respondent in this proceeding is Philadelphia Gas Works.
3. On December 22, 2014, Ms. Scott filed a formal Complaint against PGW.
4. On January 26, 2015, Respondent filed an Answer denying the material allegations of the Complaint.

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1. By Hearing Notice dated February 27, 2015, a hearing was scheduled for Tuesday, April 21, 2015, at 10:00 a.m.
2. On March 3, 2015, Ms. Scott filed a Petition for Leave to Withdraw her Complaint.
3. Respondent did not object to the Complainant’s request to withdraw her Complaint.

DISCUSSION

The Commission’s Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in a contested proceeding. The provision at 52 Pa.Code § 5.94(a) allows withdrawal of pleadings by filing, with the Commission and service to parties, a petition for leave to withdraw the pleading. 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. For purposes of this decision, the Complainant’s written request to withdraw her Complaint will be treated as a Petition for Leave to Withdraw her Complaint.

The Complainant has indicated that she wants to withdraw her Complaint against PGW. In her Petition for Leave to Withdraw her Complaint, Ms. Scott explained that she has recently obtained employment and that she has discussed her CRP enrollment directly with PGW. By letter dated March 5, 2015, PGW has specifically indicated that it does not oppose the Complainant’s request to withdraw her Complaint. Under these circumstances, granting the Complainant’s request to withdraw her 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 the case. Accordingly, Ms. Scott’s request to withdraw her Complaint is granted and the initial hearing in this matter scheduled for April 21, 2015, is cancelled.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties to and subject matter of this proceeding.
2. The Commission’s Rules of Practice and Procedure at 52 Pa.Code § 5.94 permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or Commission.
3. In determining whether to permit withdrawal of the pleading, the presiding officer or Commission must consider the petition, any objections thereto and the public interest.
4. Granting the Complainant’s withdrawal request is in the public interest.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complainant’s Petition for Leave to Withdraw her Complaint filed at Docket No. F-2015-2460967 is granted.
2. That the Complaint of Karen Scott against Philadelphia Gas Works filed December 22, 2014 at Docket No. F-2015-2460967 is withdrawn.
3. That the hearing scheduled for April 21, 2015 is cancelled.
4. That the Secretary’s Bureau shall mark Docket No. F-2015-2460967 closed.

Date: March 30, 2015 /s/

Eranda Vero Administrative Law Judge