

6. Counsel needs time to serve the Joinder Complaint upon the tenants and to serve the anticipated discovery upon counsel for Pennsylvania Electric Company. Additionally, counsel for Penelec is entitled to the time prescribed by the Rules for response to discovery requests and may wish to engage in some discovery on behalf of the Pennsylvania Electric Company.

7. Undersigned counsel for the Complainant and counsel for Pennsylvania Electric Company have discussed the procedural posture of this case and have engaged in some preliminary discussion of settlement. In order to properly allow for the completion of the pleadings and discovery anticipated in the case and to provide an opportunity for settlement discussions to continue, counsel are in agreement that a sixty-day continuance would be appropriate.

8. Counsel for Pennsylvania Electric Company, Michael A. Gruin, Esquire, consents to this request for a continuance.

9. During their consultation, counsel for both parties agreed that their trial and other schedules during the month of April would not permit the scheduling of this hearing and therefore it is respectfully requested that a hearing be set sometime during the first two weeks of May of 2009, i.e., sometime after May 4, 2009.

10. Additionally, the parties believe this would be a case appropriate for a telephonic hearing and Complainant does hereby request that the hearing be conducted telephonically. It would be a burden and unduly expensive to Complainant to have to attend a hearing in Pittsburgh when the property is located in Erie, Pennsylvania and the representative of the Complainant resides in the Cleveland, Ohio area.

WHEREFORE, the Administrative Law Judge is respectfully requested to grant a continuance, to reschedule the hearing for sometime during the first two weeks of May, and to conduct the hearing telephonically.

Respectfully submitted,

THE McDONALD GROUP, L.L.P.

By: 

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BEFORE THE PENNSYLVANIA
PUBLIC UTILITIES COMMISSION

EVAN ACRES FARMCO, LTD.,
Complainant,

vs.

PENNSYLVANIA ELECTRIC COMPANY,
Respondent.

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: Docket NO. C-2009-2084030
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CERTIFICATE OF SERVICE

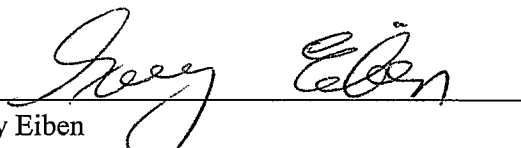
I hereby certify that the foregoing Motion was duly served this 19 th day of February, 2009 by electronic filing and first class mail, to the following:

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John H. Corbett Jr.
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Respectfully submitted,

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Docket NO. C-2009-2084030

ORDER

AND NOW, to-wit, this _____ day of February, 2009, it is hereby ordered that the
hearing previously set for February 26, 2009 is hereby postponed until

_____. The
hearing will be conducted telephonically.

John H. Corbett, Jr., ALJ