

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Styer Farm Store	:	
and	:	
Walter Syer	:	
	:	Docket Nos. C-2008-2050863
	:	C-2008-2050906
v.	:	(Consolidated)
	:	
PECO Energy Company	:	

MOTION FOR CONTINUANCE

Complainants, Styer Farm Store and Walter Syer, pursuant to 52 Pa. Code § 1.15(b), hereby move for a continuance of the hearing scheduled in the above-captioned matter for July 6, 2009 and state as follow:

1. The undersigned counsel was just retained to substitute for Attorney James R. Radmore. Notice of Withdrawal of Attorney Radmore and the Entry of Appearance of Heather C. Winett were filed with the Commission June 29, 2009.
2. The undersigned new counsel needs time to familiarize herself with the issues of this case.
3. Supplier/Generator, Commerce Energy, Inc., an apparent indispensable party, was stricken as the primary Respondent from Complainants' Complaints by Commission staff without explanation and may need to be added through an amended complaint. Copies of the Complaints are attached hereto collectively as **Exhibit "A"**.
4. Whether PECO Energy Company ("PECO") is a proper party needs to be determined.
5. If PECO is a proper party, allegations against PECO may also need to be reformed to reflect its actual role(s) in an amended complaint, because the substance of the complaint against PECO was not articulated so that PECO could properly answer.

6. On June 26, 2009, the undersigned telephoned Tishekia E. Willilams, Counsel for PECO, to discuss the case. Notwithstanding PECO's previous position that the case should move forward expeditiously, PECO does not object to Complainants' instant motion for a continuance.
7. The grant of a continuance will also allow the currently named parties to explore resolution without the need for an evidentiary hearing, and would thus serve the public interest and conserve Commission/Judicial resources.

Respectfully Submitted,



Heather C. Winett, Esquire
PA I.D. No.: 39496
Two Penn Center, Suite 200
1500 JFK Boulevard
Philadelphia, Pa 19102-1706
Phone: (215) 837-1492
Fax: (215) 592-0792
Email: HCW@WinettLaw.com

Dated: June 29, 2009

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Exhibit "A"

Please print in ink or type.

C-2008-2050863

1. CUSTOMER (COMPLAINANT) INFORMATION

Your name, mailing address, county, telephone number, utility account number and service address:

Name STYER FARM STONE

Street/P.O. Box 1121 WOODBOURNE ROAD Apt #

City LANGHORNE State PA Zip 19047

County BUCKS

Daytime Telephone Number Where We Can Contact You: (267) 307-3156

E-mail Address (optional):

Utility Account Number (from your bill) 64355-01603

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name

Street/P.O. Box

City State Zip

RECEIVED
2008 JUL - 1 AM 8:05
PA.P.U.C.
SECRETARY'S BUREAU

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

Commerce Energy (Electric America) PECO

3. TYPE OF UTILITY (check one)

- ELECTRIC (checked)
GAS
WATER
TELEPHONE (local, long distance)
STEAM HEAT
WASTE WATER
MOTOR CARRIER (e.g., taxi, moving company, limousine)

14463

4. COMPLAINT (check one)

A. In general, what is your complaint?

- I want to oppose the company's proposed rate increase.
- There are incorrect charges on my bill.
- There is a reliability, safety or quality problem with my utility service.
- I received a notice that my utility service is being terminated.
- I would like a payment agreement.
- Other (explain).

B. State the facts of your complaint.

Include any specific dates, times or places that may be important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

5. RELIEF

How do you want your complaint to be resolved? Use additional paper if you need more space.

Extremely High Rates
RATE INCREASE from JUN 15 2005
to Sept 2006

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility **AND** your complaint is about a billing problem, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety or welfare?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES (includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer **in this matter** you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name JAMES R ROOMORS

Street TWO PENN CENTER PLAZA 1500 JFK BOULEVARD

City PHILA State PA Zip 19102

Area Code/Phone Number 1-800-723-6673

E-mail Address (If Known) _____

9. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I DAVID BRIGENTOFF, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

[Signature] (Signature) 6/23/08 (Date)
PRESIDENT
Title of authorized employee or officer

10. FILING

Please return the completed form to one of the addresses listed below:

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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Facsimiles and/or electronic filings of the complaint will not be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your complaint for your records.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED
2008 JUL -1 AM 8:05
PA.P.U.C.
SECRETARY'S BUREAU

Please print in ink or type.

C-2008-2050906

1. CUSTOMER (COMPLAINANT) INFORMATION

Your name, mailing address, county, telephone number, utility account number and service address:

COPY

Name WALTER STYER

Street/P.O. Box 1121 WOODBURN RD Apt #

City LANGHORN State PA Zip 19047

County BUCK

Daytime Telephone Number Where We Can Contact You: (267)-302-3156

E-mail Address (optional): _____

Utility Account Number 02668-01008
(from your bill)

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. FULL NAME OF UTILITY COMPANY (RESPONDENT):

COMMERCIAL ENERGY (ELECTRIC AMERICA) PECO

3. TYPE OF UTILITY (check one)

- ELECTRIC
- GAS
- WATER
- TELEPHONE
(local, long distance)
- STEAM HEAT
- WASTE WATER
- MOTOR CARRIER
(e.g., taxi, moving company, limousine)

BP 14464

4. COMPLAINT (check one)

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YES (includes appeals of BCS determinations)

NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. LEGAL REPRESENTATION (IF ANY)

If you are represented by a lawyer in this matter you must provide your lawyer's name, address, telephone number, and e-mail address, if known.

Lawyer's Name JAMES R. RADMORE

Street TWO PENN CENTER PLAZA 1500 JFK BOULEVARD

City PENLA State Pa Zip 19102

Area Code/Phone Number 1-800-723-6673

E-mail Address (If Known) _____

9. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification:

I DAVID BRIGENTOFF, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

[Signature] (Signature) 6/23/08 (Date)
PRESIDENT
Title of authorized employee or officer

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If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 nd Floor Harrisburg, Pennsylvania 17120
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v.	:	(Consolidated)
	:	
PECO Energy Company	:	

VERIFICATION

I, Heather C. Winett, verify that I am counsel for Complainants, Styer Farm Store and Walter Syer, that I am authorized to make this verification on behalf of said Complainants, and that the statements contained in the foregoing motion are true and correct to the best of my knowledge, information and belief. I understand that the foregoing statements are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Heather C. Winett

Dated: June 29, 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A TRUE COPY OF THE FOREGOING DOCUMENT UPON THE PARTICIPANTS LISTED BELOW, IN ACCORDANCE WITH THE REQUIREMENTS OF 52 PA CODE § 1.54 9, as amended (RELATING TO SERVICE BY A PARTICIPANT).

Service List:

For Respondent:

Tishekia E. Willllams
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19101-8699
tishekia.williams@exeloncorp.com

For Presiding Officer:

Administrative Law Judge Angela T. Jones
1302 Philadelphia State Office Building
Pennsylvania Public Utility Commission
1400 Spring Garden Street
Philadelphia, PA 19130



Heather C. Winett, Esquire
Two Penn Center, Suite 200
1500 JFK Boulevard
Philadelphia, Pa 19102-1706
Phone: (215) 837-1492
Fax: (215) 592-0792
Email: HCW@WinettLaw.com
Counsel for Complainants

Dated: June 29, 2009