

Legal Department

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Direct Dial: 215.841.6841

January 8, 2013

**Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120**

**RE: Richard Coppola v. PECO Energy Company
PUC Docket No.: F-2012-2325791**

Dear Ms. Chiavetta:

Enclosed for filing with the Commission are the following documents in the matter referenced above.

—	Answer
—	Answer & New Matter
<u>X</u>	Motion Objecting to Continuance Request
—	Motion for Judgment on the Pleadings
—	Preliminary Objection
—	Exceptions
—	Reply Exceptions
—	Main Brief
—	Reply Petition

I have enclosed a Certificate of Service showing that a copy of the above document was served on the interested parties. Thank you for your time and attention on this matter.

Very truly yours,



**Shawane Lee
Counsel for PECO Energy Company
SL/lo**

cc: Richard Coppola (via email & Regular Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RICHARD J. COPPOLA

v.

PECO ENERGY COMPANY

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DOCKET NO. F-2012-2325791

**MOTION OF PECO ENERGY COMPANY OBJECTING TO
COMPLAINANT, RICHARD COPPOLA'S REQUEST FOR CONTINUANCE OF
HEARING DATE**

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 1.15, hereby objects to the continuance of the hearing date scheduled in this matter and states the following:

1. An in person hearing in this matter is currently scheduled for Wednesday, January 23, 2013 at 10:00 am.

2. The Complainant, Richard Coppola, requested a continuance by letter faxed to the attention of Administrative Law Judge Christopher Pell, dated January 7, 2013. See Correspondence, dated 1/7/13, attached hereto as Exhibit "1".

3. First, the Complainant's request for a continuance is procedurally incorrect and should be denied on that basis alone.

4. Pursuant to 52 Pa.Code § 1.15(b), a request for a change of the scheduled hearing date must be submitted *by motion* in writing, filed no later than five (5) days prior to the hearing with the Commission. The motion must state the facts upon which the request rests.

5. The Complainant has not submitted a Motion for a Continuance as required by section 1.15(b).

6. Second, as stated in the Prehearing Order in this matter, requests for a continuance are only granted "*in rare situations* where good cause exists." (Prehearing Order, citing 52 Pa. Code § 1.15).

7. No good cause exists here. Complainant asserts that he is “usually traveling Tuesday through Thursday” so he wants the hearing rescheduled.

8. The Complainant’s request for continuance on the grounds that he is “usually traveling” lacks the specificity required to grant a continuance for good cause shown.

9. The Complainant has not asserted any specific scheduling conflict with the date set by the PUC. For instance, he has not stated that he has a prescheduled meeting or event on that date that is very important to his work and provided documentation verifying this. He simply asserts that he is “usually” traveling.

10. As the Complainant has brought this matter before the PUC, (absent any specific scheduling conflict that has “good cause”) he has an obligation to make himself available for the scheduled hearing,

11. It is not fair for PECO Energy and the Commission to be held hostage by Mr. Coppola’s “usual” travel schedule.

12. In light of the fact that Mr. Coppola has not stated any specific reason for not being available on the scheduled hearing date or specific scheduling conflict, PECO Energy asserts that this does not constitute good cause.

13. PECO Energy is required to continue to hold collection activity on Mr. Coppola’s account because of the formal complaint process.

14. PECO Energy strives for a quick and fair resolution with all customer complaints and asserts that further delay in this proceeding will prejudice PECO Energy and its ratepayers.

Respectfully Submitted,



Shawane L. Lee
Counsel for PECO Energy Company
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P.O. Box 8699
Philadelphia, PA 19101-8699
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Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RICHARD J. COPPOLA

v.

PECO ENERGY COMPANY

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DOCKET NO. F-2012-2325791

VERIFICATION

I, Shawane L. Lee, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. § 4904 pertaining to false statements to authorities.



Shawane L. Lee

Date: January 8, 2013

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

RICHARD J. COPPOLA

v.

PECO ENERGY COMPANY

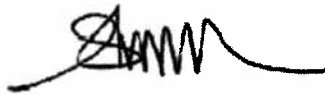
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DOCKET NO. F-2012-2325791

CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Motion in the above matter upon all interested parties by mailing and emailing a copy, properly addressed and postage prepaid to:

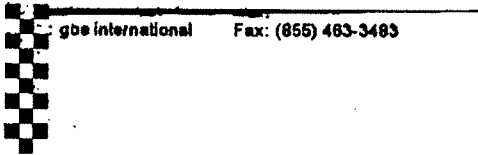
Richard J. Coppola
Post Office Box 99
25 Parkside Drive
Langhorne, PA 19047



Shawane L. Lee
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Direct Dial: 215.841.6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

Dated at Philadelphia, Pennsylvania, January 8, 2013.

EXHIBIT “1”



From The Desk of:

Richard J. Coppola
Post Office Box 99
25 Parkside Drive
Langhorne Pennsylvania 19047
Telephone: (Daytime) 215.497.1000, (Call) 215.990.9900
Telefax: 215.497.9000
Email: hut@globalweb.com

Transmittal

To: PUC
Attention: Judge Christopher P. Bell
RE: PUC Docket No.: F-2012-2325791

Dear Judge Bell,

Regarding the attached, I am respectfully requesting that the hearing (hearings) be rescheduled to any Monday or Friday and that it be a recorded telephonic hearing so a transcript may be obtained of the hearing for future reference or exhibit. I am usually traveling Tuesday through Thursday and am unavailable for either an in person or telephonic hearing. I did not see any reference to requests for telephonic hearing in the Pa. Code Title 52 which is somewhat odd considering it addresses virtually every other aspect of administrative law procedure.

Thank you for your consideration.

Very Truly Yours,

Richard Coppola, Jr.
RJC/lg
2013/01/07 11:42:40
Via Fax: 215.560.3133
and by USPS
Page 1 of 1 plus attachments
Copy: PECO Shawane Lee 215.568.3389, File

RECEIVED
JAN 07 2013
PUBLIC UTILITY COMMISSION
PHILADELPHIA OFFICE
ADMINISTRATIVE LAW JUDGE