

Legal Department

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January 3, 2013

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

**RE: Sporty Smith and Betty Ricks v. PECO Energy Company
PUC Docket No.: C-2012-2321440**

Dear Ms. Chiavetta:

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

—	Answer
—	Answer & New Matter
—	Motion to Dismiss
<u>X</u>	Motion Objecting to Continuance
—	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: Sporty Smith and Betty Ricks (via email & Regular Mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SPORTY SMITH	:	
BETTY RICKS	:	
v.	:	DOCKET NO. C-2012-2321440
	:	
PECO ENERGY COMPANY	:	

**MOTION OF PECO ENERGY COMPANY OBJECTING TO
COMPLAINANTS, SPORTY SMITH AND BETTY RICKS' 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 a call of the docket on Thursday, January 24, 2013 at 9:30 a.m.
2. The Complainants, Sporty Smith and Betty Ricks, requested a continuance by letter received by the Pennsylvania Public Utility Commission on December 13, 2012. See Correspondence, 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 Smith asserts that he has various medical appointments in the months of January and February. Yet, he does not assert that he has a specific medical appointment conflicting with the day of the scheduled hearing.

8. Further, Mr. Smith does not attach any documentation, verifying that he has a specific appointment the day of the hearing, directly conflicting with the hearing date.

9. He vaguely states that he has “various medical appointments.

10. Complainant, Ricks asserts that she cannot attend the hearing because her physician directed her “not (sic) be out in cold weather.”

11. Like Complainant Smith, Ricks does not assert any specific scheduling conflict on the day of the hearing. Additionally, she fails to attach any medical note from her physician with the specific instructions that she cannot go out in cold weather or cannot go outside on the day of the hearing.

12. The Complainant’s request for continuance on the grounds that they cannot go out in the cold weather and have several medical appointments scheduled in the months of January and February lacks the specificity required to grant a continuance for good cause shown.

13. The Complainants have not asserted any specific scheduling conflict with the date set by the PUC. For instance, they have no specific medical appointment or specific doctor’s note stating they are not able to attend that day.

14. As the Complainants have brought this matter before the PUC, (absent any specific scheduling conflict that has “good cause”) they have an obligation to make themselves available for the scheduled hearing,

15. It is not fair for PECO Energy and the Commission to be held hostage by the Complainant’s various medical appointments that have not been verified and their aversion to cold weather.

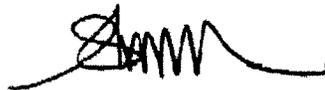
16. In light of the fact that the Complainants have not stated any specific reason for not being available on the scheduled hearing date or specific scheduling conflict, PECO Energy asserts that this does not constitute good cause.

17. The Complainants have a \$7,722.76 balance on their PECO Energy account.

18. PECO Energy is required to continue to hold collection activity on the Complainant's account because of the formal complaint process.

19. 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**

SPORTY SMITH
BETTY RICKS

v.

PECO ENERGY COMPANY

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DOCKET NO. C-2012-2321440

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**

SPORTY SMITH	:	
BETTY RICKS	:	
v.	:	DOCKET NO. C-2012-2321440
	:	
PECO ENERGY COMPANY	:	

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:

Sporty Smith
Betty Ricks
1206 Mount Vernon Street
Philadelphia, PA 19123



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
Direct Dial: 215.841.6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

Dated at Philadelphia, Pennsylvania, January 8, 2013.

EXHIBIT “1”

RECEIVED

DEC 13 2012

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**SPORTY SMITH
BETTY RICKS**
Complainants
v.
PECO

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DOCKET NO. C-2012-~~221440~~

2321440

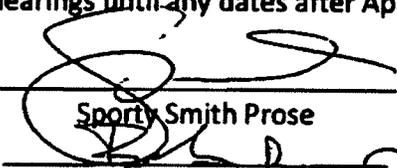
COMPLAINANTS REQUEST FOR CONTINUANCE

Complainants Sporty Smith and Betty Ricks collectively submit the following continuance request.

Both complainants are disabled. Complainant Smith is under Dr.'s care for Multiple Sclerosis and diabetes and has various appointments for treatments and testing's in the months of January and February. Complainant Ricks is directed by her Dr. to not be out in cold weather. This is on file with previous hearings at the PUC. The months of January through March are touch and go with cold weather. A denial of the request may cause great hardship as the complainants may not be able to attend and the case may be dismissed.

REQUEST

WHEREFORE, for the reasons set forth above, Complainants Sporty Smith and Betty Ricks respectfully request that The Honorable Commission grant the continuance request and continue the hearings until any dates after April 1 2013.



Sporty Smith Prose


Betty Ricks Prose
Complainants
1206 Mt Vernon St.
Philadelphia PA 19123
215 769 8233

PECO ENERGY
EXHIBIT 1