

Exhibit A

Richard J. Coppola
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7/11/13

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

Dear Judge Bell,

I received your Order granting Complainant's request for continuance however there are apparent important misunderstandings on behalf of the Commission regarding it's basis for it's Ruling(s) contained therein. *The primary issues of misunderstanding are Page 1 Paragraph 3 "moreover, there was no indication from the fax that Ms. Lee was copied on the correspondence."* Quite the contrary, Ms. Lee was copied on Complainant's subject letter on 1.7.2013 as clearly stated under Complainant's signature on the referenced letter. Furthermore the letter was confirmed received by the fax transmission log also attached. Complainant's referenced letter is attached hereto for reference. Secondly referencing page 5, paragraph 2 of the Order, Complainant did in fact file his Motion to Compel on 11.8.2008 also attached hereto and was both submitted to the Commission and Respondent electronically as well as being mailed with confirmation by certificate of mailing on 11/9.2012 which is also attached. It is interesting that the Respondent wastes no time in making itself heard with something as minor as Complainant's request for continuance however is completely silent when keenly aware of Complainant's Motion to Compel served timely upon Respondent as well as the Commission.

It is clear that the purpose of this first hearing is to simply decide on Complainant's Motion to Compel Interrogatory Responses, Set 1 and for no other issue. The discovery process has just begun and scheduling any evidentiary hearing at this juncture would be extremely premature and would severely prejudice Complainant's case. Complainant filed his formal complaint with the Commission on the represented statement by the Commission that the administrative law procedure "is adequate" for purposes of resolving utility disputes of this nature. Should the Commission continue to deny Complainant with the rights afforded to him it will then become evident that the administrative law procedure is not adequate and the Complainant will seek to pursue his claim against the Respondent in a Civil Court where there are rules and procedures to ensure Complainant's discovery and other rights are not prejudiced.

Very Truly Yours,



Richard Coppola, Jr.
RJC/lg
2013/01/21 10:33:15
Via Fax: 215.560.3133
and by USPS
Page 1 of 1 plus attachments
Copy: PECO Shawane Lee 215.568.3389, File

DISCLOSURE NOTICE

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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
January 14, 2013

IN REPLY PLEASE
REFER TO OUR FILE

In Re: F-2012-2325791

RICHARD COPPOLA JR
25 PARKSIDE DRIVE
PO BOX 99
LANGHORNE PA 19047

Richard Coppola v. PECO Energy Company

Various Disputes

Hearing Cancellation/Reschedule Notice

This is to inform you that the Initial Hearing on the above-captioned case previously scheduled for Wednesday, January 23, 2013 has been canceled.

The hearing has been **rescheduled** as follows:

Type: Initial Hearing

Date: Friday, March 22, 2013

Time: 10:00 a.m.

Location: In an available 4th Floor Hearing Room
(Take one of the last four elevators at the far end of the lobby)
801 Market Street (enter on 8th Street)
Philadelphia, PA 19107

Presiding: Administrative Law Judge Christopher P Pell
Suite 4063
801 Market Street
Philadelphia, PA 19107
Telephone: 215.560.2105
Fax: 215.560.3133

Exhibit A

Please mark your records accordingly.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearings, we will make every reasonable effort to have an interpreter present. Please call the scheduling office at the Public Utility Commission at least ten (10) business days prior to your hearing to submit your request.

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired:
1.800.654.5988

pc: ALJ Pell
Calendar File
File Room

F-2012-2325791 - RICHARD COPPOLA v. PECO ENERGY COMPANY

RICHARD COPPOLA JR
25 PARKSIDE DRIVE
PO BOX 99
LANGHORNE PA 19047

SHAWANE L LEE ESQUIRE
EXELON BUSINESS SERVICES
2301 MARKET STREET S23-1
PHILADELPHIA PA 19103
215.841.6841
e-serve

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Richard Coppola

v.

PECO Energy Company

F-2012-2325791

ORDER GRANTING COMPLAINANT'S
REQUEST TO RESCHEDULE HEARING

By Hearing Notice dated December 13, 2012, an Initial Hearing was scheduled for Wednesday, January 23, 2013, at 10:00 a.m. On the afternoon of January 7, 2013, I received a fax from the complainant requesting that the hearing be rescheduled. The complainant provided the following explanation for the request:

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 an 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.

The complainant did not indicate whether Shawane Lee, Esq., counsel for PECO, agreed with or opposed his request. Moreover, there was no indication from the fax that Ms. Lee was copied on the correspondence. As a courtesy, I forwarded the request to Ms. Lee.

On January 8, 2013, Ms. Lee filed a motion objecting to Mr. Coppola's continuance request with the Commission. Ms. Lee indicated that, since the complainant failed to file a motion to request a continuance as required by Commission regulations, the request should be denied on

that procedural basis alone. Ms. Lee also objected to the continuance request because his explanation that he is "usually traveling" lacks the specificity required to grant a continuance for good cause shown, that the complainant has not asserted a specific scheduling conflict with the scheduled hearing date, and that it is not fair for PECO and the Commission to be held hostage by Mr. Coppola's "usual" travel schedule.

Also on January 8, 2013, Mr. Coppola filed a motion for continuance of the January 23, 2013¹, hearing. In his motion at paragraph 3, the complainant elaborated slightly on his request:

Complainant hereby files his request for continuance. Furthermore, Complainant's request is made with good cause based upon availability. Complainants (sic) averment which respondent apparently does not comprehend that Complainant is "usually traveling" was stated as an informational curtesy (sic) to the Commission to Complainant's work schedule performing services for the Commonwealth of Pennsylvania in remote areas and was averred to keep the matter moving forward in good faith by avoiding future scheduling conflicts. Respondent's deliberate mischaracterization (sic) that Complainant's request is based on the fact that he is "usually" traveling is inaccurate. Obviously Complainant's request for continuance is due to the fact that Complainant is not available on the hearing date.

The complainant also renewed his request for a telephonic hearing.

On January 8, 2013, Ms. Lee filed a second motion objecting to Mr. Coppola's continuance request with the Commission. In regards to the complainant's request for continuance, Ms. Lee stated the following.

Continuances are only granted "in rare situations where good cause exists." (Prehearing Order, citing 52 Pa.Code § 1.15). No good cause exists here. 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

¹ The complainant incorrectly listed the hearing date as January 28, 2013.

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

Motion at paragraph 5.

Ms. Lee also objected to the complainant's request for a telephonic hearing on the following basis:

The Complainant has not asserted any verifiable reason for the hearing to be telephonic. For example, the Complainant has not alleged that he is handicapped and that traveling to the hearing will cause him hardship. He has not offered any reasonable grounds to have a telephonic hearing. Additionally, the hearing will involve multiple exhibits and witnesses. Presenting multiple exhibits and witnesses telephonically will be a hardship for PECO Energy to properly defend the case. Accordingly, PECO Energy objects to any telephonic hearing of this matter.

Motion at paragraph 6.

Regarding extensions of time and continuances, 52 Pa.Code § 1.15(b) provides that:

Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least 5 days prior to the hearing date.

In addition, paragraph 2 of my December 13, 2012, Prehearing Order advised the complainant and PECO that "[a] request for a change of the scheduled hearing date must state the agreement or

opposition of other parties,” and that “[c]hanges are granted only in rare situations where good cause exists.”

By filing a motion for continuance, Mr. Coppola cured the procedural defect that was present in his initial request. While I agree with Ms. Lee that Mr. Coppola’s reason for the request lacks specificity, I’m inclined to grant the request because he noted a work conflict and also indicated that he would be available for a hearing on “any Monday or a Friday.” However, I do take issue with the complainant’s statement that the information he supplied as a basis for the request was an “informational courtesy.” Providing a factual basis to support a request for a continuance is never a courtesy, it is a requirement under the Commission’s regulations. Moreover, any subsequent request that lacks sufficient specificity will be denied.

Regarding Mr. Coppola’s request to change the hearing from an in-person hearing to a telephonic hearing, he did not provide a compelling reason to change the hearing format. The complainant indicated that he wanted this to be rescheduled as a telephonic hearing so that “a transcript may be obtained of the hearing for future reference or exhibit.” All hearings before the Commission are transcribed by a certified Court Reporter. In the event Mr. Coppola wants a copy of the official transcript, he can make arrangements with the court reporting agency to obtain a copy. Moreover, hearings involving multiple witnesses and exhibits (as PECO indicated it plans to call and produce) are lengthy and difficult to conduct telephonically. Accordingly, since the complainant failed to provide a compelling reason for a telephonic hearing in this matter, the request is denied. The hearing will be in person.

I would like to note that, following PECO’s second motion, the complainant filed a response. In his response, Mr. Coppola stated the following at paragraph 2:

Respondent is apparently confused concerning the scope and extent of the subject hearing which is conducted for the sole purpose of resolving a discovery dispute concerning Complainant’s request for Interrogatories, Set 1 which respondent has refused to adequately respond to and Complainant’s Motion to Compel those responses to which Complainant is entitled under the law. Respondent’s number 6 response is perplexing stating that the hearing “will involve

multiple exhibits and witnesses.” This should not be the case since the hearing is being conducted for the purpose of resolving the above mentioned initial discovery dispute issue. It is worth noting that discovery has just begun, is ongoing, and has not been expanded due to respondent’s willful false statements to date not to mention that respondent has not provided Complainant with any “witness” list to which Complainant is entitled to depose as part of the discovery process or provided Complainant with any “exhibits” it intends to use.

In this instance, the complainant is mistaken as to the nature of the upcoming hearing. The hearing scheduled by the Office of Administrative Law Judge (OALJ) is an evidentiary hearing on the Complaint he filed, not a hearing to settle a discovery dispute. Moreover, upon review of the Commission’s file on this matter, there is no outstanding Motion to Compel.

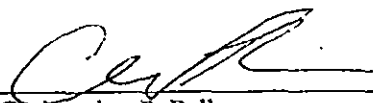
Accordingly, Mr. Coppola’s request to reschedule the January 23, 2013, hearing to either a Monday or a Friday is granted. His request to change the hearing format from in-person to telephonic is denied.

THEREFORE,

IT IS ORDERED;

1. That the continuance requested by complainant Richard Coppola in the matter of Richard Coppola v. PECO Energy Company at Docket No. F-2012-2325791 is granted;
 2. That the hearing scheduled for January 23, 2013, at 10:00 a.m. is cancelled;
- and
3. That an in-person hearing be rescheduled to be conducted on either a Monday or a Friday.

Date: January 14, 2013



Christopher P. Pell
Administrative Law Judge

Exhibit A

Richard Coppola v. PECO Energy Company
Docket Number F-2012-2325791

SERVICE LIST

Richard Coppola
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P.O. Box 99
Langhorne, PA 19047

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