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March 14, 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
—	Motion for Judgment on the Pleadings
—	Motion for 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: ALJ Christopher Pell (*via email only*)  
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 IN RESPONSE TO COMPLAINANT,  
RICHARD COPPOLA'S SECOND MOTION TO STAY MARCH 22, 2013 HEARING**

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code § 1.15, hereby objects to the Complainant's request to stay the March 22, 2013 hearing date scheduled in this matter and states the following:

1. Denied. The Complainant is using the discovery process to annoy, harass and unduly burden PECO Energy as well as to delay the case from being adjudicated. Commission regulations provide that "a party shall initiate discovery as early as in the proceedings as possible." 52 Pa.Code. §5.322. The purpose of this rule is to prevent undue delay in adjudicating matters before the Commission. The Complainant is using the discovery process to unnecessarily delay this matter. The reason for the delay is to harass PECO Energy with unnecessary discovery requests. 52 Pa. Code § 5.361 provides:

**Limitation of scope of discovery and deposition**

**(a) Discovery or deposition is not permitted which:**

**(1) Is sought in bad faith.**

**(2) Would cause unreasonable annoyance, embarrassment, oppression, burden or expense to the deponent, a person or party.**

**(3) Relates to matter which is privileged.**

**4) Would require the making of an unreasonable investigation by the deponent, a party or witness.**

The Complainant's numerous Interrogatories, Request for Admissions, and Request for Production of Documents, are sought in bad faith and are intended for no other purpose but to annoy and harass the company. Despite this, PECO Energy has responded to all the Complainant's discovery requests. There is a pending Request for Production of Documents that will be submitted by March 14, 2013 with 124 pages of documentation requested by the Complainant. Consistent with 52 Pa. Code § 5.36(a)(4), any additional discovery propounded on the company would require the company to make an unreasonable investigation as there are no other documents to produce. PECO Energy has no other documents in its possession that are related to the Complainant's account or the case pending before the Pennsylvania Public Utility Commission. **Accordingly, delaying the hearing for additional discovery is not warranted as the company has nothing else to produce.**

By way of further response, the March 22, 2013 hearing should not be delayed as any further delay will cause an undue burden to the Pennsylvania Public Utility Commission and the taxpayers. Since the inception of the Complainant's formal complaint, he has bombarded the Commission with multiple baseless Motions for Continuance; Motions objecting to discovery and Correspondence, all of which required a response from the Commission and Administrative Law Judge. The Complainant's numerous motions are designed to harass the Commission and cause the Commission and taxpayers unnecessary expense to resolve this matter.

PECO Energy avers that the Complainant's multiple motions; request for continuance, and now second request to stay are designed to harass the company and the Commission and prolong the litigation of this matter. Accordingly, Energy respectfully requests that this Honorable Commission dismiss the Complainant's Second Motion to Stay the March 22, 2013 hearing.

WHEREFORE, PECO Energy respectfully requests that this Honorable Commission  
dismiss the Complainant's Second Motion to Stay the March 22, 2013 hearing.

Respectfully Submitted,



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**BEFORE THE  
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**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.



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Shawane L. Lee

Date: March 14, 2013

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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v.

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**CERTIFICATE OF SERVICE**

I, Shawane L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Response to Complainant'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



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Dated at Philadelphia, Pennsylvania, March 14, 2013.