

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PA P.U.C.
SECRETARY'S BUREAU

STEVE

ATUAHENE :

Complainant

v.

: C-2012-2299868

PECO ENERGY COMPANY

Respondent :

~~PECO~~ MOTION FOR ENLARGEMENT TO FILE EXCEPTIONS
AND TO COMPLY WITH THE COMMISSION'S
ORDER OF APRIL 9, 2013.

The complainant STEVE ATUAHENE hereby
moves this Commission for the Enlargement/Extension
of Time for ten (10) days to enable him to file
timely Exceptions to the March 4, 2013 Initial Decision
and in support thereof states as follows:

1. Complainant due to ill health was hospitalized
and received a major surgery on February 6,
2013 and released on February 14, 2013 to the
Penn HomeCare Agency under the University of
Pennsylvania Health Care System.

2. The normal recovery for the surgery received
by complainant is six (6) weeks but due to
age it's been taken a little longer.

3. Due to Complainant's ill health situation he is facing series of legal deadlines which make it impossible for him to comply with this Commission mandate issue in this case on April 9, 2013. EXHIBIT A

4. On April 3, 2013 Complainant was served with "Petition For Rule To Show Cause Why Property Should Not be Sold Free and Clear of All Liens and Encumbrances" with regard to his property located at 5475 W. Montgomery Avenue, Philadelphia. returnable on April 30, 2013. EXHIBIT "B"

5. Complainant has to file his Responses to said Petition For Rule To Show Cause by April 2013 since he was served on or around April 2013.

6. Furthermore due to Complainant's surgery on February 6, 2013 a Briefing Schedule was enlarged to May 1, 2013.

7. Complainant ~~on~~ for the past 10 days has filed with various courts including Superior Court of Pennsylvania and Commonwealth Court of Pennsylvania four motions and other filings.

8. Due to various mandates from the Court of Common Pleas of Philadelphia County, Commonwealth Court and Superior Court

within the time frame needed to comply with this Commission's mandate of April 9, 2013. Complainant is not able to file his Exceptions timely on April 29, 2013.

9. For fairness and due process right to be afforded the opportunity to file his Exceptions in this case it will advance the cause of justice to grant an extension or enlargement of time for ten (10) extra days to enable him to comply with this ~~Commission's~~ Commission's mandate of April 9, 2013.

10. The hearing in this case was held on September 25, 2012 and the initial decision was issued on March 4, 2013, almost six (6) months and so enlargement of time for extra 10 (ten) days will not harm anybody.

WHEREFORE, for all the foregoing reasons, Complainant Pro Se prays this Honorable Commission to grant ten extra days enlargement/extension of time for the filing of Complainant's Exceptions

RESPECTFULLY SUBMITTED

SM.

STEVE ATUATENE
7000 WOODBINE AVENUE
PHILADELPHIA PA 19151
215 473 8049

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

STEVE ATUAHENE :

v.

: C-2012-2299868

PECO ENERGY COMPANY :

MEMORANDUM OF LAW

It settled law that for cause show an extension or enlargement of time is liberally granted. Furthermore, it is within this Commission equitable rights to grant such enlargement or extension of time. Complainant previously requested 60 days enlargement of time and on April 9, 2013 mandate was granted 20 days. In granting the 20 days the Commission inter alia stated:

" In the interest of securing the just, speedy, and inexpensive determination of uses, 52 Pa Code § 1.2 (a), we will grant the Parties brief extension of time in which to file Exceptions. "

However, since the issuance of that mandate there has been circumstances beyond the control of Complainant to which the Commission should be made aware of as pleaded in the Motion. Due process and fairness requires that instant motion be granted since there can be no prejudice if a case that took about 6 months to issue initial decision is extended for 10 extra days to ensure fairness.

Hence instant motion should be granted. ~~PECO~~



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

April 9, 2013

Re: **Steve Atuahene v. PECO Energy Company**
Docket No. C-2012-2299868

TO ALL PARTIES:

On March 4, 2013, the Commission served all Parties to this proceeding with the Initial Decision of Administrative Law Judge Eranda Vero. Exceptions were due on or before March 25, 2013. On April 3, 2013, Steve Atuahene (Complainant) filed a Motion for Enlargement of Time to File Exceptions (Motion). Mr. Atuahene alleged that he did not receive the Initial Decision until March 30, 2013. He also alleged that, due to "ill health, hospitalization and surgery and other circumstances beyond his control [he] was not able to file timely Exceptions." Motion at 1-2. The Complainant requested an additional sixty days to file Exceptions.

On April 4, 2013, PECO Energy Company (Respondent) filed a response (Response) objecting to the Motion. Respondent challenged the Complainant's assertion that he did not receive the Initial Decision timely. In addition, the Respondent noted that the only evidence pertaining to the Complainant's ill health was a Preliminary Hospital Discharge Summary regarding a procedure on February 6, 2013. The Respondent questioned how this procedure prevented the Complainant from filing timely Exceptions. Response at 2-3.

We share PECO's interest in expeditiously resolving this matter, consistent with the requirements of due process. Although the Complainant submitted little evidence regarding his health challenges, we will not further delay this matter by holding an evidentiary hearing on the Motion. Instead, in the interest of securing the just, speedy and inexpensive determination of cases, 52 Pa. Code § 1.2(a), we will grant the Parties a brief extension of time in which to file Exceptions. Exceptions will be due twenty (20) days from the date set forth above. In addition, Replies to Exceptions will be due within ten (10) days of the date that Exceptions are due. The Parties should consult the Secretary's Letter dated March 4, 2013 for instructions on filing Exceptions and Replies to Exceptions.

Any questions regarding this correspondence should be addressed to Jonathan Nase in the Office of Special Assistants at (717) 787-3490, or jnase@pa.gov.

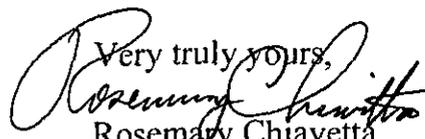
Very truly yours,

Rosemary Chiavetta
Secretary

EXHIBIT A

LINEBARGER GOGGAN BLAIR & SAMPSON LLP

ATTORNEYS AT LAW

4 PENN CTR

1600 J.F.K. BLVD, SUITE 910

PHILADELPHIA, PA 19103

(215) 790-1117 - Telephone/(215) 790-1197 - Facsimile

April 3, 2013

SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED
AND BY REGULAR MAIL

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Penn Business Credit,
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Chilmark Equities, Inc.
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Bronx, NY 10461

Information Management
Group, Inc.
P. O. Box 3802
Philadelphia, PA 19146

Global Realty Investors
Group, Inc.
5475 W. Montgomery Ave.
Philadelphia, PA 19131

RE: Phila. CCP, JANUARY TERM, 2013, No. 2893
OPA # 522020000
5475 W Montgomery Ave A/K/A 5475 Montgomery Ave, Philadelphia, Pennsylvania

Dear Sir/Madam:

Enclosed is a true and correct copy of the Petition for Rule to Show Cause Why Property Should Not be Sold Free and Clear of All Liens and Encumbrances regarding the above-captioned matter. Also enclosed is a copy of the Rule Returnable Order scheduling a Rule Returnable Hearing for April 30, 2013. Responses to the enclosed Petition must be filed with the Court within fifteen (15) days of the date of service.

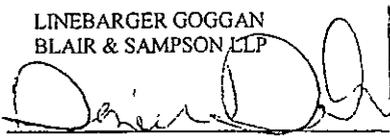
Payment of the amount due that is the subject of this civil tax action may be made in the form of a check or money order made payable to the City of Philadelphia. You should contact this office for the current amount due. If payment in full is delivered to this office prior to the hearing date, this action will be discontinued and the hearing will be cancelled with no judgment being entered. Alternatively, if you are unable to pay the amount due in a lump sum, you may contact this office to discuss possible payment terms.

Also enclosed is a Philadelphia Taxpayer Assistance Brochure. This brochure contains information about your taxes, identifies some potential taxpayer resources, lists certain housing counseling agencies, and provides some contact information for other resources. If you wish to obtain referral information for an attorney, you may contact the Philadelphia Bar Association Referral and Information Service at 1101 Market Street, 11th Floor, Philadelphia, PA 19107, 215-238-1701. Persons not able to afford an attorney may wish to contact Community Legal Services at 3638 N. Broad Street, Philadelphia, PA 19104, (215) 227-2400 and/or Philadelphia Legal Assistance at 42 S. 15th Street, Suite 500, Philadelphia, PA 19102, (215) 981-3800 to determine whether they are eligible for free representation from these organizations.

Please do not hesitate to contact me if you have any questions regarding this matter.

Very truly yours,

LINEBARGER GOGGAN
BLAIR & SAMPSON LLP

BY: 

Daniel Dahl, Esquire

Enclosures

EXHIBIT 'B'

VERIFICATION

I, STEVE ATUAHENE, Plaintiff/Defendant, verify that the facts set forth in the foregoing are true and correct to the best of my information knowledge, and belief.

I understand that the statements contained herein are subject to the Penalties of 18 Pa. C.S.A., §4904 relating to unsworn falsification to authorities.

STEVE ATUAHENE
(Print Name)

SA
(Signature)

Date: 4/24/13

CERTIFICATE OF SERVICE

I, STEVE ATUAHENE, hereby certify that a true and correct copy of the foregoing motion/petition and accompanying papers, was served on the below listed addresses by first-class United States mail, postage pre-paid on

4/24/13 (date).

Name: SHAWANE L. LEE ESQ
Address: LEGAL DEPT
2301 MARKET STREET / S 23-1
Address: P.O. BOX 8699
City, State, zip: PHILA PA 19101-8699

Name: _____
Address: _____
Address: _____
City, State, zip: _____

Dated: 4/24/13

By: SA

STEVE ATUAHENE
7000 Woodbine Ave
Phila PA 19151



U.S. POSTAGE
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\$0.66
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SECRETARY
PENNSYLVANIA PUBLIC UTILITY COMMISSION

P.O. BOX 3265

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171053265

