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July 12, 2013

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120**RE: Delmar Morris Apartments v. PECO Energy Company**
PUC Docket No.: F-2013-2359942

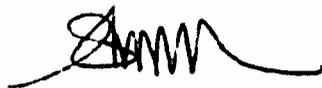
Dear Ms. Chiavetta:

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
-	Motion to Admit Exhibits
—	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/locc: Darlene Heep, Adm, Law Judge (via email)
William T. Hill, Esq. (via first class mail)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DELMAR MORRIS APARTMENTS	:	
	:	
v.	:	DOCKET NO. F-2013-2359942
	:	
PECO ENERGY COMPANY	:	

**MOTION OF PECO ENERGY COMPANY OBJECTING TO
COMPLAINANT, DELMAR MORRIS APARTMENTS' 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 Friday, July 19, 2013 at 10:00 am.
2. The Complainant, Delmar-Morris, through its counsel, requested a continuance by letter faxed to the attention of Administrative Law Judge Darleene Heep, dated July 12, 2013. See Correspondence, dated 7/12/13, 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's counsel asserts that a continuance is required because PECO submitted documentation to the Complainant and counsel feels he and/or his client do not have sufficient time to review the documentation prior to the hearing.

8. In the company's Answer to the Complainant's formal complaint, the company produced six (6) account activity statements, justifying the balance the Complainant owes to the company for \$32,333.23 in electric usage charges.

9. During a June 20, 2013, conference call with Complainant's counsel, Complainant requested additional account activity statements from accounts that had been transferred into the accounts represented in the 6 statements already produced.

10. PECO agreed to provide the additional statements requested, *if possible*, within seven (7) days.

11. The company had to research the statements at issue and the process was more time consuming than anticipated.

12. Nevertheless, the company provided the statements to Complainant's counsel on July 11, 2013 via email and sent a copy through first class mail.

13. On July 11, 2013, Complainant's counsel requested that the company resend the statements because some of the statements were "blurred" and he could not make out the numbers.

14. On July 12, 2013, PECO had another copy of the statements hand delivered to Complainant's counsel at 9:54 a.m.

15. The Complainant's request for continuance on the grounds that they do not have sufficient time to review the statements lacks the specificity required to grant a continuance for good cause shown.

16. The Complainant gained possession of legible copies of the additional account activity statements on July 12, 2012; therefore, Complainant has an entire seven (7) days prior to the hearing to review the statements.

17. Complainant has not asserted any specific reason why these statements cannot be reviewed in the 7 days prior to the scheduled hearing.

18. As the Complainant has brought this matter before the PUC, (absent any specific reason that has "good cause") the Complainant has an obligation to be available for the scheduled hearing,

19. In light of the fact that Complainant has not stated any specific reason for not being able to review the account activity statements over the next 7 days, PECO Energy asserts that Complainant's continuance request does not constitute good cause.

20. PECO Energy is required to continue to hold collection activity on the Complainant's account and an unpaid \$32,333.23 balance during the formal complaint process.

21. 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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Fax: 215.568.3389
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DELMAR MORRIS APARTMENTS

v.

PECO ENERGY COMPANY

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DOCKET NO. F-2013-2359942

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: July 12, 2013

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

DELMAR MORRIS APARTMENTS

v.

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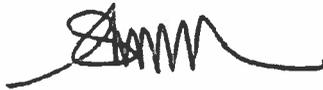
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DOCKET NO. F-2013-2359942

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:

William T. Hill, Esquire
Klehr, Harrison, Harvey, Branzburg, LLP
1835 Market Street, 14th Floor
Philadelphia, PA 19103



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, July 12, 2013.

EXHIBIT “1”

KLEHR | HARRISON | HARVEY | BRANZBURG LLP

William T. Hill
Direct Dial: (215) 569-2992
Email: WHill@klehr.com

July 12, 2013

**VIA FACSIMILE (215-560-3133)
AND HAND DELIVERY**

The Honorable Darlene D. Heep
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107

**RE: Delmar-Morris Apartments v. PECO Energy Company
PUC Docket No.: F-2013-2359942**

Dear Judge Heep:

We represent Delmar-Morris Apartments ("Delmar") in this matter. I am writing to request a continuance of the hearing scheduled for July 19, 2013, in order to provide the parties sufficient time to explore settlement.

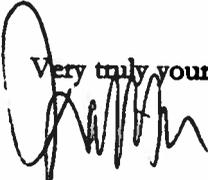
Since I entered my appearance on May 28, 2013, I have been seeking information from PECO to verify its claim that Delmar owes over \$33,000 in electric charges for various tenants who allegedly neglected to switch their accounts from Delmar's name into their own names. The documentation that PECO had previously provided contained many gaps and inconsistencies, and suggested that much of the charges were attributable to the prior owner of the Delmar Apartments.

The parties were finally able to arrange a conference call to discuss these issues on June 20, 2013. On that call, PECO agreed that there were gaps in its documentation of the invoices, and agreed to fill those gaps with additional documentation. I stressed that I needed the information as soon as possible, given the upcoming hearing, and PECO agreed that it would strive to provide the documents in 7 days. 21 days later, on July 11, 2013, PECO finally emailed me a 36-page package of documents, but the quality of the documents is so poor that on many pages, crucial information such as account numbers and invoice amounts cannot be read. On July 11, I asked PECO's counsel for her consent to a continuance of the hearing date to provide time for my client and I to sort through the documentation and assess the viability of settlement, but counsel refused.

Delmar remains interested in having settlement discussions with PECO, but we still do not have documentation from PECO (that we can read) to back up its claim. It is worth noting that before my involvement, Delmar tried to get this same information from PECO numerous times, to no avail.

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For these reasons, we respectfully request a continuance of the July 19 hearing. Thank you for your time and consideration.

Very truly yours,

William T. Hill

WTH/cae

cc: Shawane Lee, Esquire (via email)