



**Exelon Business Services Company**  
 Legal Department  
 2301 Market Street/S23-1  
 Philadelphia, PA 19103  
 215 568 3389 Fax  
 www.exeloncorp.com

Direct Dial: 215.841.6841

October 9, 2013

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

**RE: Stephen Merrigan v. PECO Energy Company**  
**PUC Docket No.: F-2013-2373941**

Dear Ms. Chiavetta:

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

- Answer
- Answer & New Matter
- X** **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/lo

cc: Stephen Merrigan (via email & Federal Express)  
 Christopher Pell, Adm. Law Judge (via email)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

STEPHEN MERRIGAN

v.

PECO ENERGY COMPANY

:  
:  
:  
:  
:

DOCKET NO. F-2013-2373941

**MOTION OF PECO ENERGY COMPANY OBJECTING TO  
COMPLAINANT, STEPHEN MERRIGAN'S 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 call of the docket hearing in this matter is currently scheduled for tomorrow Thursday, October 10, 2013 at 9:00 am.
2. PECO Energy received a continuance request from the Complainant, Stephen Merrigan, by facsimile yesterday, October 9, 2013, at 4:18 p.m. stating that he cannot take a day off of work. See Continuance Request, dated 10/9/13, 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's facsimile requesting a continuance was received by PECO Energy two days before the hearing tomorrow morning.

6. The Complainant's request is not in compliance with the five day notice period as required by section 1.15(b).

7. 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).

8. No good cause exists here. Complainant asserts that he cannot take a day off of work. However, he indicates that his wife (Carole) is available to participate in the hearing on his behalf because "she is the person who does our accounts." Complainant has not stated that his wife is unavailable for the hearing tomorrow. PECO Energy has no objection to Complainant's wife participating in the hearing tomorrow; and therefore, she should appear at the hearing.

9. The Complainant could have attached a letter or other communication from his employer advising that he is prohibited from taking any vacation time or other time away from work. However, the Complainant has not submitted any such documentation to support his continuance request.

10. Further, the Complainant's request comes two days before the scheduled hearing. Complainant had notice of this hearing since July 29, 2013, and had over three months to schedule time off work to attend the hearing.

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

12. Indeed, the company is holding \$2,966.98 of the Complainant's unpaid balance as a result of the formal complaint process.

13. Despite Administrative Law Judge Christopher Pell's Prehearing Order, dated July 30, 2013, which states "the customer must pay his/her current monthly bills for utility

service while waiting for a hearing on the complaint”, the Complainant has not paid current bills on time in full since he filed the formal complaint.

14. PECO Energy avers that the Complainant’s continuance request is to avoid collection activity on his account.

15. 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.

16. Accordingly, PECO Energy respectfully requests that the Complainant’s continuance request is denied.

17. In the event Your Honor deems it appropriate to continue this hearing, PECO Energy objects to scheduling this matter as a telephonic hearing.

18. This particular case was assigned by the Commission as a Call of the Docket as it involves a basic payment agreement.

19. The Commission schedules payment agreement cases, grouped with other like cases, for judicial economy.

20. Accordingly, PECO has no objection to the continuance if the case is moved to another Call of the docket on any of the following dates:

|                   |                        |                                  |
|-------------------|------------------------|----------------------------------|
| October 24, 2013  | 9:00 a.m. or 1:00 p.m. | Administrative Law Judge Vero    |
| November 12, 2013 | 9:30 a.m. or 1:30 p.m. | Administrative Law Judge Fordham |
| November 14, 2013 | 9:30 a.m. or 1:30 p.m. | Administrative Law Judge Heep    |
| November 19, 2013 | 9:00 a.m. or 1:00 p.m. | Administrative Law Judge Pell    |

21. PECO Energy respectfully requests that Your Honor deny the Complainant's continuance request, or in the alternative, schedule the hearing for a Call of the Docket Date set above.

Respectfully Submitted,



---

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

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

STEPHEN MERRIGAN

v.

PECO ENERGY COMPANY

:  
:  
:  
:  
:

DOCKET NO. F-2013-2373941

**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: October 9, 2013

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

STEPHEN MERRIGAN

v.

PECO ENERGY COMPANY

:  
:  
:  
:  
:

DOCKET NO. F-2013-2373941

**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:

Stephen Merrigan  
908 Noble Drive  
Downington, PA 19335



---

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](mailto:Shawane.Lee@exeloncorp.com)

Dated at Philadelphia, Pennsylvania, October 9, 2013

**EXHIBIT “1”**



# REAGENT Express Center

Located at 236 Eagleview Blvd. Exton PA 19341

Phone # (610)280-7891

Fax # (610)280-7959

Thanks you for your Business!

To: (Peco) Shawna Lee From: Stephen MERRIGAN

Company: PECO Date: 10/8/13

Fax Number: 25-568-3389 Total Pages Incl. Cover: 1

Phone Number: \_\_\_\_\_ Re: 484-467-2080

Dear miss Lee,  
 I AM Requesting for my  
 Hearing to be postponed AS  
 A Telephone Hearing. I cannot  
 take a day off of work. This  
 is my second fax sent to Peco.  
 my wife CAROLE if OK'D. BY  
 Judge will TALK in my behalf  
 Since she is the person that does

our accounts. thank you.  
 Stephen MERRIGAN  
 ACCT # 29505-01400  
 484-467-2080