



An Exelon Company

Legal Department
2301 Market Street / S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699

Direct Dial: 215.841.6841

November 6, 2015

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

RE: Robert Crump v. PECO Energy Company
PUC Docket No.: C-2015-2497434

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is *Respondent, PECO Energy Company's Motion to Continue the December 11, 2015 Initial Telephonic Hearing and Stay the Proceedings* with regard to the matter referenced above.

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,

A handwritten signature in black ink, appearing to read "Shawane Lee", with a stylized flourish at the end.

Shawane Lee
Counsel for PECO Energy Company

cc: Honorable Joel H. Cheskis, ALJ
Certificate of Service

SL/alb
Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ROBERT CRUMP	:	
Complainant	:	
v.	:	DOCKET NO. C-2015-2497434
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**RESPONDENT, PECO ENERGY COMPANY’S MOTION TO CONTINUE THE
DECEMBER 11, 2015 INITIAL TELEPHONIC HEARING AND STAY THE
PROCEEDINGS**

Now come the Respondent, PECO Energy Company (“Respondent” or “PECO”), by its attorneys, Ward L. Smith and Shawane L. Lee, and moves the Administrative Law Judge (“ALJ”) and the Pennsylvania Public Utility Commission (“Commission”) to continue the December 11, 2015, and stay these proceedings pursuant to 52 Pa. Code § 1.15, and in support thereof states:

1. On August 11, 2015, PECO Energy was served with a formal complaint filed by Robert Crump, hereafter (“Complainant”).

2. In his Complaint, the Complainant checked the box “Other” stating the reason for his complaint.

3. In his request for relief, the Complainant states:

Allow me to continue to use my analog meter. I do not wish to upgrade my meter. I am concerned how it may adversely affect my heart health.

4. On August 20, 2015, PECO filed a Preliminary Objection to the Complainant’s formal complaint arguing that the company is required to install the AMI meter pursuant to Act 129 and there is no legislation permitting the Complainant to “opt out” of meter installation.

5. On September 3, 2015, the Commission issued an Order in the Susan Kreider v. PECO Energy Company, Docket No. C-2015-2469655, which permitted the first AMI meter formal complaint case to proceed to hearing against PECO. In that case, the Complainant alleged that the AMI meter aggravated her Guillain-Barre Syndrome.

6. On September 18, 2015, PECO filed a Petition for Reconsideration of the Commission's September 3, 2015, Order, arguing that the Commission's decision is a "significant reversal of established law and policy" and requested that the Commission reverse the decision.

7. On September 30, 2015, Administrative Law Judge Joel H. Cheskis ("ALJ Cheskis") issued an Interim Order, which denied PECO's Preliminary Objection. In the Order, ALJ Cheskis stated:

In light of the Kreider Order, medical implications caused by smart meters, such as the one raised by Mr. Crump in this case, should not be dismissed on a preliminary basis if a legally sufficient claim is present.

8. ALJ Cheskis noted in his Interim Order, that PECO's Petition for Reconsideration remains outstanding and it "may be the case that the Commission modifies or reverses its position articulated in the Kreider Order."

9. On October 1, 2015, the Commission granted PECO's Petition for Reconsideration "pending further review of, and consideration on, the merits."

10. The hearing for the Robert Crump matter is scheduled to take place on December 11, 2015.

11. As the Kreider Order is currently under evaluation and consideration, and the outcome of the Commission's decision will affect the procedural disposition of the Crump

matter, PECO respectfully requests a continuance of the December 11, 2015, hearing and that this matter be held in abeyance until the Commission rules on PECO's Petition for Reconsideration.

12. The Prehearing Order in this matter states that requests for a continuance are granted "only in situations where good cause exists." (Prehearing Order, citing 52 Pa. Code § 1.15).

13. The request to continue and stay the Complainant's AMI health claims pending the outcome of PECO's Petition for Reconsideration of the Kreider Order is for "good cause." If a hearing on health claims goes forward in this proceeding, PECO (and potentially Mr. Crump) will need to retain and present testimony of scientific and/or medical experts to address those health claims. If the Commission then later reconsiders and materially alters the Kreider Order, the effort of the parties to prepare for the health-based hearing will have been wasted. A stay until the Commission issues a final determination in Kreider will thus conserve administrative and party resources and further the interest of justice.

14. Further, granting a continuance and stay at this stage will not unduly delay, hinder or prejudice the Complainant as the Complainant does not currently have an AMI meter installed at his residence; therefore, he is not being affected in any way.

WHEREFORE, for the reasons set forth above, PECO Energy Company respectfully requests that your Honorable Commission continue the December 11, 2015, Initial Telephonic Hearing and stay this matter until the Commission rules on PECO's Petition for Reconsideration of the Kreider Order.

Respectfully submitted,



Ward L. Smith
Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
Ward.Smith@exeloncorp.com
Shawane.Lee@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ROBERT CRUMP	:	
Complainant	:	
v.	:	DOCKET NO. C-2015-2497434
	:	
PECO ENERGY COMPANY	:	
Respondent	:	
	:	

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.

Date: November 6, 2015



Shawane L. Lee

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ROBERT CRUMP	:	
Complainant	:	
v.	:	DOCKET NO. C-2015-2497434
	:	
PECO ENERGY COMPANY	:	
Respondent	:	
	:	

CERTIFICATE OF SERVICE

I, Shawane L. Lee, hereby certify that I have this day served a copy of PECO Energy Company's Motion to Continue the December 11, 2015 Initial Telephonic Hearing and Stay the Proceedings in the above matter upon all interested parties by mailing a copy, properly addressed and postage prepaid to:

Robert Crump
5548 Willows Avenue
Philadelphia, PA 19143-4025
Via First Class Mail

Administrative Law Judge Joel H. Cheskis
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

November 6, 2015



Shawane L. Lee
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Fax: 215.568.3389
Shawane.Lee@exeloncorp.com