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September 28, 2016

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

**RE: Mary Paul v. PECO Energy Company
Docket No. C-2015-2475355**

Dear Ms. Chiavetta:

Enclosed for filing is PECO's Energy Company's Answer to Complainant's Motion for Continuance of Hearing Date.

Very truly yours,



Ward L. Smith
Counsel for PECO Energy Company

WS/ab
Enclosure

cc: Christopher P. Pell, ALJ
Darlene D. Heep, ALJ
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mary Paul	:	
	:	
v.	:	C-2015-2475355
	:	
PECO Energy Company	:	

**PECO Energy Company's Answer
to
Complainant's Motion for Continuance of Hearing Date**

On September 27, 2016, PECO was served with a letter from Complainant Mary Paul addressed to Administrative Law Judges Heep and Pell. The letter requests a six-week extension of the scheduled October 4-5 hearing in this matter. PECO opposes this request. Therefore, pursuant to 52 Pa. Code §5.61, PECO Answers this Motion as follows:

1. The Complaint in this docket was filed on April 1, 2015. As of the scheduled hearing date, the matter will thus been pending for over 18 months. That is ample time to prepare for hearing.
2. The hearing notice for this hearing was issued July 20, 2016 – that is 10 weeks ago today. Again, that is ample time to prepare for hearing.
3. Continuances are appropriate for situations in which there is a short-term issue that will later become resolved – a scheduling conflict; a short illness from which a party will recover; etc. In such situations, continuances are granted to alleviate the short-term conflict, with the

expectation that a future hearing date can be set and the matter can then proceed expeditiously to closure.

4. Ms. Paul's request, and the documents that she filed in support of it, do not meet those criteria.

- Dr. Hanoch Talmor's supporting letter claims that Ms. Paul is sick because radiofrequency radiation measurements in her home are higher than he considers safe. Although he did not do the measurements himself, Dr. Talmor attributes the presence of these fields to PECO's existing AMR meter. That condition, however, will continue to exist indefinitely. If the radiofrequency fields in the Paul residence are associated with the AMR meter, they will continue to exist as long as the AMR meter is in place. If the radiofrequency fields are from another source (such as ambient UHF transmissions), they will continue to exist regardless of whether the AMR meter is in place. That means that, if a new hearing date were to be set six weeks from now, Ms. Paul would be able to state, six weeks from now, that she is still exposed to radiofrequency fields in her home and thus unable to prepare for hearing. In other words, granting a continuance would not resolve the conflict described by Dr. Talmor, because the conflict is not short-term.
- Dr. Peter Prociuk's supporting letter claims that Ms. Paul is sick because her upcoming PUC hearing is significantly aggravating her anxiety. PECO accepts that granting the requested continuance would relieve that anxiety -- for about 4-5 weeks. Then, as the new hearing date approaches, the anxiety would return. Ms. Paul developed her current pre-hearing anxiety after having 18 months to prepare, with a 10 week runway to a known hearing date. There is no reason to believe that moving the hearing date six weeks -- specifically in order to give her more time to prepare -- will do anything to lessen her pre-hearing anxiety. That means that, if a new hearing date were to be set six weeks from now, Ms. Paul would be able to state, six weeks from now, that she is anxious about preparing for the new hearing date. In other words, granting a continuance would not resolve the conflict described by Dr. Prociuk, because the conflict would recur and thus is not short-term.

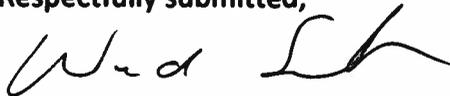
5. Granting this continuance would be disruptive to the orderly disposition of this case and the other AMI/health cases currently pending before the Commission. Complainant has requested a continuance that, according to Dr. Talmor, should be for "at least six weeks." Six weeks from today is November 9. Granting a continuance to a November hearing date would

leave a short window, from about November 9-18, to have the hearing prior to the Thanksgiving holiday. If that short window could not be used (due to existing commitments of Your Honors or the parties' experts) then the search for a new hearing date would be pushed into December. The hearing in *Murphy v. PECO*, C-2015- 24475726, is scheduled for December 5-9. That leaves only a short window of approximately December 12-20 to have a continued *Paul* hearing prior to the December holidays – and there may be conflicts for some during the short December window as well. Granting this continuance thus would run the very real risk of pushing the hearing for this matter into 2017.

6. PECO's outside counsel and experts have made travel plans to attend the October 4-5 hearing. In some cases, they have rescheduled, truncated, or refused other professional and personal opportunities in order to appear on those dates.

PECO therefore opposes the request for continuance, and respectfully requests that it be denied. Given the complexity of PECO's pending travel plans, PECO also respectfully requests that Your Honors rule on this matter at the earliest opportunity.

Respectfully submitted,



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September 28, 2016

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Mary Paul	:	
	:	Docket No. C-2015-2475355
v.	:	
	:	
PECO Energy Company	:	

CERTIFICATE OF SERVICE

I, Ward L. Smith, hereby certify that I have this day served a copy of PECO'S Energy Company's Answer to Complainant's Motion for Continuance of Hearing Date in the above matter upon all interested parties via e-mail and postage prepaid to:

Via Electronic Mail
Mary Paul
239 Honey Locust Drive
Avondale, PA 19311

Dated at Philadelphia, Pennsylvania, September 28, 2016



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