

Legal Department
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Philadelphia, PA 19101-8699

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May 17, 2017

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

RE: Simona Walsh v PECO Energy Company
Docket No.: C-2016-2538015

Dear Ms. Chiavetta:

Enclosed for filing with the Commission is a Motion for Continuance of Hearing Date with regard to the matter referenced above.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ward L. Smith".

Ward L. Smith
Counsel for PECO Energy Company

WS/ab
Enclosure

cc: **Honorable Darlene D. Heep, ALJ**
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SIMONA WALSH	:	
Complainant	:	
v.	:	DOCKET NO. C-2016-2538015
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

MOTION FOR CONTINUANCE OF HEARING DATE

PECO Energy Company ("PECO"), pursuant to 52 Pa. Code § 1.15(b), respectfully requests a continuance of the hearing scheduled in this matter for June 13, 2017 and June 14, 2017, and states the following:

1. An in person hearing for this matter is currently scheduled to take place on June 13, 2017 and June 14, 2017 at 10:00 a.m.
2. PECO is requesting a continuance of the June 13 and June 14 hearing dates due to the unavailability of PECO expert witness, Dr. Christopher Davis.
3. In the Complainant's formal complaint, the Complainant alleges that her husband and mother have health conditions that make them sensitive to electromagnetic fields emitted by PECO's AMI meter.
4. Dr. Davis is a physicist who will testify there is no reliable scientific basis to conclude that exposure to radio frequency fields from PECO's AMI meters causes or contributes to adverse health effects.
5. Dr. Davis is scheduled to travel for family vacation from June 10, 2017 through June 18, 2017. Dr. Davis's travel was scheduled prior to the Commission's issuance of the hearing schedule in this matter. Dr. Davis has reviewed his scheduled travel and, because the

travel involves extended family travel and planning from multiple locations, he is not able to reschedule the vacation.

6. Dr. Davis' testimony is critical to PECO's defense; therefore, PECO respectfully requests that the hearing be continued to a further date.

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

8. PECO avers that "good cause" exists to continue the scheduled hearing to another date because one of PECO's key expert witnesses is unavailable.

9. No prior continuances have been sought or granted in this proceeding.

10. PECO contacted the Complainant, Dr. Simona Walsh, to obtain her position on PECO's continuance request; and she has no objection to the continuance.

11. Dr. Walsh has indicated that she is available for a rescheduled hearing in or after September 2017. She is not available prior to that time due to travel and work commitments.

12. PECO's team is scheduled to appear before Your Honor in another AMI case, *Romeo v PECO*, on September 12-13.

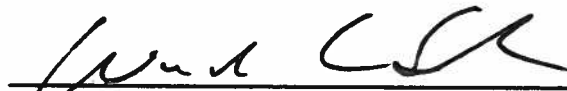
13. PECO has reviewed the calendars of all team members beginning in September, and compared notes with Dr. Walsh regarding her availability. The entire PECO team and Dr. Walsh are available for hearing on:

September 25-28 (M-Th)

October 16-18 (M-W)

14. PECO therefore respectfully requests that the hearing scheduled in this matter for June 13, 2017 and June 14, 2017, to two days to be determined by the Presiding Officer, but preferentially for two days from the dates specified above.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ward Smith", is written over a horizontal line.

Ward Smith

Shawane L. Lee

Counsel for PECO Energy Company

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Philadelphia, PA 19103

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Ward.Smith@exeloncorp.com

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SIMONA WALSH	:	
Complainant	:	
v.	:	DOCKET NO. C-2016-2538015
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

VERIFICATION

I, Ward Smith, 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.



Ward Smith

Date: May 17, 2017

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SIMONA WALSH

v.

PECO ENERGY COMPANY

:
:
:
:
:

Docket No. C-2016-2538015

CERTIFICATE OF SERVICE

I, Ward L. Smith, hereby certify that I have this day served a copy of the Motion for Continuance of Hearing Date in the above matter upon all interested parties via e-mail to:

Simona Walsh
2278 Warner Road
Lansdale, PA 19446

Dated at Philadelphia, Pennsylvania, May 17, 2017



Ward L. Smith
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