

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Jaime Leggett	:	
	:	
v.	:	C-2018-3001033
	:	
West Penn Power Company	:	

ORDER
GRANTING CONTINUANCE

On April 6, 2018, Jaime Leggett filed a Complaint against West Penn Power Company (West Penn), docket number C-2018-3001033. In her Complaint, Ms. Leggett stated that West Penn was threatening to shut off her service and requested a payment arrangement “that she can afford.”

On April 26, 2018, West Penn filed an answer to the Complaint. West Penn admitted to threatening to terminate service at Ms. Leggett’s address due to Ms. Leggett’s alleged nonpayment of her past-due balance. The termination of service is now in abeyance pending the Complaint. The Answer further avers that Ms. Leggett is not eligible for a payment arrangement due to her history of defaulting on payment arrangements. West Penn requests that the Complaint be denied and dismissed.

By Hearing Notice issued May 2, 2018, an initial telephonic hearing for this case was scheduled for Tuesday, June 5, 2018, at 10:00 a.m., and assigned to me. A Prehearing Order was issued on May 3, 2018, setting forth various procedural rules that would govern the hearing, including the method by which one could obtain a continuance of the scheduled hearing date if needed.

By letter through fax and through the U.S. mail, West Penn, through its Attorney John L. Munsch, made a request for a continuance of the June 5, 2018, hearing.

Motions for continuances are governed by Section 1.15 of the Commission's regulations, which states, in relevant part:

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least 5 days prior to the hearing date.

52 Pa.Code § 1.15(b).

Additionally, the May 3, 2018, Prehearing Order states the following:

2. A request for a change of the scheduled hearing date must state the agreement or opposition of the other parties and must be submitted in writing no later than five days prior to the hearing. 52 Pa.Code § 1.15(b). **Please note that changes are granted only in situations where good cause exists.** Requests for changing a hearing date must be sent to me and all parties of record.

May 3, 2018, Prehearing Order.

Furthermore, 52 Pa.Code § 5.483 gives the presiding officer the authority to "regulate the course of the proceeding," and 52 Pa.Code § 1.2 provides that the Commission's rules shall be "liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding." See 52 Pa.Code § 5.483(a) and 52 Pa.Code § 1.2(a), respectively.

The reasoning for the continuance request was due to the unavailability of West Penn's witness on the hearing date. Attorney Munsch stated that any potential substitute

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