

Legal Department
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June 19, 2018

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

RE: Ryan Ingham v. PECO Energy Company
Docket No. C-2016-2579564

Dear Secretary Chiavetta:

PECO Energy Company's Answer to Petition for Extension of Time in the above-referenced proceeding is attached for filing.

Very truly yours,



Ward L. Smith
Assistant General Counsel

WLS/adz
Attachment

c: Honorable Darlene D. Heep, ALJ
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ryan Ingham

v.

PECO Energy Company

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C-2016-2579564

**Answer of PECO Energy Company
To
Complainant's Petition for Extension of Time**

On June 11, 2018, new counsel for Complainant in this case filed a letter request for an extension of time, which the Commission characterized and docketed as a Petition for Extension of Time. PECO hereby answers that Petition.

This case was initiated by formal Complaint over 18 months ago, on December 9, 2016. The case remains in the initial pleadings stage; Complainant is seeking the opportunity to respond to Preliminary Objections filed and served by PECO on December 15, 2016. Complainant previously stated that he had not been served (by the Commission with orders, and by PECO with filings) and, by Secretarial Letter issued on May 4, 2018, the Commission gave Mr. Ingham until May 14, 2018 to file a Response to PECO's Preliminary Objections. Through his new counsel, Mr. Ingham now states that the Commission did not mail a copy of that Secretarial Letter until May 29, 2018. Mr. Ingham thus asks that he be given an additional ten days to file his Response.

PECO is pleased to see that Mr. Ingham is now represented by counsel in this docket, as that development will allow Your Honor to ensure that there are no more slips or delays in service by either party or by the Commission. In order to effectuate the entry of Complainant's new counsel in this matter and avoid any such future slips, PECO respectfully requests that Your Honor require certain procedural steps to be followed. If those steps are taken, PECO does not object to the requested extension of time.

Specifically:

- (1) Mr. Ingham's new attorney (who is also named Ingham) should be required to file a *notice of appearance* pursuant to 52 Pa. Code §1.24 within 10 days¹;

¹ Alternatively, PECO would be satisfied with a finding that Ms. Ingham signed an initial pleading in a representative capacity and is therefore already considered to have entered an appearance. See 52 Pa. Code §1.24.

- (2) Mr. Ingham’s new counsel requested (by letter of June 11, 2018) that “any further notices, including a decision on this request, be[] copied to my attention via fax *and/or email*.” PECO requests that, by virtue of this request, Mr. Ingham should now be *deemed to have agreed to accept service electronically* for purposes of 52 Pa. Code Subchapter F and all other relevant portions of the Commission’s regulations, and that the Commission’s certificate of service should be revised to reflect this fact;
- (3) PECO notes that, notwithstanding Ms. Ingham, Esquire’s request to be served by email, the June 11, 2018 letter from her does not contain an email address. (The web address given – www.malleylawpa.com – contains only a general email of tracey@malleylawpa.com.) PECO therefore requests that within 10 days counsel be required to *designate an email address for receipt of service*.
- (4) The *certificate of service in this case should thus be revised* to show that service on Mr. Ingham may be effectuated by service on his new counsel, by first class mail, overnight delivery, email, or facsimile, to:
- Dana F. Ingham, Esq.
Malley Law
P.O. Box 698
15 East Second Street
Media, PA, 19063
Phone: 610-566-8010
Fax: 610-566-9362
Email: tracey@malleylawpa.com or such other email address as provided by counsel within 10 days
Counsel for Complainant Ryan Ingham
- (5) Now that Mr. Ingham is represented by counsel, and consistent with the Pennsylvania Code of Professional Conduct Rule 4.2 (Communication with Person Represented by Counsel), *PECO intends to serve future*

communications only on counsel, with no direct communications with Mr. Ingham. Similarly, all future filings and communications from Mr. Ingham are to be made by his counsel.

- (6) Mr. Ingham’s counsel should be *required to utilize the Commission’s certificate of service procedures* and to serve all future filings directly on PECO’s counsel²:

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Shawane Lee, Esquire
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- (7) PECO has agreed to receive electronic service in this docket and requests that *all future filings and communications to PEO be made by email* to the email addresses noted above.

² Complainants’ July 11, 2018 letter did not have a certificate of service. It showed a cc to “Exelon Business Services Company” and was addressed to: Exelon Business Services Company, Legal Department , 2301 Market Street, S23-1, Philadelphia, PA 19103.

Conclusion

PECO does not object to Your Honor allowing Mr. Ingham an additional 10 days to answer PECO's Preliminary Objections, on the condition that such extension of time is conditioned upon Mr. Ingham and his new counsel meeting (or being ordered to meet) the procedures set forth above.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ward C Lee", is written over a horizontal line.

Ward Smith
Shawane Lee
Assistant General Counsel
PECO Energy Company
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June 19, 2018

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ryan Ingham :
v. : Docket No. C-2016-2579564
PECO Energy Company :

CERTIFICATE OF SERVICE

I, Ward L. Smith hereby certify that on June 19, 2018, I served a copy of *PECO Energy Company's Answer to Petition for Extension of Time* upon all interested parties via email and overnight delivery via Federal Express:

Dana F. Ingham, Esquire
Malley Law
P.O. Box 698
15 East Second Street
Media, PA 19063
tracey@malleylawpa.com
Counsel for Ryan Ingham

Dated: June 19, 2018



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