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July 26, 2019

Via E-FILING

Rosemary Chiavetta, Secretary
Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**Re: Judith D. Hendin v. Metropolitan Edison Company
Docket No. C-2018-3003324**

Dear Secretary Chiavetta:

We represent Ms. Hendin in the above-referenced matter. Enclosed for filing please find the Complainant's Motion to Extend the Schedule Pending Prehearing Conference. Copies with be provided as indicated on the Certificate of Service.

Respectfully submitted,



Joanna A. Waldron, Esquire
CURTIN & HEEFNER LLP

cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Judith D. Hendin

V.

Metropolitan Edison Company

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C-2018-3003324

NOTICE TO PLEAD

YOU ARE HEREBY ADVISED THAT, PURSUANT TO 52 PA. CODE 5.61(a), IN THE ABOVE CAPTIONED PROCEEDING, YOU MAY FILE A REPLY TO THE ENCLOSE MOTION FOR EXTENSION WITHIN TWENTY (20) DAYS AFTER THE DATE OF SERVICE. YOUR REPLY SHOULD BE FILED WITH THE SECRETARY OF THE PENNSYLVANIA PUBLIC UTILITY COMMISSION, P.O. BOX 3265, HARRISBURG PA 17105-3265. A COPY OF YOUR REPLY SHOULD ALSO BE SERVED ON THE UNDERSIGNED COUNSEL.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Judith D. Hendin

V.

Metropolitan Edison Company

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C-2018-3003324

**COMPLAINANT’S MOTION TO EXTEND THE SCHEDULE PENDING PREHEARING
CONFERENCE**

Pursuant to the Order Requiring Proposed Prehearing Conference and Hearing Dates dated May 23, 2019 (“Order”), Complainant Judith D. Hendin, (“Complainant” or “Ms. Hendin”), by and through her attorneys, respectfully files this Motion to Extend the Schedule Pending Prehearing Conference and requests an extension of thirty (30) additional days in which to file written testimony of Dr. David Carpenter. In support of this motion for an extension, Ms. Hendin states as follows:

BACKGROUND

Ms. Hendin filed the Complaint in this matter in June 2018. An Interim Order was entered on October 18, 2018. Counsel entered appearance on behalf of Ms. Hendin in November 2018. Ms. Hendin served her written testimony and the written testimony of Dr. Kracht on January 18, 2019. Defendant Metropolitan Edison Company (“Met-Ed” or “Company”) and Ms. Hendin submitted status updates on May 9, 2019. A second Interim Order Requiring Proposed Prehearing Conference and Hearing Dates was entered on May 23, 2019. The second Interim Order contemplated hearing dates between September 10, 2019 and October 30, 2019. The parties met to discuss relocation settlement options on June 14, 2019. The parties then submitted additional status updates on July 16, 2019, with potential dates for prehearing conferences before and after

July 25, 2019. The parties are in the process of scheduling the prehearing conference.

LEGAL STANDARD

Extensions of time are governed under 52 Pa. Code § 1.15, which provides that Commission or presiding officer may extend a time period: “a period of time prescribed may...by the presiding officer...for good cause be extended upon motion made before the expiration of the period originally prescribed or previously extended...” 52 Pa. Code § 1.15. Good cause exists here because the Complainant has already served written testimony of Ms. Hendin and Dr. Kracht in January, and the prehearing conference that was originally contemplated for on or before July 25, 2019 has not occurred and is in the process of being scheduled. Ms. Hendin respectfully suggests a thirty (30) day extension of time under 52 Pa. Code § 1.15 for the submission of the remaining written testimony of Dr. Carpenter, with the Defendants then having an additional thirty (30) days to respond, on or before September 26, 2019.

LEGAL ARGUMENT

An extension of time to file the written testimony of one witness, Dr. Carpenter, is necessary in light of the attempted settlement and pending prehearing conference. Good cause for an extension exists because the proposed prehearing conference that was originally contemplated for before July 25, 2019, before the testimony due date, has not occurred yet. The parties met in June, after the May 23, 2019 Order, at Ms. Hendin’s home to discuss whether relocation was possible. The discussions were an attempt for Ms. Hendin and the Company to avoid unnecessary litigation costs if the parties were going to be able to resolve the proceedings. Because settlement by relocation alone does not appear possible, Ms. Hendin requires additional time for the submission of the remaining testimony from Dr. Carpenter.

The Company would not be prejudiced by an extension of time of 30 days because the Company received the written testimony from Ms. Hendin and Dr. Kracht in January, over seven (7) months ago and did not issue any discovery requests pursuant to that testimony. Further, the

Company would not be prejudiced by an extension because the Company's rebuttal could be due on August 26 2019, providing the Company with the same thirty (30) days that it had originally. The August 26, 2019 rebuttal time frame still permits the parties to schedule hearing dates within the contemplated time period of October 2019. The parties are in the process of identifying a prehearing conference dates, which originally was proposed for September 12, 2019. Hearing dates after September 26, 2019 are well within the previously contemplated time frame.

CONCLUSION

For the foregoing reasons, Ms. Hendin respectfully requests that Administrative Law Judge Jeffrey Watson grant Ms. Hendin an extension of time within which to file written testimony of Dr. Carpenter in this proceeding.

Date: July 26, 2019

s/Joanna A. Waldron
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Judith D. Hendin

V.

Metropolitan Edison Company

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Extend has been served upon the following persons in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via EMAIL & FIRST CLASS MAIL

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The Honorable Jeffrey Watson
Administrative Law Judge Jeffrey A. Watson
Pennsylvania Public Utility Commission
Office of Administrative Law Judge
Piatt Place, Suite 220
301 5th Street
Pittsburgh PA 15222

Dated 7/26/2019

s/Joanna A. Waldron
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