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November 2, 2020

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

**RE: Christopher and Valerie Watson v PECO Energy Company  
Docket No. C-2020-3021127**

Dear Ms. Chiavetta:

**PECO's Motion for Hearing Continuance** is enclosed for filing. A Notice to Plead and a Certificate of Service precede PECO's filing.

Very truly yours,

/s/ Ward Smith

Ward Smith  
Counsel for PECO Energy Company

Enclosure

cc: Certificate of Service



**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Christopher and Valerie Watson	:	
	:	Docket No. C-2020-3021127
v.	:	
	:	
PECO Energy Company	:	

**CERTIFICATE OF SERVICE**

I, Ward L. Smith, hereby certify that I served a copy of PECO’s Motion for Hearing Continuance on Christopher and Valerie Watson, via email, to:

[Valerie.levesque24@hotmail.com](mailto:Valerie.levesque24@hotmail.com)

Dated November 2, 2020

/s/ Ward L. Smith  
Ward L. Smith  
Counsel for PECO Energy Company  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>CHRISTOPHER AND VALERIE</b>	:	
<b>WATSON</b>	:	
<b>Complainants</b>	:	
	:	
<b>v.</b>	:	<b>DOCKET NO. C-2020-3021127</b>
	:	
<b>PECO ENERGY COMPANY</b>	:	
<b>Respondent</b>	:	

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**PECO’S MOTION FOR HEARING CONTINUANCE**

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Pursuant to 52 Pa. Code §§ 1.15 and 5.103, PECO Energy Company (“PECO” or the “Company”) hereby files this Motion for Hearing Continuance.

In support of its Motion, PECO states the following:

1. An evidentiary hearing in the matter has been set for November 12, 2020.
2. This is PECO’s first request for a hearing continuance in this matter.
3. As required by 52 Pa. Code § 1.15, PECO is making this Motion in writing and at least five days prior to the scheduled hearing date.
4. Good cause exists to continue the scheduled November 12, 2020 hearing until a later date due to PECO’s pending Motion to Stay Proceeding:
  - On October 30, 2020, PECO filed and served a complaint in the Montgomery County Court of Common Pleas seeking a determination that it has property rights to operate and maintain its electric distribution facilities on the Watson’s property.

- On October 30, 2020, PECO filed and served a Motion to Stay Proceeding, in which it requested that the instant proceeding be stayed pending the outcome of the civil action in the Montgomery County Court of Common Pleas.
- Complainants' Answer to the Motion to Stay is not currently due until November 19, 2020, which is after the currently-scheduled hearing date.
- If Your Honor grants PECO's Motion to Stay Proceeding, then it would be inappropriate to hold the hearing on November 12; if Your Honor denies PECO's Motion to Stay Proceeding, then that ruling may affect and expand the scope of issues to be addressed at hearing; in that case a delay in hearing date to allow additional preparation is appropriate and warranted.

5. Good cause exists to continue the scheduled November 12, 2020 hearing until a later date due to PECO's pending Motion *In Limine* to Exclude Specified Testimony:

- On November 2, 2020, PECO filed and served a Motion *In Limine* to Exclude Specified Testimony, in which it requested a ruling excluding the Complainants' proffered testimony on electric and/or magnetic fields ("EMF") and health on the grounds that the proffered testimony is not competent, is hearsay, or both.
- Complainants' Answer to the Motion *In Limine* is not currently due until November 23, 2020, which is after the currently-scheduled hearing date.
- While PECO could have preserved the evidentiary objections set forth in the Motion *In Limine* and presented them at the hearing, PECO believes that presenting the

objections through the Motion will create administrative efficiency in the conduct of the hearing in this matter because:

- First, PECO's objections involve complex issues of law that are, at least in part, based upon Commission and Commonwealth Court decisions issued or affirmed within the last several weeks, and with which Your Honor and the Complainants thus may not have detailed familiarity. By providing its arguments in a prehearing Motion, PECO is affording Your Honor and the Complainants the opportunity to research and review the underlying law on these issues, rather than having to respond and rule at the moment (or to defer ruling until after the hearing).
- Second, because these evidentiary objections are complex and voluminous, fully stating them, responding to them, and ruling on them at the hearing would have consumed a substantial part of the scheduled hearing time. If these objections are resolved on a prehearing basis, hearing time can be preserved for the presentation of evidence.
- Third, resolution of the Motion will materially affect the hearing preparation required by both parties. Simply, if Your Honor rules that Complainants will be allowed to present the evidence addressed in the Motion, then Complainants will need to prepare their testimony regarding EMF, PECO will need to prepare cross-examination regarding EMF and, importantly, PECO may need to retain and present the testimony of expert witnesses to rebut

Complainants' EMF testimony. Conversely, if Your Honor grants PECO's Motion, none of those tasks will need to be undertaken.

### III. CONCLUSION

Based upon the foregoing, PECO respectfully requests that Your Honor grant PECO's Motion for Hearing Continuance.

Respectfully submitted,

/s/ Ward Smith

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*Counsel for PECO Energy Company*

November 2, 2020

