

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for a Finding	:	
Of Necessity Pursuant to 53 P.S. §10619 that the	:	
Situation of Two Buildings Associated with a Gas	:	Docket No.: P-2021-3024328
Reliability Station in Marple Township, Delaware	:	
County Is Reasonably Necessary for the	:	
Convenience and Welfare of the Public	:	

**JOINT MOTION OF MARPLE TOWNSHIP AND DELAWARE COUNTY FOR
EXTENSION OF TIME FOR WRITTEN REBUTTAL TESTIMONY**

Marple Township (“Marple”) and Delaware County (collectively, “Movants”), hereby file this Joint Motion for Extension of Time for Written Rebuttal Testimony, and set forth as follows:

1. On April 26, 2021, Movants jointly served discovery requests, including interrogatories and requests for production of documents (“Joint Discovery Requests”) upon PECO Energy Company (“PECO”).
2. On May 5, 2021, PECO served its responses to the Joint Discovery Requests which contained numerous objections to relevant and pertinent information.
3. On May 17, 2021, Movants filed a Joint Motion to Compel Discovery Directed at PECO requesting that PECO be directed to provide responses to various interrogatories and requests for production.
4. On May 24, 2021, PECO filed its response to the Motion to Compel, arguing that the requests were seeking irrelevant information or that the information had already been provided.

5. On June 1, 2021, the Joint Motion to Compel was granted and PECO was ordered to serve full and complete responses to the requested interrogatories and requests for production of documents within five business days of service of the Order.
6. Therefore, Movants anticipate PECO's responses on or around Monday, June 7, 2021.
7. Pursuant to the Pre-Hearing Order dated April 23, 2021, the date for written rebuttal testimony is June 14, 2021.
8. Per the April 23, 2021 Pre-Hearing Order, any provisions of the Order may be modified upon motion and good cause shown by any party of interest.
9. Considering PECO's objections to the Joint Discovery Requests, and therefore the lack of relevant and pertinent information provided, Movants have been unable to secure and prepare the appropriate lay and expert witnesses needed to present its case in this matter.
10. Assuming Movants receive PECO's responses by close of business on Monday June 7, 2021, Movants are left with roughly four business days to review the discovery, consult with both fact and expert witnesses and develop written testimony.
11. Movants, therefore, respectfully request that the deadline for written rebuttal testimony be extended thirty days, thereby extending the dates of the remaining litigation schedule accordingly.
12. Movants propose the following modification¹:

<u>Date</u>	<u>Event</u>
Wednesday July 14, 2021	Written Rebuttal Testimony
Wednesday July 21, 2021	Written Surrebuttal
Wednesday July 28, 2021 and Thursday July 29, 2021	Evidentiary Hearings

¹ These are suggested dates based upon the original litigation schedule.

Thursday August 12, 2021	Main Briefs
Thursday August 19, 2021	Reply Briefs
14 calendar days from service of RD	Exceptions Due

WHEREFORE, Movants respectfully request that ALJ DeVoe:

1. Grant this Joint Motion;
2. Extend the date for written rebuttal testimony thirty days; and,
3. Extend the remainder of the litigation schedule in accordance with the original dates as suggested in Paragraph 12 above.

Respectfully Submitted,
MCNICHOL, BYRNE & MATLAWSKI, P.C.

/s/ J. Adam Matlawski, Esquire

J. Adam Matlawski, Esq.
Attorney I.D. No.: 41678
Kaitlyn T. Searls, Esq.
Attorney I.D.: 311237
1223 N. Providence Road
Media, PA 19063

/s Robert W. Scott, Esquire

Robert W. Scott, P.C., Esquire
Attorney I.D. No.: 59329
Carl Ewald, Esquire
Attorney I.D. No.: 85639
205 North Monroe Street
Broomall, PA 19008

Dated: June 3, 2021

