



Eckert Seamans Cherin & Mellott, LLC
213 Market Street
8th Floor
Harrisburg, PA 17101

TEL 717 237 6000
FAX 717 237 6019
www.eckertseamans.com

Karen O. Moury
717.237.6036
kmoury@eckertseamans.com

June 22, 2021

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Andrew Perrong v. Alpha Gas and Electric LLC
Docket No. C-2021-3024359

Dear Secretary Chiavetta:

Enclosed for electronic filing please find an Answer to Emergency Request for Continuance in the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

Karen O. Moury
Karen O. Moury

KOM/lww
Enclosure
cc: Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the Answer to Request for Continuance upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email Only

Andrew Perrong
1657 The Fairway, Suite 131
Jenkintown, PA 19046
Andyperorong@gmail.com

Hon. Charece Z. Collins
Administrative Law Judge
Office of the Administrative Law Judge
Pa. Public Utility Commission
400 North Street
Harrisburg, PA 17120
Charcollin@pa.gov

Dated: June 22, 2021

Karen O. Moury

Karen O. Moury, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Andrew Perrong,	:	
	Complainant	: Docket No. C-2021-3024359
	:	
v.	:	
	:	
Alpha Gas and Electric LLC,	:	
	Respondent	:

ANSWER TO EMERGENCY REQUEST FOR CONTINUANCE

To The Honorable Charece Z. Collins:

Alpha Gas and Electric LLC (“Alpha”), by and through its counsel, submits this Answer to the Emergency Request for Continuance filed by Andrew Perrong (“Complainant”) on June 18, 2021 in the above-captioned matter. While Alpha does not believe that the Complainant’s request for a continuance has any basis, Alpha does not object to a brief continuance of two or three weeks if the Complainant needs more time to prepare for the evidentiary hearing. In support of this Answer, Alpha represents as follows:

1. On March 18, 2021, the Commission served the Formal Complaint of the Complainant on Alpha.
2. On April 6, 2021, Alpha timely filed an Answer and New Matter.
3. On April 21, 2021, the Complainant filed Preliminary Objections to Alpha’s Answer and New Matter.
4. On April 26, 2021, the Complainant filed a Reply to Alpha’s New Matter.
5. On April 30, 2021, Alpha Gas filed an Answer to Complainant’s Preliminary Objections to the Answer and New Matter.

6. On June 3, 2021, Administrative Law Judge (“ALJ”) Charece Z. Collins issued an Order denying the Complainant’s Preliminary Objections.
7. Also on June 3, 2021, ALJ Collins issued an Order granting the parties’ Joint Motion for Protective Order.
8. The Complainant and Alpha have exchanged discovery responses over the past several weeks.
9. Pursuant to the ALJ’s Prehearing Order issued on June 3, 2021, Alpha and the Complainant circulated proposed hearing exhibits on June 17, 2021.
10. A telephonic evidentiary hearing is scheduled for this matter on June 24, 2021 at 10:00 a.m.
11. On June 18, 2021, the Complainant filed the Emergency Request for Continuance, claiming that Alpha provided an audio file that had been edited. The audio file in question appeared on the vendor’s computer during a WhatsApp chat with Alpha representatives. The vendor is the company that Alpha was using for its telemarketing campaign at the time that the Complainant allegedly received a call from Alpha. The WhatsApp chat, which Alpha provided to the Complainant during discovery, is also part of Alpha’s proposed hearing exhibits.
12. Upon the Complainant’s request for an audio file appearing on the vendor’s computer during the WhatsApp chat, Alpha requested and received the audio file from the vendor. Although the audio file has nothing to do with the Complainant’s allegations, Alpha provided it to the Complainant.

13. When the Complainant filed the pending continuance request, Alpha inquired with the vendor about the Complainant's allegations concerning the audio file, which the vendor denied. The vendor further questioned why the Complainant referenced the VICI DIAL system since the audio file was not from that software.
14. Under Section 332(a) of the Public Utility Code, the Complainant has the burden of proving the allegations raised in the Complaint. 66 Pa.C.S. § 332(a). It is not incumbent upon the Respondent to provide the Complainant with evidence. Nonetheless, Alpha has furnished to the Complainant all the information it has relating to his allegations.
15. Additional time is not going to change anything. Alpha is prepared to proceed with the evidentiary hearing on June 24, 2021 and would prefer to keep that as scheduled.
16. Nonetheless, as a professional courtesy, Alpha does not object to a brief continuance of the evidentiary hearing. However, if ALJ Collins grants a continuance, Alpha respectfully requests that the hearing be rescheduled to a date no later than July 16, 2021.

Respectfully submitted,

Karen O. Moury

Karen O. Moury, Esq. (PA ID # 36879)
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
717.237.6036

Lauren M. Burge, Esq. (PA ID # 311570)
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
412.566.2146

Dated: June 22, 2021

Counsel for Alpha Gas and Electric LLC