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July 14, 2021
Via Electronic Filing

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

Re: 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
Reliability Station in Marple Township, Delaware County Is Reasonably
Necessary for the Convenience and Welfare of the Public

Docket No. P-2021-3024328

Dear Secretary Chiavetta:

Enclosed for filing in the above-referenced proceeding is the Joint Motion for
Extension.

Copies of this document have been served in accordance with the attached
Certificate of Service.

Thank you for your attention to this matter.

Sincerely,

/S/
Carl W. Ewald, Esquire

**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, TED UHLMAN, JULIE BAKER AND
DELAWARE COUNTY FOR EXTENSION OF TIME FOR EVIDENTIARY HEARINGS**

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

1. The Evidentiary Hearings in the above referenced matter are currently scheduled for July 15 and 16, 2021.
2. On July 12, 2021, at 4:28 PM, PECO Energy Company (“PECO”) served a Motion in Limine seeking to preclude the testimony of every single witness offered by the Intervenors.
3. Per the April 23, 2021 Pre-Hearing Order, filings served by email must be received by 4:00 p.m. on the due date.
4. § 5.103 (c) provides that “Response to motions. A party has 20 days from the date of service within which to answer or object to a motion, unless the period of time is otherwise fixed by the Commission or the presiding officer.”
5. However, PECO’s expansive 26 page motion was served with only two business days remaining before the evidentiary hearings.

6. On July 13, 2021, PECO served its Surrebuttal testimony in two parts, at 6:02 PM and 6:04 PM.
7. “To avoid technical issues due to size constraints,” PECO needed two emails to transmit them.
8. The after-hour filings contained 240 pages of new testimony and exhibits leaving intervenors just one day to complete preparations for the hearings and review the new testimony.
9. The parties witness matrix was due at noon today.
10. The Notice of Evidentiary Hearings provides as follows:

If you intend to offer exhibits, one (1) copy must be emailed to the Administrative Law Judge Emily DeVoe at edevoe@pa.gov and one (1) copy each must be emailed to each party of record. All copies must be received at least three (3) business days before the hearing. All exhibits should be clearly marked for identification.
11. PECOS new exhibits were all received with less than three business days before the hearing.
12. Intervenors’ witnesses and experts should have adequate time to review the proposed new exhibits and testimony.
13. 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.
14. Movants, therefore, respectfully request that the evidentiary hearings be continued to allow adequate time for review.
15. The Movants are willing and available to agree to evidentiary hearings with just a one or two week continuance on July 22 and 23 and/or July 29 and 30.
16. Movants contacted Christopher Lewis, counsel for PECO, to seek his agreement to this continuance at 12:08 PM and Mr. Lewis was quick to respond.

17. Mr. Lewis stated that he would need to discuss the proposal with his client and would provide an answer by 1:30 PM.

18. Movants waited until 1:30 for the PECO response.

19. PECO's response offered a one-day postponement, so that the hearing begins on Friday and continues onto Monday or to have all intervenor witnesses testify Friday.

20. While Movants appreciate an offer, one day is not sufficient.

21. Movants are willing to continue with a delay of only one week, assuming Your Honor is available on those dates. Movants are also available July 29 and 30 at Your Honor's convenience.

22. A one week continuance is the minimum that would allow sufficient time to prepare/respond.

23. Movants propose the following modification:

<u>Date</u>	<u>Event</u>
Thursday July 22, 2021 and Friday July 23, 2021; or Thursday July 29, 2021 and Friday July 30, 2021	Evidentiary Hearings
Thursday August 9, 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 Evidentiary Hearings; and,

3. Extend the remainder of the litigation schedule in accordance with the original dates as suggested in Paragraph 23 above.

Respectfully Submitted,
ROBERT W. SCOTT, P.C.

/s/ Carl Ewald, Esquire

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/s/ J. Adam Matlawski, Esquire

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/s/ Ted Uhlman

Ted Uhlman, pro se

/s/ Julie Baker

Julie Baker, pro se

Dated: July 14, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing, Joint Motion of for Extension of Time for Evidentiary Hearings, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant) in the manner listed below upon the parties listed below:

Honorable Emily I. DeVoe
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Respectfully Submitted,

MCNICHOL, BYRNE & MATLAWSKI, P.C.

Dated: July 14, 2021

 /s/ Carl Ewald, Esquire
By Carl Ewald, Esquire
Attorney I.D. No.: 85639

205 North Monroe Street
Broomall, PA 19008