

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

ARTHUR DALY	:	
Complainant	:	
	:	
v.	:	DOCKET NO. C-2021-3026685
	:	
PECO ENERGY COMPANY	:	
Respondent	:	

**MOTION OF PECO ENERGY COMPANY OBJECTING TO
COMPLAINANT, ARTHUR DALY’S REQUEST FOR CONTINUANCE OF HEARING
DATE**

PECO Energy Company ("PECO Energy"), pursuant to 52 Pa. Code §1.15, hereby objects to the continuance of the hearing date scheduled in this matter and states the following:

1. In this matter, a hearing was scheduled for October 12, 2021. A Hearing Notice was issued on July 22, 2021. A Prehearing Order was issued on July 27, 2021.
2. On October 1, 2021, the Complainant submitted a request for a sixty (60) day continuance. A Rescheduled Telephonic Hearing Notice was issued on October 6, 2021, with a hearing date of December 16, 2021. A Prehearing Order was issued on October 7, 2021.
3. On November 11, 2021, the Complainant requested a second sixty (60) day Continuance for medical reasons and PECO did not object to the continuance. A continuance was granted.
4. The Hearing was rescheduled for January 18, 2022. A Hearing Notice was issued on November 12, 2022. A Prehearing Order was issued on November 22, 2021.
5. On January 6, 2022, PECO filed a Motion for Continuance due to a scheduling conflict with the Commission. On January 7, 2022, a Rescheduled Hearing Notice was issued for a hearing scheduled on February 22, 2022. A Prehearing Order was issued on January 10, 2022.
6. On February 22, 2022, the date of the Hearing, the Complainant failed to appear.

PECO advised the Court that the Complainant had sent an email requesting a continuance the day prior, due to medical reasons. PECO did not object to the continuance as it was waiting to have a property inspection performed at the Complainant's property that same week.

7. On February 22, 2022, an Order was issued directing the Complainant to submit medical documentation no later than March 2, 2022, if another continuance was required due to medical reasons. No documentation was submitted.

8. On March 7, 2022, an Order was issued granting the continuance. The Order also advised the Complainant that no further continuances will be granted, and that the Complainant should consider legal representation if he is unable to call in to the telephonic hearing on the scheduled date. A Prehearing Notice was issued on March 10, 2022.

9. On May 3, 2022, the date of the rescheduled Hearing, the Complainant requested a continuance due to medical reasons and to seek counsel. PECO objected to the Continuance request. The continuance was granted over PECO's objection and the Complainant was advised that this would be the last Continuance of this matter.

10. By Prehearing Order, dated May 18, 2022, the Complainant was advised that if the Complainant chose to engage an attorney for this matter, the attorney must file an Entry of Appearance no later than June 8, 2022.

11. To date, counsel has not entered an appearance on the Complainant's behalf, which was one of the reasons given by the Complainant for the last Continuance request made at the time of the May 3, 2022 hearing.

12. The hearing was again rescheduled for June 22, 2022.

13. On June 15, 2022, the Complainant sent an email requesting that a continuance be granted due to medical reasons.

14. The Complainant has not provided any evidence to support an inability to participate in a telephonic hearing.

15. Pursuant to 52 Pa.Code § 1.15(b), a request for a change of the scheduled hearing date must be submitted *by motion* in writing, filed no later than five (5) days prior to the hearing with the Commission. The motion must state the facts upon which the request rests.

16. The Complainant has not submitted a Motion for a Continuance as required by section 1.15(b).

17. Second, as stated in the Prehearing Orders and Hearing Notices in this matter,

requests for a continuance are only granted where “good cause” exists. (Prehearing Orders, citing 52 Pa. Code §1.15).

18. No good cause exists here. Despite the Prehearing Order, dated May 18, 2022, which states that the Complainant or a legal representative must dial in to the telephonic hearing and present the case as scheduled, and as advised in the Hearing Notice and Prehearing Order, or the matter will be dismissed, the Complainant has requested yet another continuance without any supporting documentation and had failed to have counsel enter an appearance on his behalf.

19. PECO Energy is required by regulation to continue to hold collection activity on the Complainant’s account because of the formal complaint process.

20. The Complainant has an outstanding balance of over \$15,000.00 on his accounts. PECO Energy avers that the Complainant’s myriad of continuance requests is simply a tactic to avoid collection activity on his account.

21. PECO Energy strives for a quick and fair resolution with all customer complaints and asserts that further delay in this proceeding will prejudice PECO Energy and its ratepayers.

Respectfully Submitted,



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19130
Direct Dial: 215.841.6841
Fax: 215.568.3389
khadijah.scott@exeloncorp.com

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VERIFICATION

I, Khadijah Scott, hereby declare that I am counsel for PECO Energy Company; that as such I am authorized to make this verification on its behalf; that the facts set forth in the foregoing Pleading are true to the best of my knowledge, information and belief, and that I make this verification subject to the penalties of 18 Pa. C.S. §4904 pertaining to false statements to authorities.



Khadijah Scott

Date: June 15, 2022

**BEFORE THE
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PECO ENERGY COMPANY	:	
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CERTIFICATE OF SERVICE

I, Khadijah Scott, hereby certify that I have this day served a copy of PECO Energy Company's Motion in the above matter upon all interested parties by emailing a copy, properly addressed to:

ARTHUR DALY
225 CATHARINE ST.
PHILADELPHIA PA 19147
Via email: aterrydaly1@gmail.com



Khadijah Scott
Counsel for PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19130
Direct Dial: 215.841.6841
Fax: 215.568.3389
khadijah.scott@exeloncorp.com

Dated: June 15, 2022