

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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THE ARIA CONDOMINIUM ASSOCIATION, INC.	:	
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	:	
Complainant,	:	Docket No.: C-2023-3038702
	:	
v.	:	
	:	
VICINITY ENERGY PHILADELPHIA, INC.	:	
	:	
	:	
Respondent.	:	

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**THE ARIA CONDOMINIUM ASSOCIATION INC.’S  
UNOPPOSED<sup>1</sup> MOTION FOR CONTINUANCE**

The Aria Condominium Association, Inc. (“Association” or “Complainant”), by and through undersigned counsel, pursuant to 52 Pa. Code § 1.5 and the Prehearing Order for Telephone Hearing dated May 10, 2023 (“Prehearing Order”), hereby submits this unopposed motion for continuance, and in support thereof avers as follows:

**I. PROCEDURAL HISTORY**

1. On March 3, 2023, the Association filed a formal complaint with the Pennsylvania Public Utility Commission (“PUC”) against Vicinity Energy Philadelphia, Inc. (“Vicinity”).
2. On March 23, 2023, Vicinity filed its Answer, New Matter, and Counterclaim against the Association.
3. On May 10, 2023, Administrative Law Judge F. Joseph Brady issued the Prehearing Order which scheduled the initial hearing for this proceeding for May 31, 2023.

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<sup>1</sup> Vicinity does not oppose this Motion so long as the hearing is rescheduled to the next available date in March 2024. This caveat is based on the availability of Vicinity’s counsel.

4. On May 22, 2023, Vicinity filed an unopposed motion for continuance.
5. The unopposed motion was granted, and the hearing was continued to August 2, 2023.
6. Thereafter, the PUC continued the hearing to August 16, 2023.
7. Due to unavoidable scheduling conflicts, Vicinity filed a second unopposed motion for a continuance.
8. The unopposed motion was granted, and the hearing was continued to September 26, 2023.
9. Due to mutual discovery delays, the Association filed an unopposed motion for continuance on September 7, 2023.
10. The unopposed motion was granted, and the hearing was continued to November 28, 2023.
11. Due to delays in the Association's expert providing a report, Vicinity filed a third unopposed motion for a continuance.
12. The unopposed motion was granted and the hearing was continued to January 24, 2024.
13. Both parties have incurred delays in exchanging written discovery, the undersigned counsel requests an additional continuance in this matter.

## **II. REQUEST FOR CONTINUANCE**

14. The Association incorporates all prior paragraphs as if fully set forth at length herein.

15. The Association has lost contact with David Egan who is among the Association's witnesses. Mr. Egan is a certified representative of Yokogawa, which is the manufacturer of the steam flow meter that is at issue in this matter.

16. In response to these communication difficulties, the Association served Mr. Egan with a subpoena at his place of employment at Cemtech Energy Controls, Inc. A true and correct copy of the subpoena and affidavit of service are attached hereto as **Exhibit 1**.

17. Despite the subpoena, the Association continues to have communication difficulties with Mr. Egan and has received no assurances that he is available to participate in the upcoming hearing.

18. The Association respectfully requests a continuance in order to resolve this witness issue and confirm Mr. Egan's attendance at the hearing.

19. Vicinity does not oppose the Association's request for a continuance; however, counsel for Vicinity is unavailable in February due to travel and other court commitments. Accordingly, the Association requests that this matter be rescheduled to the next available date in March.

20. For these reasons, good cause exists for the Association's request for a continuance.

WHEREFORE, the Association respectfully requests that the PUC grant the Association's unopposed request for a continuance and reschedule the hearing to the next available date in March 2024.

Respectfully submitted,

**HORN WILLIAMSON, LLC**

/s/ Matthew C. Collins

By: Matthew C. Collins, Esquire

Dated: January 16, 2024

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing The Aria Condominium Association, Inc.'s Motion for Continuance has been served upon the following parties as indicated below:

*Via E-Filing & Electronic Mail*  
Maura L. Burke, Esquire  
Pierson Ferdinand  
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*Attorney for Vicinity Energy Philadelphia, Inc.*

*/s/ Matthew C. Collins*

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MATTHEW C. COLLINS

DATED: JANUARY 16, 2024