

Exhibit 1

Matthew C. Collins, Esquire (Atty ID#: 84776)
1500 JFK Boulevard, Suite 1700
Philadelphia, PA 19102
(215) 987-3800

**Commonwealth of Pennsylvania
In the Pennsylvania Public Utility Commission**

The Aria Condominium Association

v.

Case No.:C-2023-3038702

Vicinity Energy Philadelphia, Inc.

Commonwealth of Pennsylvania
County of Philadelphia ss

AFFIDAVIT OF SUBSTITUTED SERVICE

I, **Jonathan J. DiBello**, being duly sworn according to the law upon my oath, depose and say, that I am not a party to this action, am over 18 years of age, and have no direct personal interest in this litigation.

PARTY SERVED: David Egan, III

DOCUMENTS SERVED: Application for Subpoena and Filing Details

BY SERVING UPON: Patti Gilroy, Sales Dept.

DATE & TIME OF SERVICE: 1/4/2024 11:35 AM

**PHYSICAL DESCRIPTION: Age: 60 Weight: 200 Hair: Blonde
Sex: Female Height: 5'9" Race: Caucasian**

**SERVED ADDRESS: Rose Tree Corporate Center II,1400 N. Providence Road, #6040
Media, PA 19063**

I hereby affirm that the information contained in the Affidavit of Service is true and correct. This affirmation is made subject to the penalties of 18 PA C.S. 4904 relating to unsworn falsification to authorities.



Jonathan J. DiBello
Dennis Richman's Services for the Professional, Inc
4 Neshaminy Interplex Drive, Suite 108,
Trevose, PA 19053
(215) 977-9393



GPS: 39.9338362, -75.2971885



**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Aria Condominium Association	:	
	:	
v.	:	C-2023-3038702
	:	
Vicinity Energy Philadelphia, Inc.	:	
	:	

NOTICE TO PLEAD

Pursuant to 52 Pa. Code § 5.421, The Aria Condominium Association (“Association”) has filed an Application for Subpoena in the above-referenced matter. You are hereby notified that you may file a written response or objection within ten (10) days of service of the Application, pursuant to 52 Pa. Code § 5.421(b)(3). An original copy of your response must be sent to:

Rosemare Chiavetta, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg PA 17105

A copy must be served on the presiding officer and undersigned counsel.

Respectfully submitted,

HORN WILLIAMSON, LLP

By: /s/ Matthew C. Collins
Matthew C. Collins, Esquire
Paige L. Baldwin, Esquire
Two Penn Center, Suite 1700
Philadelphia PA 19102
Attorneys for The Aria Condominium Association

Dated: December 21, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Aria Condominium Association	:	
	:	
v.	:	C-2023-3038702
	:	
Vicinity Energy Philadelphia, Inc.	:	
	:	

APPLICATION FOR SUBPOENA

AND NOW comes Complainant, The Aria Condominium Association (“Association”) and files this Application to Subpoena David Egan of Cemtech Energy Controls, Inc. (“Cemtech”), to testify at the hearing scheduled in the above-captioned case, pursuant to 52 Pa. Code § 5.421(a)(2).

In support thereof, Association avers as follows:

I. INTRODUCTION

1. On March 2, 2023, the Association filed a Formal Complaint against Respondent, Vicinity Energy Philadelphia, Inc. (“Vicinity”).

2. The Association filed its Formal Complaint to dispute, *inter alia*, billing charges and to dispute the alleged steam usage as reflected on bills from Vicinity in 2022.

3. To facilitate its investigation, the Association retained David Egan, III, as an expert and manufacturer’s representative of the Yokogawa Steam Meter. Mr. Egan’s territory includes, but is not limited to: Eastern PA, Southern NJ, Delaware, Maryland, Washington D.C., and Virginia.

4. On May 22, 2023, Mr. Egan visited the site to obtain meter readings and other data from the Yokogawa Steam Meter as is installed at the Aria Condominium.

5. Additionally, information was provided to Mr. Egan demonstrating the historical steam usage at the Aria Condominium.

6. Since May 22, 2023, the Association has attempted to contact Mr. Egan numerous times via email and telephone call.

7. Mr. Egan has not responded to any communications, has not provided any information obtained from the site visit, has not issued a report articulating his findings, nor have recommendations been made by him or any other representative of Cemtech Energy Controls, Inc.

8. Most recently, on December 5, 2023, the Association attempted to contact David Egan, III to request his participation in the January 24, 2024 Hearing before the Commission.

II. GROUNDS FOR THE SUBPOENA

9. Section 5.421(a)(2) of the Commission's regulations permits a party to submit a written application for subpoena to the presiding officer. 52 Pa. Code § 5.421(a)(2). The application for subpoena must specify the general relevance, materiality and scope of the testimony or documentary evidence sought, including specification of the documents desired. 52 Pa. Code § 5.421(b)(1).

10. David Egan, III is the President of Cemtech Energy Controls, Inc. and manufacturer's representative for the Yokogawa Steam Meter, the equipment utilized by the Association.

11. In order to properly understand the Association's claims at the January 24, 2024 Hearing, the Association is requesting a proposed subpoena directing Mr. Egan's participation in the hearing be issued.

12. A proposed subpoena of Mr. Egan has been included with this Application.

III. CONCLUSION

WHEREFORE, for the foregoing reasons, the Association respectfully requests that the president Administrative Law Judge issue a Subpoena requiring David Egan, III to attend the hearing in this matter scheduled for January 24, 2024.

Respectfully submitted,

HORN WILLIAMSON, LLP

By: /s/ Matthew C. Collins
Matthew C. Collins, Esquire
Paige L. Baldwin, Esquire
Two Penn Center, Suite 1700
Philadelphia PA 19102
Attorneys for The Aria Condominium Association

Dated: December 21, 2023



Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Harrisburg, PA 17105-3265
EFILING - FILING DETAIL

Date Created	Filing Number
12/21/2023	2511464

Your filing has been electronically received. Upon review of the filing for conformity with the Commission's filing requirements, a notice will be issued acknowledging acceptance or rejection (with reason) of the filing. The matter will receive the attention of the Commission and you will be advised if any further action is required on your part.

The date filed on will be the current day if the filing occurs on a business day before or at 4:30 p.m. (EST). It will be the next business day if the filing occurs after 4:30 p.m. (EST) or on weekends or holidays.

Docket Number: C-2023-3038702

Case Description:

Transmission Date: 12/21/2023 4:25 PM

Filed On: 12/21/2023 4:25 PM

eFiling Confirmation Number: 2511464

File Name	Document Type	Upload Date
1810307.pdf	Application Updates/Revisions	12/21/2023 4:25:24 PM

For filings exceeding 250 pages, the PUC is requiring that filers submit one paper copy to the Secretary's Bureau within three business days of submitting the electronic filing online. Please mail the paper copy along with copy of this confirmation page to Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg PA 17120 a copy of the filing confirmation page or reference the filing confirmation number on the first page of the paper copy.

No paper submission is necessary for filings under 250 pages.

You can view a record of this filing and previous filings you have submitted to the PUC by using the links in the Filings menu at the top of the page. Filings that have been submitted within the last 30 days can be viewed by using the Recent Filings link. Older filings can be viewed by using the search options available in the Filing History link.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of:

Docket No. C-2023-3038702

The Aria Condominium Association
v.
Vicinity Energy Philadelphia, Inc.

David Egan, III, Cemtech Energy
Controls, Inc., 1400 North
Providence Rd, Rose Tree
Corporate Center II, #6040,

SUBPOENA

To: Media, PA 19063

(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to Appear Virtually at
ALJ Hearing Room (link to be provided by PUC), at Philadelphia (place)

Pennsylvania, on January 24, 2024, at 10:00 am o'clock, in the above case, to testify
(date)
on behalf of the The Aria Condominium Association and to remain until excused;

2. And bring with you and produce the following:
Any and all reports, field notes, photographs, videos, research completed or obtained by Cemtech Energy
Controls, Inc., inspection data, tests, test results, and calibration data regarding the Yokogawa Steam Meter
located at The Aria Condominium Association.

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

BY THE COMMISSION

Date

Administrative Law Judge

Commonwealth of Pennsylvania)
) SS:
Count of)

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared _____
who, being duly sworn according to law, deposes and says that he/she served a true and correct
copy of the within SUBPOENA upon _____
by handing the same to him/her at _____ on the
_____ day of _____, 20__ at _____ a.m./p.m.

(Signature)

Sworn to and subscribed before me
this _____ day of _____, 20__

Notary Public

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Application for Subpoena has been served upon the following parties as indicated below:

Via E-Filing and E-Mail
Maura L. Burke, Esquire
FisherBroyles LLP
1650 Market Street, 36th Floor
Philadelphia PA 19103
Maura.Burke@FisherBroyles.com
Attorney for Vicinity Energy Philadelphia, Inc.

/s/ Matthew C. Collins
Matthew C. Collins, Esquire

Dated: December 21, 2023