

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	C-2024-3052320
v.	:	
	:	
PECO Energy Company	:	

SCHEDULING ORDER

On November 27, 2024, the Pennsylvania Public Utility Commission (Commission) Bureau of Investigation and Enforcement (I&E) filed a Formal Complaint against PECO Energy Company (PECO), alleging PECO failed to provide information requested in I&E’s Information Investigation and Data Requests – Set I related to an incident on September 23, 2023 where an electric line came down and resulted in a gas leak in Yeadon, Pennsylvania.

On December 17, 2024, PECO filed an unopposed petition for a three-day extension to file its answer. That petition was granted by Secretarial Letter issued on December 18, 2024. On December 20, 2024, PECO filed an answer to the Complaint, alleging that the information sought by I&E is protected by the attorney client privilege and work product doctrine.

On December 26, 2024, the Commission issued a telephonic prehearing conference notice, setting this proceeding for a prehearing conference on January 21, 2025, at 10:00 a.m. Also on December 26, 2024, and in accordance with the provisions of 66 Pa.C.S. §333 and 52 Pa.Code §§5.221-5.223, a prehearing conference order was issued outlining various procedural matters to be addressed at the prehearing conference scheduled for January 21, 2025.¹

¹ A corrected prehearing conference notice and a corrected prehearing conference order were issued on January 7, 2025, and January 9, 2025, respectively, noting an update to the telephone conference and PIN numbers.

On January 13, 2025, counsel for PECO sent an e-mail to the undersigned, which stated that PECO and I&E request the prehearing conference scheduled for January 21, 2025, be rescheduled to February 21, 2025, to allow more time for discussion regarding a potential settlement.

On January 14, 2025, the Commission issued a notice, rescheduling a prehearing conference for this proceeding to February 21, 2025, at 10:00 a.m. On January 15, 2025, and in accordance with the provisions of 66 Pa.C.S. §333 and 52 Pa.Code §§5.221-5.223, a prehearing conference order was issued outlining various procedural matters to be addressed at the prehearing conference scheduled for February 21, 2025.

In response to the January 15, 2025, prehearing conference order, the parties submitted prehearing memoranda on February 19, 2025, outlining their respective positions on various procedural matters. The prehearing conference convened on February 21, 2025, as scheduled. Lindsay Szymanski, Esquire, appeared for I&E, and Jack Garfinkle, Esquire, appeared for PECO.

During the conference, various procedural matters were discussed. This Scheduling Order sets forth the procedural matters addressed during the Prehearing Conference.²

² During the prehearing conference, parties also agreed to issuance of a Protective Order, which is being issued separately.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the following schedule is adopted for this proceeding:

Service of Direct Testimony	May 23, 2025
Service of Rebuttal Testimony	June 20, 2025
Hearing (Telephonic)	August 5, 2025

2. That the parties shall serve documents so that documents are received in-hand by the parties and the undersigned no later than 4:30 p.m. on the dates listed. Parties may serve documents via e-mail to meet this requirement. Parties shall not file testimony with the Commission but shall file a certificate of service.

3. That any evidentiary hearing in this matter constitutes a formal legal proceeding and will be conducted in accordance with the Commission's Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.

4. That written testimony shall comply with the requirements of 52 Pa.Code § 5.412 and shall be marked with numerical, sequential statement numbers.

5. That any motions with respect to, or objections to, written testimony must be presented in writing no later than three days prior to the day that the witness sponsoring that testimony is scheduled to testify. Answers to such motions or objections may be filed within three days or sooner if circumstances warrant. Oral motions, other than for good cause, shall not be accepted.

6. That the parties shall conduct discovery pursuant to 52 Pa.Code §§ 5.321-5.373. The parties are encouraged to cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require formal resolution. All motions to compel shall contain a certification by counsel setting forth the informal discovery undertaken and their efforts to resolve their discovery disputes informally. If a motion to compel does not contain this certification, the parties will be directed to pursue informal discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

7. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.

8. That the parties should do their best to avoid the use of **Confidential Security Information (CSI)**, as defined by 35 P.S. § 2141 et seq., in this proceeding. Where possible, the parties should develop alternative means of introducing information into the record, such as joint stipulations or redaction when proposing testimony or exhibits. If the parties cannot avoid the use of CSI, the parties are to contact the undersigned in advance of any submission, and prior to the evidentiary hearing. Any CSI will be treated in accordance with the Public Utility Confidential Security Information Disclosure Protection Act, 35 P.S. §§ 2141.1 – 2141.6 and the Commissions Regulations at 52 Pa. Code §§ 102.1 – 102.4. Parties may not use e-mail or any other electronic mail system to transmit records containing CSI. 52 Pa. Code § 102.3(g).

9. That a briefing schedule will be set at the evidentiary hearing, and a briefing order will be issued with further instructions regarding briefs following the evidentiary hearing in this case.

10. That the parties are to confer amongst themselves in an attempt to resolve all or some of the issues associated with this proceeding. The parties are reminded it is the Commission's policy to encourage settlements. 52 Pa. Code §5.231(a). The parties are strongly urged to seriously explore this possibility.

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COMPANY-GAS**

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