

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**MODIFIED 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.<sup>1</sup>

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. A scheduling order was issued on February 24, 2025, setting forth the procedural matters addressed during the prehearing conference. Among other things, the scheduling order set the due dates for direct and rebuttal testimony to May 23, 2025 and June 20, 2025, respectively, and the hearing date to August 5, 2025. Also on February 24, 2025, a protective order was issued.

On May 19, 2025, I received an e-mail from counsel for PECO, requesting a stay of the litigation schedule for 60 days so that the parties may be able to finish settlement negotiations and file a proposed settlement with the Commission. Counsel for PECO indicated

---

<sup>1</sup> 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.

I&E supported the request. On May 19, 2025, I responded to both parties by e-mail, stating that I would be fine with extending the due dates for direct and rebuttal testimony to July 22, 2025 and August 19, 2025, respectively, and rescheduling the hearing date to October 7, 2025.

Requests for an extension of time may be made by motion where good cause is shown. 52 Pa. Code § 1.15. The Commission has recognized the Pennsylvania Supreme Court's definition of good cause as "conduct which is reasonable under all the circumstances, thereby justifying the [c]laimaint's actions." See *In re Application of Penn Access Corporation and Digital Direct of Pittsburgh, Inc.*, Docket No. A-310006, 1992 Pa. PUC LEXIS 56, at \*9 (1992) (citing *Frumento v. Unemployment Comp. Bd. of Review*, 351 A.2d 631 (Pa. 1976)). Additionally, Commission regulations provide presiding officers with the authority to regulate the course of proceedings. 52 Pa.Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa.Code § 5.485(a).

I find there is good cause to grant an extension of time in this proceeding. The parties and the Commission may benefit by the requested stay if the parties are able to reach a settlement and thereby eliminate the time commitment and costs associated with a litigated proceeding. Additionally, although the parties' request was not presented as a written motion, the Commission's regulations are to be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties. 52 Pa.Code § 1.2(a). Since both parties agreed to the request, I find it appropriate to disregard the request not being filed as a motion

ORDER

THEREFORE,

IT IS ORDERED:

1. That the litigation schedule set in the February 21, 2025 scheduling order is modified as follows:

Service of Direct Testimony	July 22, 2025
Service of Rebuttal Testimony	August 19, 2025
Hearing (Telephonic)	October 7, 2025

2. That all other ordering paragraphs in the February 21, 2025 scheduling order remain in effect.

Date: May 20, 2025

\_\_\_\_\_  
/s/  
John M. Coogan  
Administrative Law Judge

**C-2024-3052320 - BUR OF INVESTIGATION & ENFORCEMENT v. PECO ENERGY**

**COMPANY-GAS**

LINDSAY DEARING SZYMANSKI  
ATTORNEY  
COMMISSION  
3RD FLOOR WEST  
HARRISBURG PA 17120  
**717.787.3663**

[liszymansk@pa.gov](mailto:liszymansk@pa.gov)

Served via eService May 20, 2025

MICHAEL L SWINDLER ESQUIRE  
BI&E  
400 NORTH STREET  
PO BOX 3265  
HARRISBURG PA 17105-3265  
**717.783.6369**

[mswindler@pa.gov](mailto:mswindler@pa.gov)

Served via eService May 20, 2025

KENNETH M KULAK ESQUIRE  
CATHERINE G VASUDEVAN  
ESQUIRE  
2222 MARKET STREET  
PHILADELPHIA PA 19103-3007  
**215.963.5384**

[ken.kulak@morganlewis.com](mailto:ken.kulak@morganlewis.com)

[catherine.vasudevan@morganlewis.com](mailto:catherine.vasudevan@morganlewis.com)

Served via eService May 20, 2025

*(Counsel for PECO Energy Company)*

ANTHONY E. GAY ESQUIRE

JACK GARFINKLE ESQUIRE

PECO ENERGY COMPANY

2301 MARKET STREET

LEGAL DEPT S23-1

PHILADELPHIA PA 19103

**267.533.1999**

**856.912.4738**

[anthony.gay@exeloncorp.com](mailto:anthony.gay@exeloncorp.com)

[jack.garfinkle@exeloncorp.com](mailto:jack.garfinkle@exeloncorp.com)

Served via eService May 20, 2025

*(Counsel for PECO Energy Company)*