

August 7, 2025

Via Electronic Filing

Matthew Homsher, Esquire
Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Docket No. C-2025-3056317
Tony Gardner v. PECO Electric Company
Motion to File Answer *Nunc Pro Tunc*

Dear Secretary Homsher:

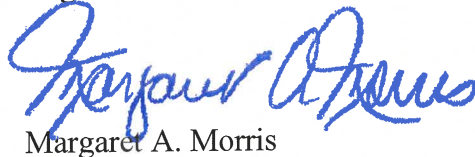
Attached for filing is the Motion of PECO Electric Company to file its responsive pleading *nunc pro tunc* in the above-referenced proceeding.

As indicated on the Certificate of Service, a copy of the Motion has been provided to the Complainant in the manner indicated.

If there are any questions, please do not hesitate to contact me.

Very truly yours,

Reger Rizzo & Darnall LLP



Margaret A. Morris

MAM/co
Enclosures

cc: Khadijah Scott, Esquire, PECO Energy Company [w/encls.]
Tony Gardner [w/encls.]

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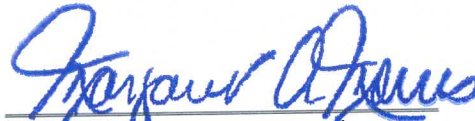
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following person(s), in the manner indicated, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Via Electronic Mail

Tony Gardner
docfright@aol.com

Dated: August 7, 2025


Margaret A. Morris, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TONY GARDNER

v.

PECO ELECTRIC COMPANY

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Docket No. C-2025-30563 17

NOTICE TO PLEAD

Pursuant to 52 Pa. Code §§ 5.101 and 5.62(c), you are hereby notified that if you do not file a written response denying or correcting the enclosed Motion of PECO Electric Company within twenty (20) days from service of this notice, a decision may be rendered against you. All pleadings, such as a Reply to PECO Electric Company's Motion, must be filed with the Secretary of the Pennsylvania Public Utility Commission, with a copy served to counsel for PECO Electric Company, Margaret A. Morris, Esq., and where applicable the Administrative Law Judge presiding over the issue.

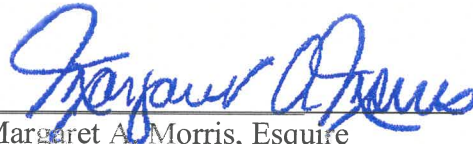
File by Mail or e-filing with:

Matthew Homsher, Esquire
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

With a copy to:

Margaret A. Morris, Esquire
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
2929 Arch Street
Philadelphia, PA 19104

Date: August 7, 2025



Margaret A. Morris, Esquire
Attorney ID No. 75048
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Philadelphia, PA 19104
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Counsel for PECO Electric Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

TONY GARDNER

v.

PECO ELECTRIC COMPANY

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Docket No. C-2025-3056317

**MOTION OF PECO ELECTRIC COMPANY
TO FILE ANSWER NUNC PRO TUNC**

PECO Electric Company, (Respondent, PECO, or Company), by and through its attorneys, Reger Rizzo & Darnall LLP, pursuant to 52 Pa. Code §§ 1.2 and 5.62, respectfully petitions this Honorable Commission to accept the attached Answer for filing *nunc pro tunc*.

1. On July 17, 2025, Tony Gardner (Complainant) filed a Formal Complaint against the Company with the Pennsylvania Public Utility Commission.

2. Pursuant to 52. Pa. Code § 5.61, Respondent's responsive pleading was due for filing on or before August 6, 2025.

3. Due to a catastrophic failure of the undersigning firm's cloud-based network on August 6, 2025, the Respondent is filing its Answer beyond the August 6, 2025, due date.

4. The Company respectfully requests that this Honorable Commission accept the filing of its Answer *nunc pro tunc*.

5. 52. Pa. Code § 1.1 *et seq.* govern that rules of administrative practice and procedure before the Public Utility Commission (PUC).

6. 52. Pa. Code § 1.2 states that the procedural rules of Chapter 52 shall be liberally construed to secure the just, speedy, and inexpensive determination of every action or proceeding to which it is applicable.

7. Furthermore, the Pennsylvania Commonwealth Court has held that the Commission has the authority to waive procedural defects when they do not affect the substantive rights of the parties. *Info. Connections, Inc. v. Pennsylvania Public Utility Commission*, 630 A. 2d 498 (Pa. Cmwlth. 1993).

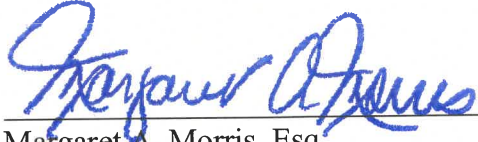
9. The Company respectfully submits that the late filing of its Answer was due to an unprecedented server failure.

10. More importantly, acceptance of the Answer *nunc pro tunc* does not affect the substantive rights of the Complainant in this matter. The Answer does not contain any information that was not already expressed to the Complainant.

11. Accordingly, the Company respectfully requests that its Answer be accepted for filing *nunc pro tunc* so that this matter can be decided on the merits.

WHEREFORE, Respondent, PECO Electric Company, respectfully requests that its Answer be accepted for filing *nunc pro tunc*.

Respectfully submitted,



Date: August 7, 2025

Margaret A. Morris, Esq.
Attorney ID No. 75048
Reger Rizzo & Darnall LLP
Cira Centre, 13th Floor
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Philadelphia, PA 19104
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Counsel for PECO Electric Company