

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tony Gardner	:	
	:	
v.	:	C-2025-3056317
	:	
PECO Energy Company	:	

INTERIM ORDER #1
DENYING MOTION FOR CONTINUANCE OF EMERGENCY HEARING

This Interim Order denies Complainant’s Motion to Continue the Emergency Hearing scheduled to be held on April 10, 2026, because a hearing is required to be held within 10 days of filing a petition for issuance of an emergency order.

On April 1, 2026, Complainant e-filed a document titled "Complainant’s Emergency Request to Prevent Termination of Service During Pending Proceedings” (hereinafter “Emergency Petition”) with the Commission. Though Complainant failed to serve the Emergency Petition on the undersigned Presiding Officer, the Presiding Officer became aware of the Emergency Petition on April 3, 2026.

Upon review of the Emergency Petition, the Presiding Officer determined that a hearing must be scheduled within 10 days of the date of filing, April 1, 2026, in accordance with Section 3.6a of Commission regulations, 52 Pa. Code § 3.6a. Thus, on April 7, 2026, the Presiding Officer caused a Hearing Notice and Prehearing Order to be issued, which scheduled an Emergency Hearing for April 10, 2026, and set forth the rules and procedures for the hearing.

On April 8, 2026, Complainant filed Complainant’s Motion for Continuance (“Motion”) to continue the April 10, 2026 Emergency Hearing. Complainant’s Motion indicated that Respondent objects to a continuance.

On April 8, 2026, Counsel for PECO emailed the undersigned, with a copy to Complainant, further advising that PECO: (1) does not consent to the continuance based on PUC regulations in Chapter 3 requiring that a hearing be held within 10 days; (2) surmises Dr. Gardner does not have the ability to file the motion on behalf of K Fish Comestible LLC, a corporate entity; and (3) avers that neither the Motion nor the Emergency Petition are properly before the Commission.

PECO argues that the Commission should decline to consider either the Motion or the Emergency Petition based on Commission precedent, *citing Ronald Angle, Jr. c/o Sharon Angle v. Met-Ed*, Docket No. F-2018-3006055 (Opinion and Order entered Dec. 19, 2019).

Because an Emergency Hearing must be held within 10 days of filing an Emergency Petition, Complainant's Motion for Continuance is denied.

THEREFORE,

IT IS ORDERED:

1. That the Motion for Continuance filed by Tony Gardner, on behalf of K Fish Comestible LLC, is denied.
2. That the Parties are directed to appear at the Emergency Hearing as scheduled on April 10, 2026.
3. That Complainant may, on the record, request to withdraw the Emergency Petition; renew the request for a continuance of these proceedings; or otherwise address the issues of acquiring representation and the averred need for immediate relief.

4. That Respondent may, on the record, further present its arguments regarding the Motion for Continuance and Emergency Petition.

Date: April 9, 2026

_____/s/
Emily A. Farren
Administrative Law Judge

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TONY GARDNER
664 LINCOLN HIGHWAY
FAIRLESS HILLS PA 19030
215.547.1977

docfright@aol.com

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MARGARET A MORRIS ESQUIRE
REGER RIZZO AND DARNALL LLP
CIRA CENTRE 13TH FL
2929 ARCH STREET
PHILADELPHIA PA 19104
215.495.6524

mmorris@regerlaw.com

Served via eService April 9, 2026
(Counsel for PECO Energy Company)

ANTHONY GAY ESQUIRE
PECO ENERGY COMPANY
2301 MARKET STREET
S23-1
PHILADELPHIA PA 19103
215.841.4635
215.841.6841

anthony.gay@exeloncorp.com

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