

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

PREHEARING ORDER FOR TELEPHONIC EVIDENTIARY HEARING

AND NOW, this 10th day of April 2026, it is hereby ORDERED:

1. **DATE AND TIME OF HEARING.** An evidentiary telephonic hearing will be held in this case on:

Monday, June 29, 2026, beginning at 10:00 AM

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a Passcode number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and Passcode Number.

Toll-free Bridge Number: 888-387-8560

Passcode Number: 69874953

2. **REPRESENTATION.** Although the caption of this matter reflects the Complainant as an individual, Tony Gardner, the Complaint indicates that the utility service at issue is a non-residential account with the account holder as “K Fish Comestible.” Tony Gardner signed the verification of the Complaint as “owner.” Sections 1.21 and 1.22 of Commission regulations require that K Fish Comestible must be represented in adversarial proceedings, such as, at the instant scheduled hearing, by an attorney licensed to practice law in Pennsylvania or admitted *pro hac vice*. 52 Pa. Code §§ 1.21, 1.22. Section 1.24 of Commission regulations provides that an

attorney shall file a written notice of appearance with the Commission’s Secretary; this notice of appearance shall be contemporaneously served on opposing counsel and the undersigned Presiding Officer. 52 Pa. Code § 1.24. **Complainant will not be permitted to testify or otherwise present evidence at the hearing unless represented by an attorney.**

3. FAILURE TO APPEAR. You must attend the hearing and present evidence on the issues raised in the pleadings. You may lose the case if you do not take part in this hearing and present evidence on the issues raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

4. CONTINUANCES. You may request a continuance of the hearing if you have a good reason. Continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should be served pursuant to paragraph 5B below. Your motion should include:

- (1) The case name, case number, and hearing date;
- (2) The reason you are requesting a continuance; and
- (3) State whether the other party(s) agrees to the request (or if you do not know).

5. PRESENTING EXHIBITS. If you intend to present any documents or exhibits at the hearing, you must email one (1) copy to the Presiding Officer at efarren@pa.gov and one (1) copy each must be sent to every other party pursuant to paragraph 6B below. All copies must be received at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes. Do not include account numbers or any other personally identifiable information (PII), such as social security numbers, in your documents or exhibits. It is the parties’ responsibility to redact any PII contained within a document or exhibit before submitting it into the record. Do not file your proposed documents or exhibits with the Secretary’s Bureau. However, you should file a Certificate of Service with the Secretary’s Bureau indicating you sent the proposed documents or exhibits to every other party.

Note that attachments to your Complaint or Answer are not admitted into the record unless submitted separately. Please be sure to have all pre-served exhibits with you at the time of the hearing. This hearing may be your only opportunity to present evidence in support of your complaint.

If you do not have access to email, you must mail your proposed exhibits to me at the mailing address below (see paragraph No. 6), and to every other party at their mailing address (see Service List attached). All copies must be received at least five (5) business days before the hearing.

6. FILING AND SERVING DOCUMENTS. When you file a document, you must provide the original to the Commission and serve a copy to the other party or parties. Instructions on how to file with the Commission and serve other parties are provided below.

A. FILING DOCUMENTS

(1) E-FILING. To file with the Commission, the Commission offers a free e-Filing Subscription Service. This service allows a user to file documents electronically and receive an automatic email notification whenever a document is added, removed, or changed on the Commission website in a specific case. For information and to subscribe to this service, visit the Commission's website at: <https://www.puc.pa.gov/filing-resources/efiling>

(2) PAPER FILING. If you do not have the capability to open and use an e-Filing account, you may file paper documents with the Secretary of the Commission. Filing of paper documents may be hand delivered or sent to:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

(3) CONFIDENTIAL MATERIAL. If a filing contains confidential or proprietary material, the filing should be submitted by overnight delivery to ensure

arrival. Filings containing confidential or proprietary material may also be submitted through the Commission's Share Point File system. These filings should be followed by a hard copy for the Commission's file. Filers should contact the Secretary's Bureau in advance to set up a Share Point File before submitting the filing.

B. SERVING DOCUMENTS

(1) SERVING OTHER PARTIES. When you file documents with the Commission, you must also serve a copy on the other party or parties. You may serve a copy by U.S. First-Class Mail or by hand. You may also serve a copy by eService or email, if the other party has agreed to electronic service. For your convenience, a copy of the Commission's current service list of all parties to this proceeding is enclosed with this Order.

(2) SERVING THE PRESIDING OFFICER. Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. You must email one (1) copy to the Presiding Officer at efarren@pa.gov.

If you do not have access to email, you must serve me by mail, addressed to:

Emily A. Farren
Administrative Law Judge
PA Public Utility Commission
400 North Street,
Harrisburg, PA 17120

7. BURDEN OF PROOF. The Complainant bears the burden of proof and must present evidence sufficient to demonstrate that the utility has violated the Public Utility Code, or a regulation or order of the Commission. 66 Pa.C.S. § 332(a).

8. CONTACT INFORMATION. If your email address or telephone number changes during the course of the proceeding, you must immediately update the Office of Administrative Law Judge by calling 717-787-1399.

9. ACCOMMODATION. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Please call the Office of Administrative Law Judge’s scheduling office at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearing, we will have an interpreter present. Please call the scheduling office at the Commission at least ten (10) business days prior to your hearing to submit your request.

Scheduling Office: 717-787-1399

TTY-based Telecommunications Relay Service number
for persons with a hearing and/or speech impairment: 711

10. SETTLEMENT. The Commission’s policy is to encourage settlements. 52 Pa. Code § 5.231(a).

11. VIOLATIONS. A finding of a violation of a Commission Order, regulation or statute may result in the imposition of a civil penalty consistent with 66 Pa.C.S. § 3301 or other provision of the Public Utility Code.

12. HEARING PROCEDURES. Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the Commission’s Rules of Practice and Procedure at 52 Pa. Code Chapters 1, 3, and 5.

Please be sure to participate from a location where background noise will be minimized, and the reception is clear.

_____/s/
Emily A. Farren
Administrative Law Judge

C-2025-3056317 - TONY GARDNER v. PECO ENERGY COMPANY

TONY GARDNER
664 LINCOLN HIGHWAY
FAIRLESS HILLS PA 19030
215.547.1977

docfright@aol.com

Served via email and eService - April 10, 2026

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 10, 2026
(Counsel for PECO Energy Company)