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June 22, 2026

Via Electronic Filing

Matthew L. Homsher, Secretary
Pa. Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: Tony Gardner v. PECO Energy Company,
Docket No. C-2025-3056317

Dear Secretary Homsher:

Enclosed for electronic filing please find Complainant Tony Gardner's Motion to Continue the Hearing Scheduled for June 29, 2026 with regard to the above-referenced matter. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,

/s/ Stephen M. Pemberton

Stephen M. Pemberton

Enclosure

cc: Hon. Emily A. Farren w/enc.
Mediator Teri-Lee Rhodes w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the enclosed Motion upon the person listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

VIA E-MAIL

Margaret A. Morris, Esquire
Reger Rizzo and Darnall LLP
Cira Centre 13th Fl
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

/s/ Stephen M. Pemberton

Date: June 22, 2026

Stephen M. Pemberton, Esquire

Counsel for Tony Gardner

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TONY GARDNER,	:	
	:	
Complainant,	:	
	:	
v.	:	Docket No. C-2025-3056317
	:	
PECO ENERGY COMPANY,	:	
	:	
Respondent.	:	
	:	

NOTICE TO PLEAD

TO: Margaret A. Morris, Esquire
Reger Rizzo and Darnall LLP
Cira Centre, 13th Fl
2929 Arch Street
Philadelphia, PA 19104
mmorris@regerlaw.com

You are hereby notified that a reply to the enclosed **Motion** of Tony Gardner must be filed within 20 days of the date of service, or as directed by the Administrative Law Judge. All pleadings must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for Pittsburgh Water, and where applicable, the presiding Administrative Law Judge.

File with:

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120
<https://efiling.puc.pa.gov>

With a copy to:

Renardo L. Hicks, Esquire
Stephen M. Pemberton, Esquire
Eckert Seamans Cherin & Mellott, LLC
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rhicks@eckertseamans.com
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/s/ ***Stephen M. Pemberton***

Stephen M. Pemberton, Esquire

Counsel for Tony Gardner

Date: June 22, 2026

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TONY GARDNER,	:	
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Complainant,	:	
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	:	
Respondent.	:	
	:	

**MOTION TO CONTINUE THE EVIDENTIARY HEARING
SCHEDULED FOR JUNE 29, 2026**

Pursuant to 52 Pa. Code § 5.103, Complainant Tony Gardner (“Complainant”) submits this Motion to Continue the Evidentiary Hearing Scheduled for June 29, 2026 (“Motion”). Complainant submits this Motion because of two significant factual developments, which are described in further detail herein: (1) PECO Energy Company’s (“PECO”) failure to timely respond to Complainant’s *Interrogatories and Requests for Production of Documents, Set I, Addressed to PECO* (“Set I Interrogatories”); and (2) Complainant’s need to subpoena a key witness in this matter. Complainant asserts that these unresolved issues will directly affect the outcome of this proceeding. Therefore, Complainant respectfully requests that the evidentiary hearing and corresponding exhibit deadline be continued to permit Complainant to: (1) obtain the crucial information requested from PECO in the Set I Interrogatories, whether voluntarily or through a motion to compel; and (2) subpoena a key witness with technical expertise to testify on PECO’s equipment failures.

Given that the evidentiary hearing is scheduled for June 29, 2026 at 10:00 a.m., **Complainant respectfully requests that this Motion be decided on an expedited basis, and**

that the June 29, 2026 hearing and corresponding exhibit deadline be continued to allow time for a ruling on this Motion. As noted below, PECO does not object to this Motion.

In support of this Motion, Complainant avers as follows:

I. BACKGROUND

1. The Complainant filed a formal complaint against PECO with the Commission, which was served on PECO on July 17, 2025. While appearing *pro se* in this proceeding, Complainant subsequently filed several letters to the Commission alleging ongoing instances of PECO equipment failure and improper billing practices by PECO.

2. The complaint and subsequent correspondence, *inter alia*, allege that PECO is failing to provide adequate, efficient, safe, and reasonable service and facilities to Complainant's business, K Fish Comestible—a Philadelphia retail establishment—in violation of Section 1501 of the Pennsylvania Public Utility Code. 66 Pa. C.S. § 1501.

3. On August 7, 2025, PECO filed an Answer in response to the formal complaint.

4. On May 29, 2026, the undersigned counsel entered an appearance on behalf of Complainant.

5. In addition, on May 29, 2026, Complainant served its Set I Interrogatories on PECO.

6. Per the Commission's regulations, PECO's response to the Set I Interrogatories was due twenty days after service, which was June 18, 2026. 52 Pa. Code § 5.342(d). If PECO intended to object to the Set I Interrogatories, then PECO's objections were due ten days after service, which was June 8, 2026. 52 Pa. Code § 5.342(e).

7. PECO did not respond or object to Complainant's Set I Interrogatories by the applicable deadlines.

8. During a telephone call on June 22, 2026, counsel for PECO indicated that PECO's responses to the Set I Interrogatories were served on Friday, June 19, 2026. However, the undersigned has no record of such response being served by PECO. Counsel for PECO promised to investigate why PECO's responses to the Set I Interrogatories were not received by the undersigned.

9. Separately, on June 18, 2026, Complainant identified a former PECO employee who is willing to serve as a witness for Complainant during the evidentiary hearing in this matter.

10. Pursuant to the Prehearing Order issued on April 10, 2026, a telephonic evidentiary hearing is currently scheduled for June 29, 2026 at 10:00 a.m. before ALJ Emily A. Farren.

11. Per that same Prehearing Order, the parties were to identify their exhibits by June 22, 2026, which is five (5) days before the scheduled evidentiary hearing.

III. MOTION FOR CONTINUANCE

12. The Commission's Rules of Administrative Practice and Procedure permit parties to file requests for continuance of a hearing. Requests for continuance will be considered for good cause shown and should be filed at least five (5) days prior to the hearing date. 52 Pa. Code § 1.15(b).

13. Similarly, Section 4 of the April 10, 2026 Prehearing Order provides that a continuance may be requested at least five (5) days prior to the hearing, if a party has a good reason, and that continuances will be granted only for good cause.

14. Section 4 of the April 10, 2026 Prehearing Order further notes that the continuance request must include the case name, case number and hearing date; the reason for the request; and an indication of whether the other party agrees to the request (if known).

15. Complainant respectfully requests that the June 29, 2026 hearing and corresponding deadline to disclose exhibits be continued as necessary to allow for disposition of this Motion and for Complainant to address the necessary outstanding evidentiary issues.

16. PECO's failure to timely respond to the Set I Interrogatories and Complainant's need to subpoena a key witness in this matter, as discussed above, are good cause to continue the hearing while this Motion is addressed and those evidentiary issues are resolved.

17. Complainant submits that the reasons for the requested continuance establish the necessary good cause for the hearing (and related exhibits deadline) to be rescheduled. Complainant also notes that this request was made as soon as practicable, being five (5) days prior to the hearing date.

18. The undersigned counsel for Complainant has conferred with counsel for PECO on PECO's amenability to this continuance request, and counsel for PECO confirmed that PECO does not object to this Motion.

IV. CONCLUSION

WHEREFORE, Complainant Tony Gardner respectfully requests that Administrative Law Judge Emily A. Farren grant this Motion and continue the hearing (and related deadline to identify and pre-serve exhibits) for a period of at least thirty (30) days. **Complainant respectfully requests that this Motion be decided on an expedited basis, and that, at a minimum, the June 29, 2026 hearing and corresponding exhibit deadline be continued to allow time for a ruling on this Motion.**

Respectfully submitted,

/s/ Stephen M. Pemberton

Renardo L. Hicks, Esquire (I.D. No. 40404)
Stephen M. Pemberton, Esquire (I.D. No. 336783)
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Dated: June 22, 2026

Counsel for Tony Gardner

Verification

I, Stephen M. Pemberton, am counsel for Complainant Tony Gardner, and I hereby state that the facts set forth in the foregoing **Motion** are true and correct to the best of my knowledge, information, and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Dated: June 22, 2026

/s/ *Stephen M. Pemberton*

Stephen M. Pemberton