

From The Desk of:

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# Transmittal

**Rosemary Chiavetta, Secretary**  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120

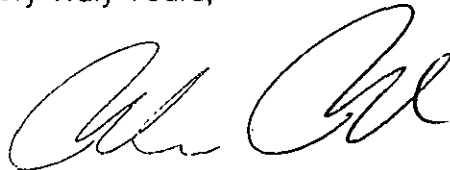
RE: Richard Coppola v. PECO Energy Company  
PUC Docket No.: F-2012-2325791

Dear Ms. Chiavetta,

Enclosed for filing with the Commission are the following documents in the matter referenced above along with their respective Certificates of Service.

1. Complainant's Motion for Continuance and Rescheduling of 1/23/13 Hearing.

Very Truly Yours,



**Richard Coppola, Jr.**  
RJC/lg  
2013/01/08 11:36:23  
Via.: USPS with Delivery Confirmation  
Page 1 of 1 plus attachments  
Copy: File

**RECEIVED**  
**2013 JAN 30 AM 10:18**  
**PA P.U.C.**  
**SECRETARY'S BUREAU**

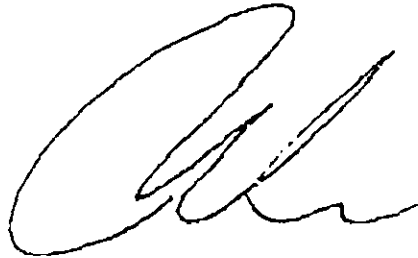
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hearing for future reference or exhibit. I am usually traveling  
unavailable for either an in person or telephonic hearing. I  
telephonic hearing in the Pa. Code Title 52 which is some  
other aspect of administrative law procedure.

Thank you for your consideration.

Very Truly Yours,



**Richard Coppola, Jr.**

RJC/lg

2013/01/07 11:42:40

Via Fax: 215.560.3133

and by USPS

Page 1 of 1 plus attachments

Copy: PECO Shawane Lee 215.568.3389, File

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Exhibit C

Exhibit A

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Richard Coppola

v.

PECO Energy Company

F-2012-2325791

ORDER GRANTING COMPLAINANT'S  
REQUEST TO RESCHEDULE HEARING

By Hearing Notice dated December 13, 2012, an Initial Hearing was scheduled for Wednesday, January 23, 2013, at 10:00 a.m. On the afternoon of January 7, 2013, I received a fax from the complainant requesting that the hearing be rescheduled. The complainant provided the following explanation for the request:

Regarding the attached, I am respectfully requesting that the hearing (hearings) be rescheduled to any Monday or Friday and that it be a recorded telephonic hearing so a transcript may be obtained of the hearing for future reference or an exhibit. I am usually traveling Tuesday through Thursday and am unavailable for either an in person or telephonic hearing. I did not see any reference to requests for telephonic hearing in the Pa. Code Title 52 which is somewhat odd considering it addresses virtually every other aspect of administrative law procedure.

The complainant did not indicate whether Shawane Lee, Esq., counsel for PECO, agreed with or opposed his request. Moreover, there was no indication from the fax that Ms. Lee was copied on the correspondence. As a courtesy, I forwarded the request to Ms. Lee.

On January 8, 2013, Ms. Lee filed a motion objecting to Mr. Coppola's continuance request with the Commission. Ms. Lee indicated that, since the complainant failed to file a motion to request a continuance as required by Commission regulations, the request should be denied on

multiple exhibits and witnesses." This should not be the case since the hearing is being conducted for the purpose of resolving the above mentioned initial discovery dispute issue. It is worth noting that discovery has just begun, is ongoing, and has not been expanded due to respondent's willful false statements to date not to mention that respondent has not provided Complainant with any "witness" list to which Complainant is entitled to depose as part of the discovery process or provided Complainant with any "exhibits" it intends to use.

In this instance, the complainant is mistaken as to the nature of the upcoming hearing. The hearing scheduled by the Office of Administrative Law Judge (OALJ) is an evidentiary hearing on the Complaint he filed, not a hearing to settle a discovery dispute. Moreover, upon review of the Commission's file on this matter, there is no outstanding Motion to Compel.

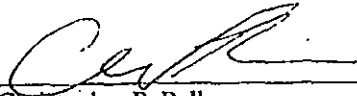
Accordingly, Mr. Coppola's request to reschedule the January 23, 2013, hearing to either a Monday or a Friday is granted. His request to change the hearing format from in-person to telephonic is denied.

THEREFORE,

IT IS ORDERED;

1. That the continuance requested by complainant Richard Coppola in the matter of Richard Coppola v. PECO Energy Company at Docket No. F-2012-2325791 is granted;
  2. That the hearing scheduled for January 23, 2013, at 10:00 a.m. is cancelled;
- and
3. That an in-person hearing be rescheduled to be conducted on either a Monday or a Friday.

Date: January 14, 2013

  
\_\_\_\_\_  
Christopher P. Pell  
Administrative Law Judge