

From The Desk of:

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Transmittal

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MAR 21 2013

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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 RESPONSE AND ANSWER TO RESPONDENT'S MOTION FOR PROTECTIVE ORDER AND REQUEST FOR SANCTIONS

Very Truly Yours,



Richard Coppola, Jr.

RJC/lg

2013/03/20 17:52:06

Via.: USPS with Delivery Confirmation

Page 1 of 1 plus attachments

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Richard J. Coppola, Jr.
P.O Box 99
Langhorne, PA 19047

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Complainant

: No.: F-2012-2325791

v.

PECO Energy Company
2301 Market Street
Philadelphia, PA 19101

: Administrative Law

Respondent

**COMPLAINANT'S RESPONSE AND ANSWER TO
RESPONDENT'S MOTION FOR PROTECTIVE ORDER
AND REQUEST FOR SANCTIONS**

COMES NOW Complainant in his response and answer to respondent's Motion for Protective Order and Request for Sanctions as enumerated below corresponding to respondent Motion averments:

1. Admitted as to the potential number of deponents. Complainant is entitled to conduct discovery inclusive of depositions of individuals who have knowledge of Complainants Case being who's testimony would lead to admissible evidence at time of trial.

2. Admitted as to the place and time indicated in Complainant's notice which is within the requisite reasonable distance and mileage from Respondent's place of business.

3. Complainant's Notice averment speaks for itself requiring no further response.

4. Respondent has no basis for their objection to permissible discovery inclusive and not limited to depositions by and through their protective order or any other pleading. Complainant is entitled to conduct discovery required to prosecute Complainant's case.

5. The administrative rules in general speak for themselves however Complainant's notice of depositions is well within the typical scope and extent of

conducting discovery and is certainly not an "unreasonable annoyance, embarrassment, oppression, burden", etc., etc., as respondent quite ridiculously alleges - which if cited every time a party wished to conduct depositions would eliminate all depositions from the administrative process as being: an "unreasonable annoyance, embarrassment, oppression, burden", etc., etc.

6. Admitted in part and denied in part. Complainant's notice of depositions speaks for itself and is a discovery right of the Complainant. Respondent's travel assessment is incorrect, exaggerated, and denied. FURTHERMORE, the actual distance of travel is (a) within the State of the respondent and, (b) well within 100 miles from respondent's place of business which is a well settled permissible distance for travel to appear at a deposition either by Notice or by Subpoena.

7. Denied. There is no "extensive travel time". See herein response number 6. It is quite astounding and convenient that respondent's position is that the depositions of potentially eight witnesses is "not necessary". The fact is it is necessary as respondent themselves have identified all eight witnesses as having direct knowledge and involvement with Complainant's case, as well as being necessary for Complainant to prosecute his case not to mention that it is up to the Complainant to decide what is necessary for Complainant's case, not respondent. The remainder of respondent's averments require no response.

8. Denied as characterized. Complainant appropriately listed (without required specificity) general areas of inquiry. Complainant is entitled to inquire into any relevant areas that may lead to admissible evidence.

9. Admitted as noticed. The preparation for depositions of multiple witnesses takes time and the referenced time period is reasonable and the minimum required time for Complainant to properly prepare.

10. Denied as characterized. Respondent's discovery evasion tactics has hindered the discovery process and disclosure of potential deponents.

11. Complainant has in-fact begun discovery early on in this case as the record demonstrates. Once again it is the respondent who has hindered the discovery process by their baseless objections, motions, etc.

12. Denied. See herein response number 10.

13. Denied. Complainant is conducting discovery as soon as possible within the time period permitted by the Commission which is insufficient as outlined in numerous Complainant Motions and Pleadings which is also the reason for Complainant's two Motions for Stay of the March 22, 2013 evidentiary hearing appropriately filed.

14. Denied. Discovery is not "harassment".

15. Discovery is not "harassment". Respondent's averment requires no response.

16. Denied. Noticed deponents across the nation in every administrative, civil, and criminal case are required to appear when noticed. Complainant will make a reasonable effort to conduct the depositions in a way that minimizes inconvenience for the deponents as well as Complainant.

17. Denied. The respondent themselves through their baseless objections and motions interfering with Complainant's discovery has caused the very delays they are citing.

18. Denied. Complainant's Notice of Depositions is obviously appropriate and required for prosecution of Complainant's case.

19. Denied. Conducting discovery inclusive and not limited to conducting depositions is not an "abuse" of the discovery process. Respondent's ridiculous request for sanctions for Complainant's conducting discovery is completely baseless and without merit not to mention ridiculous.

20. *The idea of imposition of sanctions against Complainant for conducting discovery is again completely baseless and without merit not to mention ridiculous. It is the Complainant who is entitled to sanctions against respondent for refusing to provide Complainant with requested and ordered discovery and for filing bad faith motions not to mention willful false statements, and inappropriate filing verifications as detailed by Complainant by and through his pleadings as the record clearly demonstrates.*

WHEREFORE Complainant Richard Coppola respectfully requests that this Honorable Commission DENY respondent's motion for protective order and sanctions request.

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SECRETARY'S BUREAU

Dated: 3/20/13



Richard J. Coppola, Jr.
Complainant
(215) 497-1000
(business - daytime phone)

(Mailing Address)
25 Parkside Drive
Langhorne, PA 19047

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VERIFICATION

I, Richard J. Coppola, Jr., Complainant verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief. Plaintiff understands that false statements herein are subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: 3/20/13



Richard J. Coppola, Jr.
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CERTIFICATION OF SERVICE

I, Richard J. Coppola, Jr., do hereby certify that a true and correct copy of **COMPLAINANT'S RESPONSE AND ANSWER TO RESPONDENT'S MOTION FOR PROTECTIVE ORDER AND REQUEST FOR SANCTIONS** was served upon the Defendant by United States Postal Service and electronically in PDF file format, in accordance with the requirements of ss 1.54 on or about the below written date:

Dated: 3/20/13



Richard J. Coppola, Jr.
Complainant
(215) 497-1000
(business - daytime phone)

(Mailing Address)
25 Parkside Drive
Langhorne, PA 19047

PECO Energy Company
2301 Market Street
Philadelphia, PA 19101

Respondent

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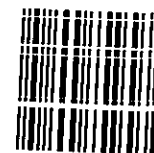


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Underwater and Marine Services

Rosemary Chiavetta, Secretary - PUC
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