

Legal Department
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August 16, 2016

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

**RE: Maria Povacz v. PECO Energy Company
Docket No. C-2015-2475023**

**Cynthia Randall and Paul Albrecht v. PECO Energy Company
Docket No. C-2016-2537666**

**Stephen and Diane Van Schoyck v. PECO Energy Company
Docket No. C-2015-2478239**

**Laura Sunstein Murphy v. PECO Energy Company
Docket No. C-2015-2475726**

Dear Ms. Chiavetta:

Enclosed for filing is the Joint Motion of PECO Energy Company and the Above-Named Complainants for an Omnibus Schedule Revision.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ward L. Smith".

Ward L. Smith
Counsel for PECO Energy Company

WS/ab
Enclosure

cc: Christopher P. Pell, ALJ
Darlene D. Heep, ALJ
Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Maria Povacz :
 :
 v. : **C-2015-2475023**
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 PECO Energy Company :

Cynthia Randall and Paul Albrecht :
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 v. : **C-2016-2537666**
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 PECO Energy Company :

Stephen and Diane Van Schoyck :
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 PECO Energy Company :

Laura Sunstein Murphy :
 :
 v. : **C-2015-2475726**
 :
 PECO Energy Company :

**Joint Motion of PECO Energy Company and the Above-Named Complainants
For
An Omnibus Schedule Revision**

PECO Energy Company ("PECO") and the four¹ above-named Complainants hereby jointly propose an omnibus revision to the procedural schedules in the PECO AMI cases noted

¹ The Van Schoycks are currently evaluating whether to continue to prosecute their claim, but pending the results of that evaluation join the present motion.

above. The proposed new schedule that we are proposing will, we believe, save substantial time and resources – as many as nine avoided hearing days -- for the Commission and the parties.

The basic theme of the new schedule is that Complainants will jointly present their expert witnesses – Dr. Pall and Dr. Marino – only once, and at the earliest opportunity (Sep 14-16). The Complainants and their treating physicians will appear on the first date currently reserved for their cases. The last case will be Ms. Murphy’s case in December.² After PECO has heard all of the Complainants’ testimony, it will present its witnesses once, in December, and respond to all of the testimony using a single appearance by each PECO witness.

The new proposed schedule has the following attributes and advantages:

- Numerous hearing days will be eliminated.
- Only currently scheduled hearing days will be utilized – no new hearing days will need to be coordinated or scheduled.
- Each expert witness will appear only once, absent unusual circumstances described below.
- The Complainants’ two expert witnesses – Dr. Pall and Dr. Marino – will appear Sept. 14-16 during the window currently scheduled for *Povacz* hearings.³

² Ms. Murphy continues to believe that she will need until December to be sufficiently recovered to appear at hearing.

³ In order to facilitate this early appearance by Dr. Marino – approximately two weeks earlier than previously contemplated – Complainants have agreed to allow a deposition rather than written interrogatories, and PECO has agreed to an appropriate sharing of the cost of the deposition.

- The testimony of Dr. Andrew A. Marino will be incorporated into the docket of each of the above-noted proceedings, regardless of whether witness identification/testimonial deadlines have passed in a given case.
- The Complainants and their treating physicians in *Randall/Albrecht* and *Van Schoyck* will appear on the dates currently designated for their full evidentiary hearings, which is expected to free four hearing days in each of those weeks.
- Ms. Murphy and her treating physician will appear as scheduled on December 5.
- PECO's witnesses will appear December 6-10, after the final Complainant (Ms. Murphy) has rested her case.
- Briefing on all cases will occur thereafter.⁴
- If, for any reason, Ms. Murphy is not available to appear as scheduled on December 5, PECO will proceed that week in the other open cases and present its testimony in those cases. Briefing will proceed in the other cases. In that event, PECO will have the option to file a Motion to Dismiss for Failure to Prosecute in *Murphy*. Ms. Murphy will retain all rights to oppose such a Motion and/or to propose an alternative procedure/schedule to finalize her case at that time.
- Complainants will have the option to present oral surrejoinder testimony from Dr. Pall or Marino the week of Dec 5-9.

⁴ The parties have different legal theories of the case(s), and therefore do not have a Joint Proposal for the structure of briefs. However, the parties do expect to use a single, omnibus, brief for all cases, and will continue to work to make a Joint Proposal on briefing if Your Honors adopt the schedule proposed in this Joint Motion.

The following table provides a comparison of the existing and proposed schedules:

Proposed Schedule Revision

Dates	Proposed Use	Estimated Duration	Current Use	Hearing Days Saved
Sept 14-16	Complete Pall cross in all cases; Marino direct in all cases; Marino cross in all cases	3 days	Completion of Povacz Hearings	
Sept 22	Free	0 days	Povacz – Eison Testimony	1 day
Sept 26-30	Ms. Randall, Mr. Albrecht, treating physician(s) (one day)	1 day	Full slate of witnesses, both parties, Randall/Albrecht	4 days
Oct 24-28	Mr and Mrs. Van Schoyck, treating physicians	1 day	Full slate of witnesses, both parties, Van Schoyck	4 days
Dec 5-9	Cross of Ms. Murphy and treating physician; PECO rebuttal if needed in Randall and Van Shoyck; PECO oral rejoinder in all cases; cross of PECO witnesses in all cases	5 days	Full slate of witnesses, both parties, Murphy	
Total		10 days		9 days

whether the alternative location is in Harrisburg or Philadelphia. PECO takes no position as to the location of the hearings. Ms. Murphy requests that Your Honors and counsel convene as soon as practicable for a telephone conference regarding the requested alternative hearing location.

Respectfully submitted on August 16, 2016, by:

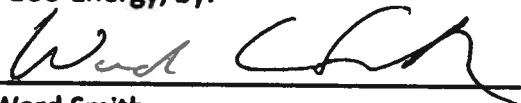
The above-named Complainants, by:



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CERTIFICATE OF SERVICE

I, Ward L. Smith, hereby certify that I have this day served a copy of the Joint Motion of PECO Energy Company and the Above-Named Complainants for an Omnibus Schedule Revision in the above matter upon all interested parties via e-mail and postage prepaid

to:

Via Electronic Mail

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Via Electronic Mail

Stephen G. Harvey
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Dated at Philadelphia, Pennsylvania, August 16, 2016



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