

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PLEASE DOCKET

Leslye and Dwight Herrman
Complainants

v.

M. F. Rockey Moving Company
Respondent

A-00087455C0301

DOCKETED

NOV 17 2003

DOCUMENT

PREHEARING ORDER

A hearing in this case is scheduled for 10:00 a.m. on Thursday, January 8, 2004, at the Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, Pennsylvania. Accordingly, the parties are hereby directed to comply with the following requirements:

1. You must serve me directly with a copy of any document that you file in this proceeding at the time of filing. If you send me any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the current service list of the parties to this proceeding is enclosed with this Order.

2. A request for a change of the scheduled hearing date must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code §1.15(b). Requests for changes of initial or subsequent hearings must be sent to me, with copies to all parties of record (see attached service list). My address is: Administrative Law Judge Debra Paist, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Such changes are granted only in rare situations where good cause exists.

3. **YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

4. THIS HEARING IS A FORMAL PROCEEDING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE PENNSYLVANIA PUBLIC UTILITY COMMISSION'S RULES OF PRACTICE AND PROCEDURE.

5. Pursuant to 52 Pa. Code §§1.21-.22, you may represent yourself, if you are an individual, or you may have an attorney represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney at law represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Any attorney representing a party in this proceeding must enter an appearance in accordance with the Pennsylvania Public Utility Commission regulations at 52 Pa. Code §§1.24-.25.

6. The Complainants bear the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainants are entitled to the relief requested in the complaint.


7. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so the other parties will have the required ten (10) days' notice to answer or object, and so you will have enough time to receive the subpoena and serve it.

8. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa. Code §5.331(b) provides, in relevant part, that "[a] participant shall endeavor to initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa. Code §5.322 provides, in relevant part, that "participants are encouraged to exchange information on an informal basis." All parties are urged to cooperate in informal information exchanges and in conducting discovery. Cooperation is preferable to disagreements, which require my participation to resolve. There are limitations on discovery (52 Pa. Code §5.361) and sanctions for abuse of the discovery process (52 Pa. Code §§ 5.371-.372).

9. This Commission's policy is to encourage settlements. 52 Pa. Code §5.231(a). Therefore, you are urged to discuss informally between yourselves the possible settlement of this case at least one week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

10. **You must bring to the hearing 5 copies of any document (exhibit) to be presented at the hearing: 1 copy for your own use, 2 copies for the court reporter, 1 copy for the opposing party, and 1 copy for the Administrative Law Judge.**

Date: November 7, 2003



Debra Paist
Administrative Law Judge

A-00087455C0301 Les~~ie~~ and Dwight Herrman v. M. F. Rockey Moving
Company

LESLYE AND DWIGHT HERRMAN
849 KIEHL DRIVE
LEMOYNE PA 17043

GARY L HENLINE GENERAL MANAGER
M F ROCKEY MOVING COMPANY
10 LONG LANE
SUITE 100
MECHANICSBURG PA 17050