

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Fayette Holdings Limited

v.

Pennsylvania-American Water Company

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C-2008-2065571

PREHEARING ORDER

An Initial Telephonic Hearing in this case is scheduled for Tuesday, November 24, 2009, at 10:00 a.m. **You must be available to be called at that time or your case will be dismissed. If you will be at a telephone number that is different than the number listed on the Complaint, you must notify me of that telephone number at least seven (7) days before the hearing.**

The parties are hereby directed to comply with the following requirements:

1. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and 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 hearing dates, which are granted only in rare instances where good cause exists, must be sent to me and all parties of record. The correct address is:

Kandace F. Melillo, Administrative Law Judge
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

Also, if you file any documents with the Secretary of the Pennsylvania Public Utility Commission regarding this case, you must send a copy to the Administrative Law Judge and all parties.

2. **Commission policy promotes settlements. 52 Pa. Code §5.231(a).** The utility will contact the other party at least one week before the scheduled hearing to talk over a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

3. If you intend to present any documents or exhibits for my consideration, you must send one copy to the other party and three (3) copies to me so that it is received at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes. The utility must provide the following documents as proposed exhibits: (a) a history of the customer account during the disputed time period and to the present, which is to include all billings, payments, meter readings, the type of reading, days used, and amount used during the billing period; (b) the results of any billing investigation such as meter tests, site visits to determine meter properties, and any such studies which relate to this dispute; (c) a tariff page(s) showing the originally-billed rate and the correct rate as claimed by the utility; (d) work papers showing computation of the make-up bill for each disputed month; and (e) a copy of the Bureau of Consumer Services (BCS) informal decision.

4. Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal proceeding and will be conducted in accordance with the Commission's Rules of Practice and Procedures.

5. Pursuant to 52 Pa. Code §§1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney

licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code §1.24(b).

6. 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 the Administrative Law Judge sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days' notice to answer or object, and so that you will have enough time to receive the subpoena and serve it.

7. If you or anyone you plan to call as a witness on your behalf have a limited ability to speak or understand English or are deaf or hearing-impaired, a qualified interpreter can be provided upon your request. If you want an interpreter, please contact the Scheduling Office (Christine Williams) to make your request at 717-787-1399. The AT&T Relay Service number for persons who are deaf or hearing-impaired is 1-800-654-5988.

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] party shall initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa. Code §5.322 provides, in relevant part, that "parties are encouraged to exchange information on an informal basis." There are limitations on discovery (52 Pa. Code §5.361) and sanctions for abuse of the discovery process (52 Pa. Code §§ 5.371 & 5.372).

9. **THIS CASE WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

10. The Complainant bears the burden of proof and must demonstrate entitlement to the relief requested in the Complaint by a preponderance of the evidence.

Date: October 19, 2009

Kandace F. Melillo
Kandace F. Melillo
Administrative Law Judge

**C-2008-2065571 FAYETTE HOLDINGS LIMITED v. PENNSYLVANIA-AMERICAN
WATER COMPANY**

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