

Richard A. Rochlin
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v: 215.665.0842
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March 8, 2010

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

VIA FEDERAL EXPRESS

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

**RE: The Ellington Condominium Association vs. Trigen-Philadelphia Energy Corporation
Docket No. C-2009-2092612**

Dear Secretary McNulty:

Enclosed please find an original and four copies of the Application for Subpoena Ad Testificandum for Anthony J. Ripanti to be filed in the above-captioned matter. I have provided the original to Judge Fordham for authorization. Upon receipt of the authorization from Judge Fordham, service will be made upon Mr. Ripanti.

Kindly file the enclosed application and return a date stamped copy to my attention, in the enclosed self-addressed stamped envelope.

Very truly yours,

Rich Rochlin

RAR/jld
Encl.

cc: Administrative Law Judge Cynthia Williams Fordham (w/encl.)
Mr. Anthony Ripanti (w/encl.)
Christine Soares, Esq. (w/encl.)
Barnett Satsnky, Esq. (w/encl.)
Pam Clifton (w/encl.)

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

The Ellington Condominium Association :
:
v. : Docket No.: C-2009-209612
:
Trigen-Philadelphia Energy Corporation :

THE ELLINGTON CONDOMINIUM ASSOCIATION'S APPLICATION FOR SUBPOENA
AD TESTIFICANDUM ADDRESSED TO ANTHONY J. RIPANTI

The Ellington Condominium Association ("**Ellington**"), by and through its attorneys, hereby requests Administrative Law Judge Cynthia Williams Fordham to issue the attached subpoena ad testificandum pursuant to 52 Pa. Code § 5.421 of the Public Utility Commission's regulations upon Anthony J. Ripanti. In support of its Application, Ellington respectfully represents the following:

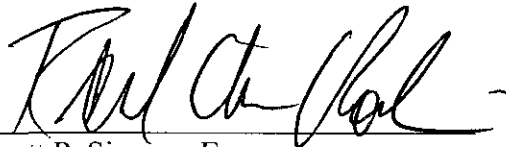
1. On February 23, 2009, Ellington Condominium Association filed a complaint with the Pennsylvania Public Utility Commission alleging, among other things, instances of incorrect billing at 1500 Chestnut Street, Philadelphia, PA 19102.
2. Prior to Ellington's filing of such complaint, Mr. Ripanti was the primary contact from Trigen-Philadelphia Energy Corporation designated to investigate allegations of incorrect billing. Upon information and belief, Mr. Ripanti is an engineer who has made multiple site visits to the Ellington and has extensive knowledge of the circumstances surrounding the allegations that are at the heart of Ellington's complaint.

3. Upon information and belief, Mr. Ripanti has information concerning billing discrepancies at Trigen and specifically those related to the Ellington. Moreover, upon information and belief, Mr. Ripanti has extensive knowledge about the Ellington account, the Ellington steam system and its history.

WHEREFORE, Ellington Condominium Association respectfully requests Administrative Law Judge Cynthia Williams Fordham to:

1. Issue the attached subpoena ad testificandum directing Anthony J. Ripanti to appear at the scheduled Hearing.
2. Grant any additional relief which is just and appropriate under the circumstances.

Respectfully submitted,



Scott P. Sigman, Esq.
PA Attorney I.D. # 88151
Richard A. Rochlin, Esq.
PA Attorney I.D. # 210311
Sigman & Rochlin, LLC
1515 Market Street
Suite 1410
Philadelphia, PA 19102
(215) 665-0842
(215) 689-3404 (fax)
Attorneys for The Ellington Condominium Association

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SECRETARY'S BUREAU

Dated: March 8, 2010

Commonwealth of Pennsylvania

)

County of Philadelphia

) SS:

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SECRETARY'S BUREAU

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared _____
who, being duly sworn according to law, deposes and says that he/she served a true and correct
copy of the within SUBPOENA upon _____ by
handing the same to him/her at _____ on
the _____ day of _____, 2010 at _____ a.m./p.m.

(Signature)

Sworn to and subscribed before me
this _____ day of _____, 2010

Notary Public

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the matter of:
The Ellington Condominium Association

v.

Docket No.: C-2009-209612

Trigen-Philadelphia Energy Corporation

SUBPOENA

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MAR - 8 2010

To: Mr. Anthony J. Ripanti
Trigen-Philadelphia Energy Corporation
2600 Christian Street
Philadelphia, PA 19146

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to The Pennsylvania Public Utility Commission, at 801 Market Street, 4th Floor, Philadelphia, PA 19107 on March 24, 2010, at 10:00 a.m. in the above case, to testify on behalf of the Complainant – The Ellington Condominium Association and to remain until excused;

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fess).

BY THE COMMISSION

Date _____

Cynthia Williams Fordham, ALJ

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Ellington Condominium Association :
:
v. : Docket No.: C-2009-209612
:
Trigen-Philadelphia Energy Corporation :

CERTIFICATE OF SERVICE

I hereby certify that I have on this day served a true copy of The Ellington Condominium Association's Application for Subpoena Ad Testificandum addressed to Anthony J. Ripanti upon the participants listed below, in accordance with the requirements of 52 Pa. Code §§ 1.54 and 5.421(b)(4):

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Cynthia Williams Fordham, ALJ
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107

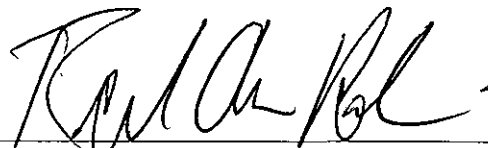
Barnett Satinsky, Esq.
Christine Soares, Esq.
Fox Rothschild LLP
2000 Market Street, 20th Floor
Philadelphia, PA 19103-3222

Mr. Anthony J. Ripanti
Trigen-Philadelphia Energy Corporation
2600 Christian Street
Philadelphia, PA 19146

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



Scott P. Sigman, Esq.
Richard A. Rochlin, Esq.
Sigman & Rochlin, LLC
Attorneys for Ellington Condominium Assoc.

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

The Ellington Condominium Association :
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Docket No.: C-2009-209612

NOTICE

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TO: Anthony J. Ripanti
Trigen-Philadelphia Energy Corporation
2600 Christian Street
Philadelphia, PA 19146

**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

You are hereby notified that you may file a written objection to the attached Application for Subpeona ad Testificandum within ten (10) days from the date of service hereof pursuant to 52 Pa. Code §5.421 (f).

A copy of the written objection should be sent to the undersigned and to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120

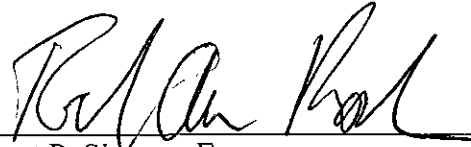
Cynthia Williams Fordham
Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107

Barnett Satinsky, Esq.
Christine Soares, Esq.
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Philadelphia, PA 19103-3222

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PA Attorney I.D. # 88151
Richard A. Rochlin, Esq.
PA Attorney I.D. # 210311
Sigman & Rochlin, LLC
1515 Market Street
Suite 1410
Philadelphia, PA 19102
(215) 665-0842
(215) 689-3404 (fax)
*Attorneys for The Ellington Condominium
Association*

Dated: March 8, 2010

From: Origin ID: (860)828-8138
Richard Rochlin
Sigman & Rochlin, LLC
1224 Mill Street
Building B, Suite 226
East Berlin, CT - 06023



Ship Date: 08MAR10
Actual Wgt: 1.00 LB MAN-WGT
System#: 6044280/SASC0760
Account#: S *****4086

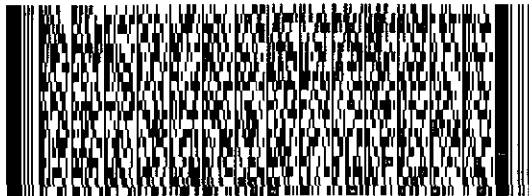
REF:



Delivery Address Bar Code

TO: (215)665-0842
James McNulty
Commonwealth Keystone Building
400 North Street
Harrisburg, PA - 17120

Bill Sender



STANDARD OVERNIGHT

TUE
Deliver By:
09MAR10

TRK# 7995 1249 2806 FORM 0201

MDT A1

17120 -PA-US

ZN MDTA

