

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Tim Warrenfeltz

v.

PPL Electric Utilities Corporation

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C-2009-2143302

PREHEARING ORDER

An Initial In-Person Hearing in this case is scheduled for Tuesday, July 27, 2010, at 10:00 a.m., in Hearing Room #3, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120. **You must be present in the hearing room at that time or your case will be dismissed.**

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 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

Changes are granted only in rare situations where good cause exists.

2. All parties are hereby directed to henceforth serve me and all parties directly with a copy of any document that is filed in this proceeding. If you send me any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission's current service list of the parties to this proceeding is enclosed with this Order.

3. **Commission policy promotes settlements. 52 Pa. Code §5.231(a).** The utility will contact the Complainant 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.

4. If you wish to offer into evidence, at the hearing, any material in the form of documents, you should bring with you the required number of copies (an original and two copies for the Commission, one copy for every other party in the case, and a copy for yourself). 52 Pa.Code §5.409. Documents should be properly pre-marked for identification. The utility must provide the following documents as proposed exhibits: (a) a history of the customer account for the past four (4) years if possible, which is to include billings, payments, meter readings, the type of reading, days used, degree days, and amount used during the billing period; (b) the results of any billing investigation such as appliance surveys, meter tests, and any other such studies performed as a result of this dispute; and (c) any customer contact records.

5. In order to facilitate the conduct of the hearing, on or before Tuesday, July 20, 2010, the parties are directed to exchange in writing the witness names and subject matter of testimony with respect to all witnesses they intend to have testify, and to exchange copies of proposed hearing exhibits so that such documents may be reviewed prior to, rather than during, the hearing. See, 66 Pa. C.S. §333(c).

6. If you need to subpoena witnesses for the hearing, you should review 52 Pa.Code §5.421. You should submit your written application for subpoenas sufficiently in advance of the hearing so that the other party will have the requisite ten days' notice to answer or

object to your application, and so that you will have enough time to receive the subpoena(s) and make service. The parties are reminded to consider whether witnesses present need to be present for the hearing to avoid potential hearsay problems.

7. 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).

8. Any party may conduct discovery to learn the factual basis of another party's position in this case. See, 52 Pa. Code §5.331(b) which 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 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: June 25, 2010

Kandace F. Melillo
Kandace F. Melillo
Administrative Law Judge

C-2009-2143302 TIM WARRENFELTZ v. PPL ELECTRIC UTILITIES CORPORATION

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