

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Brian P. DeGroot v. WP Water Co.,		Docket No.:
Kathleen Sylvester v. WP Water Co.,		C-20055451
Kandi Jo Madill v. WP Water Co.,		C-20055453
Joseph Yakoski v. WP Water Co.,		C-20055454
Leigh Powell v. WP Water Co.,		C-20055460
Lisa Higgins v. WP Water Co.,		C-20055468
William J. Finker v. WP Water Co.,		C-20055472
Fred T. Reibelung v. WP Water Co.,		C-20055473
Kathleen Sylvester c. WP Water Co.,		C-20055556
Kandi Jo Madill v. WP Sanitary Co.,		C-20055455
Fred T. Reibelung v. WP Sanitary Co.,		C-20055456
		C-20055457

Telephonic Pre-Hearing Conference		

Pages: 1-36

Public Utility Commission
Office of Administrative
Law Judge
100 Lackawanna Avenue
Hearing Room 318
Scranton, PA 18503
Tuesday, December 20, 2005
Commencing at 11:15 a.m.

BEFORE:

EMBER S. JANDEBEUR, Administrative Law Judge

APPEARANCES:

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REPORTER: KENNETH D. O'HEARN

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P R O C E E D I N G S

1
2 -----
3 JUDGE EMBER S. JANDEBEUR:

4 We're going to go on the record. This is
5 the time and place for the pre-hearing conference in
6 the matter of Ten Complainants versus Washington Park
7 Water Company and Washington Park Sanitary Company,
8 and let me go through each of the Complainants, and
9 I'll basically take attendance just as if you're at
10 school. Attorney for the Company, Kieran --- tell me
11 your last name again?

12 ATTORNEY CASEY:

13 Casey, C-A-S-E-Y.

14 JUDGE JANDEBEUR:

15 Okay. And Kieran is K-E-I-R-A-N?

16 ATTORNEY CASEY:

17 K-I-E-R-A-N.

18 JUDGE JANDEBEUR:

19 And I do realize that I have seen it in
20 print in front of me --- bear with me. I have an
21 awful lot of papers in front of me, so I'm just going
22 to ask things when I'm not sure.

23 ATTORNEY CASEY:

24 Of course.

25 JUDGE JANDEBEUR:

1 So you're attorney for Washington Park
2 and do you have anyone else with you?

3 ATTORNEY CASEY:

4 I do not.

5 JUDGE JANDEBEUR:

6 Okay. So it's just you?

7 ATTORNEY CASEY:

8 Correct.

9 JUDGE JANDEBEUR:

10 And other Counselor I have Rhonda
11 Daviston for the Law Bureau?

12 ATTORNEY DAVISTON:

13 Yes.

14 JUDGE JANDEBEUR:

15 Okay. Any other Counselors on the line?

16 NO RESPONSE

17 JUDGE JANDEBEUR:

18 Okay. Not yet. Now, Complainants --- do
19 I have Brian DeGroot?

20 NO RESPONSE

21 JUDGE JANDEBEUR:

22 Do I have Kathleen Sylvester?

23 MS. SYLVESTER:

24 Yes.

25 JUDGE JANDEBEUR:

1 Thank you, ma'am. Do I have Kandi Jo
2 Madill?

3 NO RESPONSE

4 JUDGE JANDEBEUR:

5 Do I have Joseph Yakoski?

6 MR. YAKOSKI:

7 Yes, speaking.

8 JUDGE JANDEBEUR:

9 Thank you, sir. Do I have James Caulley
10 or Sandy Phillips?

11 NO RESPONSE

12 JUDGE JANDEBEUR:

13 Do I have Leigh Powell?

14 MS. POWELL:

15 Leigh Powell, yes.

16 JUDGE JANDEBEUR:

17 Leigh Powell. Okay, thank you. Do I
18 have Lisa Higgins?

19 MS. POWELL:

20 No, she can't be present.

21 JUDGE JANDEBEUR:

22 Okay. William Finker?

23 NO RESPONSE

24 JUDGE JANDEBEUR:

25 Fred Reibelung?

1 NO RESPONSE

2 JUDGE JANDEBEUR:

3 And I think that's it. So I only have
4 three Complainants on the line; correct?

5 MS. SYLVESTER:

6 Correct.

7 MR. YAKOSKI:

8 Right.

9 MS. POWELL:

10 Sounds like it, Your Honor.

11 JUDGE JANDEBEUR:

12 Anybody there that didn't give me an
13 answer?

14 NO RESPONSE

15 JUDGE JANDEBEUR:

16 No? Okay.

17 ATTORNEY HOOVER:

18 Hello.

19 JUDGE JANDEBEUR:

20 Yes, ma'am, who is that speaking?

21 ATTORNEY HOOVER:

22 This is Christine Hoover for the OCA.

23 JUDGE JANDEBEUR:

24 Okay. Hello, Ms. Hoover. Thank you for
25 joining us. Did you just come on?

1 ATTORNEY HOOVER:

2 Yes.

3 JUDGE JANDEBEUR:

4 Okay. Thank you.

5 ATTORNEY HOOVER:

6 And Erin Gannon from my office is also
7 here with me, Judge.

8 JUDGE JANDEBEUR:

9 Okay. Thank you. All right. Just to
10 let you know, Ms. Hoover and Ms. Gannon, who's on the
11 line --- Kieran Casey for Washington Park, Rhonda
12 Daviston with the Law Bureau, and we have three of ten
13 Complainants. We have Kathleen Sylvester, Joseph
14 Yakoski and Leigh Powell.

15 ATTORNEY CASEY:

16 Excuse me, Judge. I think you're fading
17 out on me.

18 JUDGE JANDEBEUR:

19 And that's who? Kieran?

20 ATTORNEY CASEY:

21 Yes.

22 JUDGE JANDEBEUR:

23 Okay.

24 ATTORNEY CASEY:

25 I don't know if anybody else is having

1 any problems.

2 ATTORNEY DAVISTON:

3 Yes, I am.

4 MS. YAKOSKI:

5 Yes.

6 ATTORNEY CASEY:

7 It seems to be Judge, like maybe you're
8 stepping away from your phone or you're looking at
9 your list --- is' that possible, maybe?

10 JUDGE JANDEBEUR:

11 Well, what happens is I do turn my head.
12 So what I'll do is I'll bring the paper over to the
13 phone when I need to do that, and that way that might
14 eliminate that. But again, if anybody --- do have
15 difficulties do exactly what Mr. Casey did. Just let
16 me know and we'll see if we can't fix it. So far
17 we're doing all right?

18 ATTORNEY DAVISTON:

19 Yes.

20 ATTORNEY CASEY:

21 Yes.

22 JUDGE JANDEBEUR:

23 Okay. Good. That's what it was then. I
24 was turning the other direction. Actually what I want
25 to do is move my phone. Rather than move the papers,

1 we'll bring the mountain to Mohammed. Let's see if
2 that works. All right folks, the reason that we do
3 these pre-hearing conferences is to try and organize
4 the issues that are in the complaint in a little bit
5 more condensed format, so that by the time that we get
6 to hearing, we can conduct an orderly hearing. Now, I
7 am not consolidating your complaints. So that if you
8 think that you are going to lose out because I put you
9 all on one pre-hearing conference, that is not the
10 case. You will not lose out on any portion of your
11 complaint at all. But because these complaints are so
12 similar, I have consolidated them for purposes of the
13 hearing only. But there will be an actual decision
14 rendered in each of your complaints against this
15 company. But it seems senseless to try and do ten
16 hearings, when it's the same issues, primarily; okay?

17 ATTORNEY DAVISTON:

18 Yes.

19 JUDGE JANDEBEUR:

20 Now, I will --- if anyone has a complaint
21 with that, tell me now and I'll see if I can't address
22 again. I think I only have Ms. Sylvester and Ms.
23 Powell and Mr. Yakoski on. Do either of you three
24 have a complaint with me consolidating this for
25 purposes of hearing?

1 MS. SYLVESTER:

2 No.

3 MS. SYLVESTER:

4 No.

5 MR. YAKOSKI:

6 No, ma'am.

7 JUDGE JANDEBEUR:

8 Okay. Thank you. That helps me out a
9 lot. Now, let's do some background issues. Did make
10 a call to the Office of Consumer Advocate to let them
11 know about this pre-hearing conference. I do not
12 believe that they've made a decision at this point,
13 whether they wish to participate or not, but in the
14 interest of them, at least knowing what's going on, I
15 invited them to join today. So we have Christine
16 Hoover and Erin Powell from the Office of Consumer
17 Advocate on the line with us. Did Ms. Sylvester or
18 Ms. Powell or Mr. Yakoski contact OCA and request
19 assistance at all?

20 MS. POWELL:

21 No, ma'am.

22 MR. YAKOSKI:

23 No.

24 JUDGE JANDEBEUR:

25 Okay. Do any of you know what OCA is or

1 what they do?

2 MS. SYLVESTER:

3 No.

4 MS. POWELL:

5 No.

6 MR. YAKOSKI:

7 No.

8 JUDGE JANDEBEUR:

9 Would you like Ms. Hoover to give you a
10 brief explanation?

11 MR. YAKOSKI:

12 Sure.

13 MS. POWELL:

14 Sure.

15 JUDGE JANDEBEUR:

16 Okay. Ms. Hoover, would you mind?

17 ATTORNEY HOOVER:

18 No, that's fine, Your Honor. Thank you.

19 The Consumer Advocate's Office is an independent State
20 agency and we intervene in Public Utility Commission
21 cases on behalf of customers. Oftentimes, as in rate
22 cases, when a company seeks a rate increase request,
23 but we also intervene in many complaint cases, as well
24 --- complaint cases that were brought by customers.
25 And oftentimes, we'll also institute our own

1 complaints or file our own complaint against the
2 company. So we have a toll-free number which I'll
3 give you now. It's 1-800-684-6560, and that's an easy
4 way to reach us. And as the Judge indicated, she let
5 us know this morning about the pre-hearing, so we're
6 listening in today. But we'll look at your complaints
7 and speak to Ms. Daviston of the Law Bureau to
8 determine whether or not there's a need for us to be
9 involved in the case, and I'll usually speak to all of
10 you, as well. We can be a resource even if we're not
11 formally in a case, but we often do get in consumer
12 complaint cases as well.

13 MS. SYLVESTER:

14 Okay.

15 MR. YAKOSKI:

16 Thank you.

17 MS. POWELL:

18 Okay.

19 JUDGE JANDEBEUR:

20 Okay. Now, I have --- let me just see
21 where we want to go from here. Ms. Sylvester?

22 MS. SYLVESTER:

23 Yes.

24 JUDGE JANDEBEUR:

25 I have actually two complaints with you,

1 and I'm not sure if you all understand. Do you
2 understand, Ms. Sylvester, why you actually have two
3 docket numbers and other folks have one docket number?

4 MS. SYLVESTER:

5 No.

6 JUDGE JANDEBEUR:

7 Okay. And I thought that might be the
8 case, because frankly, it was the first time that I've
9 encountered this myself. The WP Water Company and the
10 WP Sanitary Company are two different legal entities,
11 and they have two different licenses to operate in
12 Pennsylvania. And that is why you have two different
13 docket numbers, Ms. Sylvester, because your complaint
14 you actually checked off that you had issues with the
15 water company and you checked off that you had issues
16 with the sewer company. That means that we, at the
17 Office of the Admin. Law Judge had to docket is
18 separately, because again, they're two different
19 Certificates for Public Convenience to Operate. Now,
20 not everyone did that. For example, Mr. Yakoski and
21 Ms. Powell, you did not, so you only have one docket
22 number. I believe you checked off the water company.

23 MR. YAKOSKI:

24 That's correct.

25 MS. POWELL:

1 Right.

2 JUDGE JANDEBEUR:

3 And you'll see on your pre-hearing order
4 and also the notice of the conference call, that a
5 number of people --- Ms. Mandill, Ms. Sylvester and
6 Mr. Reibelung --- they have two docket numbers. And
7 that's why you see that.

8 MS. SYLVESTER:

9 Okay.

10 MS. POWELL:

11 Okay.

12 JUDGE JANDEBEUR:

13 Now, let's talk about that for a minute.
14 And again, I only have the three of you and Ms.
15 Sylvester, you are the only one that checked off both
16 things, so I'm going to start with you. Do you, in
17 fact, have issues with the sewage component of your
18 service or is your complaint truly your water service?

19 MS. SYLVESTER:

20 Okay. Is the sewer part concerning the
21 smell in the park?

22 JUDGE JANDEBEUR:

23 Yes.

24 MS. SYLVESTER:

25 And concerning when the toilet doesn't

1 flush properly?

2 JUDGE JANDEBEUR:

3 Toilet flushing properly is probably
4 going to be your water service, I suspect.

5 MS. SYLVESTER:

6 Okay. But does the odor in the park ---?

7 JUDGE JANDEBEUR:

8 But the odor is definitely going to be a
9 sewer issue. So it sounds like you actually do have
10 issues with both companies.

11 MS. SYLVESTER:

12 Yes.

13 JUDGE JANDEBEUR:

14 Okay. All right, well, then we'll leave
15 it at that then. Can one of you give me some idea of
16 the overarching community complaints on the water part
17 of this?

18 MS. SYLVESTER:

19 I don't know who'd like to speak.

20 MR. YAKOSKI:

21 I'd like to speak. Joseph Yakoski.

22 JUDGE JANDEBEUR:

23 Thank you, sir. Go ahead.

24 MR. YAKOSKI:

25 I believe that there are a lot of

1 complaints about the water pressure, but I believe a
2 lot of people just didn't take the time to file the
3 notice with the PUC --- the complaint with the PUC. I
4 chose to do that. I certainly don't want to cause
5 problems for Mr. Kresky, but there are some issues
6 that need to be addressed, and that's my feeling about
7 the situation.

8 JUDGE JANDEBEUR:

9 Okay. Would you suggest, Mr. Yakoski,
10 that a hearing be held in the area?

11 MR. YAKOSKI:

12 I can't say. I can't say. I don't know.

13 JUDGE JANDEBEUR:

14 Okay. Well, let's ---.

15 MR. YAKOSKI:

16 I suppose if people didn't take the time
17 to file the complaint then maybe their interest has
18 waned.

19 JUDGE JANDEBEUR:

20 Okay. And that may be the case, so I
21 appreciate your honesty on that. All right, then
22 let's talk about the nitty gritty of how we conduct a
23 formal hearing. I assume that the three of you have
24 not been through a public utility complaint hearing
25 before; would that be correct?

1 MS. POWELL:

2 Correct.

3 MS. SYLVESTER:

4 Correct.

5 MR. YAKOSKI:

6 Correct.

7 JUDGE JANDEBEUR:

8 Okay. Briefly, I'm going to explain that
9 to you, and if you have an opportunity to see any of
10 these other complainants, I would ask that you pass
11 that on. Unfortunately, I'm not going to put this in
12 written form and send it out to everybody, and it is
13 going to be a brief overview. And we can go off the
14 record for this, because the Court Reporter gets sick
15 of typing all this stuff down.

16 OFF RECORD DISCUSSION

17 ATTORNEY CASEY:

18 I believe you had mentioned to the
19 Complainants that they could send their questions to
20 the company. I would, if possible, prefer that any
21 kind of interrogatories or anything resembling
22 interrogatories be sent to my attention.

23 JUDGE JANDEBEUR:

24 Yes, that was a good catch, Mr. Casey.
25 Yes, it should go to Mr. Casey. I apologize for that.

1 I'm not used to thinking for the other side.

2 ATTORNEY CASEY:

3 And then you know what, I don't know that
4 this would be necessary or not, Your Honor, but just
5 so I know if it is an available option, are we
6 entitled to do depositions prior to the hearing? I'm
7 not sure what our time frame is here, or ---?

8 JUDGE JANDEBEUR:

9 Yes. Time frame is the hearing is set
10 for 1/31.

11 ATTORNEY CASEY:

12 Okay.

13 JUDGE JANDEBEUR:

14 January 31st. Now, that is not set in
15 stone. But I see no reason --- I mean, that's a
16 month, so it seems to me that the only thing that
17 would make that difficult is the fact that we've got
18 two holidays. But those holidays will be over January
19 1st, so you still have a month. But yes, you are
20 entitled. If you're not familiar with our regs, there
21 is a whole portion of the Public Utility regs that
22 deals with the conduct of hearings.

23 ATTORNEY CASEY:

24 Okay.

25 JUDGE JANDEBEUR:

1 So you might want to look at that, and
2 yes, you are definitely entitled --- both sides are
3 entitled to do depositions, if they so choose. More
4 questions, Ms. Daviston, Christine Hoover, anyone?

5 ATTORNEY CASEY:

6 No.

7 ATTORNEY DAVISTON:

8 I don't have any.

9 JUDGE JANDEBEUR:

10 Okay.

11 ATTORNEY DAVISTON:

12 This is Rhonda Daviston, sorry.

13 JUDGE JANDEBEUR:

14 Go ahead.

15 ATTORNEY DAVISTON:

16 I don't have any questions, Your Honor.

17 JUDGE JANDEBEUR:

18 Thank you. And Ms. Powell or Mr. Yakoski
19 or Ms. Sylvester?

20 MS. POWELL:

21 No.

22 MR. YAKOSKI:

23 No, ma'am.

24 MS. SYLVESTER:

25 No.

1 JUDGE JANDEBEUR:

2 Okay. Then let's see, what else do we
3 need to go over?

4 ATTORNEY HOOVER:

5 Your Honor, this is Christine Hoover.
6 Given that the hearing is currently set for the
7 31st ---

8 JUDGE JANDEBEUR:

9 Yes, ma'am.

10 ATTORNEY HOOVER:

11 --- it might be a good idea to shorten
12 the response period for discovery? Because in a
13 non-rate case I believe there are 20 days to answer
14 interrogatories.

15 JUDGE JANDEBEUR:

16 Yes, that's a very good idea. However,
17 I'm pretty sure that Ms. Sylvester and Ms. Powell and
18 Mr. Yakoski don't even know what we're talking about.

19 MS. SYLVESTER:

20 Right.

21 MS. POWELL:

22 No, no clue.

23 JUDGE JANDEBEUR:

24 Yes, you folks feel free to pipe up when
25 you don't, because I won't always guess correctly, and

1 sometimes, as Mr. Casey pointed out, I won't even be
2 thinking on the right level. I think a different way
3 than when you're on the litigation side of things. So
4 you all do need to pipe up when we've just said
5 something that you don't know what it is. Just say,
6 could you please explain what you just said? And
7 that's fine. We try to do this so that Complainants
8 that, are pro se are not disadvantaged at all. But
9 again, you do have to remind me sometimes when we're
10 talking beyond you.

11 And what Ms. Hoover was saying is the
12 discovery process, which means each side wants to
13 discover what the other side has against them; okay?
14 So in the case of these Complainants, you guys want to
15 discover what the water company has that helps your
16 complaint. On the other side, Mr. Casey wants to
17 discover what you all know that hurts his client and
18 what he needs to be prepared to deal with at the
19 hearing; okay. There should be no hidden bits of
20 information here. We are --- I will take a very dim
21 view of trying --- of either side trying to scuttle
22 the other side because something was not disclosed.
23 And that is the purpose of discovery. By the time we
24 get to hearing, all of the complaints about the
25 company the company should know about, and everything

1 that the company has to say in its defense the
2 Complainants should know about. That's what comes out
3 through the discovery process. And what that means
4 is, as I mentioned earlier, you the Complainants, have
5 the right to ask questions of the company. They have
6 the right to ask questions of you. If they wish to
7 schedule a deposition, or Complainants, if you wish to
8 schedule a deposition of the company's personnel, you
9 have the right to do that. Do you all know what a
10 deposition is?

11 MS. SYLVESTER:

12 Yes.

13 MS. POWELL:

14 Yes.

15 MR. YAKOSKI:

16 Yes.

17 JUDGE JANDEBEUR:

18 Good, that was three yeses. That's good.
19 Okay. And what Ms. Hoover is saying is that there is
20 a 20-day window in which to conduct that, and she has
21 indicating with only a 30-day window to hearing, that
22 that 20-day window may be too tight.

23 ATTORNEY CASEY:

24 Judge, this is Kieran Casey again. And I
25 --- it's possible that I might have missed this, but I

1 didn't see on any of the paperwork that I received
2 that --- when you said the hearing was scheduled for
3 the 31st, that was the first that I knew of that date.

4 ATTORNEY DAVISTON:

5 Same here.

6 ATTORNEY HOOVER:

7 Yes.

8 ATTORNEY CASEY:

9 I didn't see that on anything previous
10 that I received. It certainly is not in any of the
11 notice of the telephone conference.

12 JUDGE JANDEBEUR:

13 Well, you know what that means to me?
14 That means that the scheduling staff have put it on
15 the master calendar, which means that I can see it and
16 they haven't sent out notice of it, yet. Do you all
17 believe that that's too tight?

18 ATTORNEY CASEY:

19 I think I do.

20 ATTORNEY DAVISTON:

21 I do, too.

22 JUDGE JANDEBEUR:

23 Okay. And who is the I do, too?

24 ATTORNEY DAVISTON:

25 Rhonda Daviston.

1 JUDGE JANDEBEUR:

2 Okay. What would you prefer? Give me
3 some alternate dates that you like.

4 ATTORNEY CASEY:

5 At first blush, you know, I don't know
6 how long, typically, these sort of --- how much time
7 there is for discovery usually, in these sort of
8 things. I mean, I would think maybe the end of
9 February. That's my first blush impression of it.

10 JUDGE JANDEBEUR:

11 Okay. What I will do is schedule it
12 then. I don't have --- the master calendar is
13 computer generated, so I don't have it in front of me.
14 But I will look for a date in late February, and I
15 will change it to that, because I don't want to go
16 into the hearing without both sides having what they
17 want.

18 ATTORNEY DAVISTON:

19 Okay.

20 JUDGE JANDEBEUR:

21 So I will go ahead and make sure that
22 that gets changed. I'll look for --- does the last
23 week in February look good?

24 ATTORNEY CASEY:

25 Would that be the last full week in

1 February?

2 JUDGE JANDEBEUR:

3 Yes.

4 ATTORNEY CASEY:

5 Actually, I'm looking at it now, and it
6 actually looks bad for me. I am okay on the 27th and
7 28th of February. Ms. Hoover, I don't know --- I
8 haven't had a whole lot of experience in these types
9 of hearings. Has it been your experience that with
10 that amount of pro se litigants that we have, that two
11 months is sufficient time for everybody to get their
12 discovery done?

13 ATTORNEY HOOVER:

14 Well, you know, honestly --- this is
15 Christine Hoover. Honestly, it really depends on the
16 case. And because I haven't seen these complaints
17 yet, it's a little hard for me to answer that.

18 ATTORNEY CASEY:

19 Okay.

20 ATTORNEY HOOVER:

21 What I was mentioning about shortening
22 the response time for discovery was, instead of having
23 everybody have 20 days to answer a discovery response,
24 maybe make it ten.

25 ATTORNEY CASEY:

1 Right.

2 ATTORNEY HOOVER:

3 Because that --- you know, that doesn't
4 --- that's not really the window during which
5 discovery can be done. So you know, written discovery
6 and informal discovery is most often used in these
7 cases. Although, depositions are used occasionally as
8 well. So it really --- without knowing the facts of,
9 you know, the allegations of anything, it's hard for
10 me to answer that.

11 ATTORNEY CASEY:

12 Right.

13 ATTORNEY HOOVER:

14 So I mean, I would certainly still
15 suggest that the response time for discovery, once
16 it's served on any party, be ten days instead of 20
17 days. And that will at least allow things --- the
18 paper and whatever to keep moving, hopefully.

19 JUDGE JANDEBEUR:

20 I think that's probably a good idea. In
21 the regs, Mr. Casey, so that you can find it --- we're
22 talking about 52 PA Code 5.342, and subsection B tells
23 you that you've got 20 days.

24 ATTORNEY CASEY:

25 Right.

1 JUDGE JANDEBEUR:

2 For purposes of these hearings, we're
3 going to change that to ten.

4 ATTORNEY CASEY:

5 Okay.

6 JUDGE JANDEBEUR:

7 Okay. Anything else?

8 MS. SYLVESTER:

9 Judge, may I ask a question?

10 JUDGE JANDEBEUR:

11 And who is speaking?

12 MS. SYLVESTER:

13 Kathleen Sylvester.

14 JUDGE JANDEBEUR:

15 Yes, ma'am. Go ahead.

16 MS. SYLVESTER:

17 Okay. I'm doing this today at work.

18 JUDGE JANDEBEUR:

19 Yes.

20 MS. SYLVESTER:

21 Which is my only opportunity to do this.

22 JUDGE JANDEBEUR:

23 Thank you for participating.

24 MS. SYLVESTER:

25 Well, I appreciate you doing this, but at

1 the same time, this week is quiet for us at work, I'm
2 an insurance agent, due to the fact that the holidays
3 are here. After January it's going to get quite busy
4 here, and the same time there are illnesses in the
5 families of the people that I work for. I don't know
6 if I'll be able to get on another conference call.

7 JUDGE JANDEBEUR:

8 I don't believe that we will have another
9 conference call. You would need to participate in the
10 hearing, Ms. Sylvester. But again, you'll have
11 probably 60 days notice, and you're probably need to
12 take leave on that day.

13 MS. SYLVESTER:

14 I don't know if I'll be able to. Does
15 that mean my side won't be heard?

16 JUDGE JANDEBEUR:

17 Well, probably not. It depends on a
18 couple of things. The best thing would be --- I mean,
19 even if we gave you --- if we pulled your complaint
20 out and gave you a separate day, it just means that
21 you would need another day. I mean ---

22 MS. SYLVESTER:

23 Right.

24 JUDGE JANDEBEUR:

25 --- at some point, if you do want your

1 complaint heard, you do have to be available. And
2 that I can't --- I can't help you with that. We can
3 shift days around, we can do a number of things, but
4 if you want your complaint heard, you do need to be
5 available. We can't hear a complaint without the
6 Complainant.

7 MS. SYLVESTER:

8 Okay.

9 JUDGE JANDEBEUR:

10 And even if you were represented by
11 Counsel, your Counselor still could not testify for
12 you. You would still need to be available.

13 MS. SYLVESTER:

14 Okay.

15 JUDGE JANDEBEUR:

16 I'm sorry. I just --- it's just not an
17 opportunity that we can't do that. If we have a
18 complaint, we also have to have the Complainant.

19 MS. SYLVESTER:

20 Okay.

21 JUDGE JANDEBEUR:

22 So the best I can do is tell you that
23 with 60 days notice, at least you'll know the day and
24 you'll know the time block, but you need to be
25 available. It's possible maybe, we could patch you in

1 by telephone again, and you could go hide in a
2 separate room at work, or something of that sort, but
3 the Complainant does have to be available.

4 MS. SYLVESTER:

5 Okay.

6 JUDGE JANDEBEUR:

7 All right.

8 MS. POWELL:

9 And where would this take place?

10 JUDGE JANDEBEUR:

11 This is in Scranton, and it is right next
12 to the Steamtown Mall, 100 Lackawanna Avenue, Third
13 Floor.

14 MS. POWELL:

15 Okay.

16 JUDGE JANDEBEUR:

17 Now, do you three have any contact with
18 the other Complainants?

19 MS. SYLVESTER:

20 Yes.

21 JUDGE JANDEBEUR:

22 Okay. And that was Ms. Sylvester?

23 MS. SYLVESTER:

24 Yes. I'm sorry.

25 JUDGE JANDEBEUR:

1 No, it's just hard with telephone, and I
2 know it's easy to forget. If you can, it would be
3 useful if you all could get together and sort of
4 discuss how your handling this, and again, I would put
5 in a push to see if OCA wants to help you with this,
6 because their help is real useful since you don't
7 really want ten attorneys and you certainly don't want
8 to pay ten attorneys.

9 MS. SYLVESTER:

10 Right.

11 JUDGE JANDEBEUR:

12 And if you can sort of get a point person
13 that might help out. I think I mentioned all of that
14 in my pre-hearing order, so I won't repeat that. You
15 all got it. Any other questions for today's
16 pre-hearing that I haven't gone over?

17 NO RESPONSE

18 JUDGE JANDEBEUR:

19 Doesn't sound like it. Okay. Then
20 again, discovery responses will be limited to a
21 ten-day response time turnaround. I will look for a
22 date --- the 27th or 28th of February or as close as I
23 can come to that. And I will send out, basically, an
24 interim --- it will be under the title interim order,
25 but it will just cover what we've talked about today.

1 ATTORNEY DAVISTON:

2 This is Rhonda Daviston. I do have a
3 request that I be copied on all correspondence?

4 JUDGE JANDEBEUR:

5 Yes. I did call the scheduling staff and
6 make sure they added you to the party list. I'm sorry
7 about that. I don't know why you weren't on it. But
8 they do know to add you to it.

9 ATTORNEY DAVISTON:

10 Okay. Thank you.

11 JUDGE JANDEBEUR:

12 Okay? And I think that we are done here.

13 ATTORNEY HOOVER:

14 Judge, this is Christine Hoover.

15 JUDGE JANDEBEUR:

16 Yes, ma'am.

17 ATTORNEY HOOVER:

18 Would be so kind as to copy OCA on your
19 pre-hearing --- your next order, as well?

20 JUDGE JANDEBEUR:

21 Sure, no problem.

22 ATTORNEY HOOVER:

23 Thank you.

24 JUDGE JANDEBEUR:

25 Thank you all for participating, and

1 especially you folks that did show up for the
2 Complainants. I'm sorry that we didn't have more of
3 you. It's not a real full pre-hearing without them,
4 but I certainly appreciate you all showing up. And we
5 are finished. Hold on. The Court Reporter would ask
6 that Counsel state their addresses on the record so,
7 Mr. Casey, your address?

8 ATTORNEY CASEY:

9 Sure. 69 Public Square, Wilkes-Barre,
10 PA. It's actually Suite 1100. 69 Public Square,
11 Wilkes-Barre, PA, and then it's 18701.

12 JUDGE JANDEBEUR:

13 And Ms. Daviston?

14 ATTORNEY DAVISTON:

15 It's P.O. Box 3265, Harrisburg, PA
16 17105-3265.

17 JUDGE JANDEBEUR:

18 And Ms. Hoover?

19 ATTORNEY HOOVER:

20 Christine Hoover, Office of Consumer
21 Advocate, 555 Walnut Street, Fifth Floor, Harrisburg,
22 17101-1923.

23 JUDGE JANDEBEUR:

24 Okay. Thank you all so much. I'm going
25 to disconnect.

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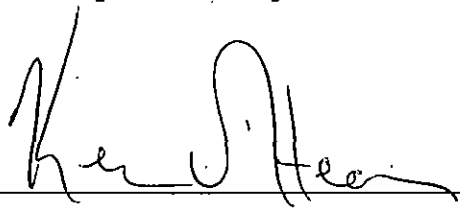
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C E R T I F I C A T E

I hereby certify, as the
stenographic reporter, that the foregoing
proceedings were taken stenographically by
me, and thereafter reduced to typewriting
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transcript is a true and accurate record
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Court Reporter

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