

WITNESS INDEX

WITNESSES

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FORM 2

1 P R O C E E D I N G S

2 ADMINISTRATIVE LAW JUDGE MARK HOYER: Today's date is
3 November 16th, 2005. The time is now 9:07. This is the
4 hearing on the Complaint of Joseph Warhol. The caption is
5 Joseph Warhol vs. The Peoples Natural Gas Company, doing
6 business as Dominion Peoples. The Docket Number is C-
7 20054941.

8 The Complaint was filed on July 13th, 2005. An Answer
9 was filed on September 8th, 2005. Notice of today's scheduled
10 telephonic hearing was sent out to the parties on October 5th,
11 2005.

12 I should say for the record, my name is Mark Hoyer. I'm
13 an Administrative Law Judge with the Public Utility Commission
14 in Pittsburgh. I am making this telephone call from a hearing
15 room here at our Pittsburgh offices.

16 On the line, I have representing the Respondent, attorney
17 Horace Payne. The Complainant is not on the line.

18 I attempted to reach Mr. Warhol at his home telephone
19 number three separate times. I called 814/288-5002. Each
20 time that I called, I got an answering machine message, "No
21 one is available to take your call." The first two occasions
22 that I called, I left a message, identifying myself, the
23 reason why I was calling, and I also said that I would attempt
24 to call back another time. I didn't leave a message the last
25 time.

1 I also tried to call Mr. Warhol at his place of business,
2 and again, I got an answering machine message there at his
3 place of business, and I did not leave a message there.

4 Attorney Payne has represented that he does not have any
5 additional telephone numbers for Mr. Warhol.

6 This matter, Mr. Payne, is being tape recorded, in
7 addition to a stenographic record being taken. Since the
8 Complainant is not here, I'll turn it over to you. Is there
9 anything that you would like to put on the record here this
10 morning, attorney Payne?

11 MR. PAYNE: Yes, Your Honor. At this time,
12 Dominion/Peoples make a Motion that the hearing Complaint be
13 dismissed for failure to prosecute with prejudice. And, of
14 course, that'd be subject to any testimony that Your Honor may
15 want to hear about it. We would --- we would leave it at
16 that.

17 JUDGE HOYER: Okay. So, it's not your intention then,
18 with Complainant not being present, to put on any testimony,
19 unless directed to do so by me?

20 MR. PAYNE: Correct, Your Honor.

21 JUDGE HOYER: Okay.

22 I should ask, before I act on your Motion, have you had
23 any discussions, attorney Payne, with Mr. Warhol, prior to
24 today's hearing?

25 MR. PAYNE: No, I have not, Your Honor. My witness here,

1 Ms. Gardener, attempted to contact the Complainant back in
2 August, to discuss the matter with him, back on August 26, but
3 wasn't able to get through to him.

4 JUDGE HOYER: Okay. Alright.

5 Well, since the Complainant has failed to appear, his
6 absence from today's proceeding is not explained, I haven't
7 received a continuance request, either orally or in writing,
8 I'm going to just adjourn this proceeding, and I will act on
9 your Motion to Dismiss, and I will be issuing a --- an Order
10 based upon that, attorney Payne.

11 Is there anything else before we adjourn?

12 MR. PAYNE: Nothing else, Your Honor. Thank you very
13 much.

14 JUDGE HOYER: Okay. And I will be calling you back for a
15 scheduled hearing at 10:30.

16 MR. PAYNE: Very well.

17 JUDGE HOYER: Thank you.

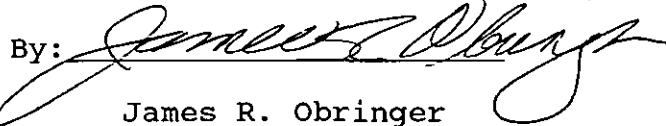
18 (Whereupon, at 9:11 a.m., the hearing was adjourned.)
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I hereby certify, as the stenographic reporter,
that the foregoing proceedings were taken stenographically by
me, and thereafter reduced to typewriting by me or under my
direction; and that this transcript is a true and accurate
record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

By: 

James R. Obringer

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