

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

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 :
Daleena Bagley v. PECO Energy Company :
 Billing dispute. :
 :
 Further Telephonic Hearing :
 ----- x

Docket No.
C-20055009

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Pages 24 through 29

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Wednesday, December 21, 2005

Met, pursuant to adjournment, at 1:22 p.m.

BEFORE:

WAYNE L. WEISMANDEL, Administrative Law Judge

APPEARANCES:

LISA A. LUTZ, Esquire
2301 Market Street/S23-1
P.O. Box 8699
Philadelphia, Pennsylvania 19101-8699
(For PECO Energy Company)

J.M.

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WITNESS INDEX

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WITNESSES

DIRECT

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(None.)

FORM 1

EXHIBIT INDEX

NUMBER

FOR IDENTIFICATION IN EVIDENCE

(None.)

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FORM 1

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
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- 24
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P R O C E E D I N G S

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2 ADMINISTRATIVE LAW JUDGE WAYNE L. WEISMANDEL: This is
3 the date and time set for a further telephonic hearing in
4 the matter of Daleena Bagley versus PECO Energy Company,
5 Pennsylvania Public Utility Commission Docket No.
6 C-20055009.

7 I am Administrative Law Judge Wayne L. Weismandel,
8 assigned by the Commission to preside in this matter.

9 We would note for the record that it is approximately
10 1:22 p.m. This further telephonic hearing was scheduled for
11 1:00 p.m.; and at 1:00 p.m., I contacted Attorney Lisa A.
12 Lutz, Esquire, representing PECO Energy Company, at Area
13 Code 215-841-6841. Ms. Lutz was accompanied by a potential
14 witness and was prepared to proceed.

15 I then attempted to contact the Complainant, Daleena
16 Bagley, at Area Code 610-494-7016, that being the telephone
17 number at which Ms. Bagley had been advised that she would
18 be contacted for today's proceeding.

19 I let the telephone ring at that number ten times. It
20 was not answered. I then advised Ms. Lutz of what had
21 occurred and told her that, in accordance with Commission
22 policy, we would recess to 1:20 p.m., at which time we would
23 attempt again to contact both parties.

24 At 1:20, I re-established telephone contact with
25 Ms. Lutz, who was still prepared to proceed. Again, I tried

1 to contact Ms. Bagley. Once again, the phone rang ten times
2 without being answered. And that brings us to where we are
3 at the moment.

4 Ms. Lutz, I would at this time entertain any
5 appropriate motions?

6 MS. LUTZ: Thank you, Your Honor.

7 At this time, I would like to make a Motion to Dismiss
8 for failure to prosecute.

9 JUDGE WEISMANDEL: That motion will be granted and, in
10 accordance with Commission precedent, it will be granted
11 with prejudice.

12 Anything further we need to do today?

13 MS. LUTZ: I have nothing further, Your Honor.

14 JUDGE WEISMANDEL: Thank you very much. I appreciate
15 your patience. That will conclude today's proceeding. I
16 will get a decision out in due course dismissing the
17 Complaint with prejudice.

18 MS. LUTZ: Thank you.

19 JUDGE WEISMANDEL: Thank you.

20 (Whereupon, at 1:25 p.m., the hearing was concluded.)
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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 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: Monta E. Gentile

Monta E. Gentile

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