

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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Michael Gori,  
v.  
West Penn Power Company  
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Docket No.: C-20054947

Pages: 1 - 7

Pittsburgh State Office Bldg.  
300 Liberty Avenue  
Pittsburgh, PA 15222

Wednesday, November 16, 2005  
Commencing at 10:17 a.m.

BEFORE:

FRED R. NENE, Administrative Law Judge

APPEARANCES:

NOT PRESENT  
For the Complainant

JOHN L. MUNSCH, Esquire  
800 Cabin Hill Drive  
Greensburg, PA 15601  
For the Respondent

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

REPORTER: VALERIE GREGORY

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DISCUSSION AMONG PARTIES

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CERTIFICATE

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

JUDGE NENE:

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3  
4 This is the date and time scheduled for a  
5 hearing on the complaint filed by Michael Gori against  
6 West Penn Power Company. Docket number is C-20054947.  
7 The time now is 10:15. The hearing is scheduled to  
8 begin at 10:00. At that time I called Mr. Gori at  
9 area code 412-403-9398. That's a different number  
10 than is on the hearing notice but it is clearly the  
11 number that he put on the complaint form. That number  
12 was answered by a tape recording which appeared to be  
13 a rental car dealership leaving instructions about  
14 their hours of operation. I left a message informing  
15 Mr. Gori who I was, if, in fact, it was Mr. Gori, who  
16 I was and the purpose of my call and I asked that the  
17 call be returned within 10 or 15 minutes or we would  
18 proceed with this hearing on his complaint without  
19 him. Mr. Gori has not returned my call. I have  
20 present, telephonically, John Munsch representing the  
21 respondent West Penn Power Company. And I would ask  
22 Mr. Munsch if he has anything he wants to put on the  
23 record at this time?

ATTORNEY MUNSCHE:

24  
25 Your Honor, I just have a brief

1 statement. I would move to dismiss.

2 JUDGE NENE:

3 I'm sorry, I missed that one line.

4 Before I'm going to move to dismiss, what did you say?

5 ATTORNEY MUNSCHE:

6 I just have a brief statement.

7 JUDGE NENE:

8 Yes.

9 ATTORNEY MUNSCHE:

10 That is that Allegheny Power, West Penn  
11 Power, served its Answer on Mr. Gori at the address  
12 shown in Mr. Gori's complaint. And Allegheny Power  
13 also served its --- the documents that they intended  
14 to enter at this proceeding and served those documents  
15 upon Mr. Gori on November 9th at the address shown in  
16 Mr. Gori's complaint. At this time Allegheny Power  
17 assembled its witnesses and it is prepared to proceed.  
18 However, Mr. Gori has the burden of proof and the fact  
19 that he is not present requires me to request that the  
20 complaint be dismissed for failure of Mr. Gori to  
21 prosecute his complaint.

22 JUDGE NENE:

23 You're certainly entitled to a grant of  
24 that request and I'm going to dismiss the matter based  
25 on his failure to appear. You mentioned that you sent

1 him your proposed exhibits on November 9th. Did they  
2 come back as undeliverable?

3 ATTORNEY MUNSCH:

4 No, they did not.

5 JUDGE NENE:

6 Did you send them to the address at 1216  
7 Thomas Street where the other documents were mailed?

8 ATTORNEY MUNSCH:

9 Yes. I sent them by First Class mail to  
10 1216 Thomas Street.

11 JUDGE NENE:

12 Apparently he has been provided with  
13 adequate notice of today's hearing and we will grant  
14 your motion in a short initial decision. Thank you  
15 very much.

16 ATTORNEY MUNSCH:

17 Thank you, Your Honor.

18

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20 HEARING CONCLUDED AT 10:19 A.M.

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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.

*Celene Gregory*  
\_\_\_\_\_  
Court Reporter

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