**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Brian A. Champaign :

:

v. : C-2014-2436038

:

Zeigler’s Storage and Transfer, Inc. :

**PREHEARING ORDER**

The Commission has scheduled an initial hearing in this case for Wednesday, November 12, 2014 at 10:00 a.m. in Hearing Room 2, Commonwealth Keystone Building, Harrisburg.

THEREFORE,

IT IS ORDERED:

1. **That 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. My address is:**

David A. Salapa

P.O. Box 3265

Harrisburg, Pa. 17105-3265

Telephone: (717) 7871399

Fax: (717) 787-0481

1. **That the parties shall contact each other at least one week before the scheduled hearing to discuss possible settlement of this case.** If the parties are unable to settle this case, they shall attempt to agree on the issues to be litigated. If the parties reach a settlement, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

3. That the parties shall stipulate to any matters they reasonably can to expedite this proceeding, lessen the burden of time and expenses in litigation on all parties and conserve precious administrative hearing resources. 52 Pa.Code §§ 5.232 and 5.234.

4. That if a party intends to present any documents or exhibits for my consideration, that party must bring sufficient copies to supply one copy to me, two to the court reporter and one for each party listed on the attached service list.

5. That the hearings in this matter constitute formal legal proceedings and I will conduct them in accordance with the Commission’s Rules of Administrative Practice and Procedure, as well as the rules of evidence as applied to administrative hearings.

6. **That 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 enter their appearance in accordance with the provisions of 52 Pa.Code § 1.24(b).

7. That if a party intends to subpoena witnesses for the hearing, that party shall review the procedures established in 52 Pa.Code § 5.421. A party must submit its written application to me sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days’ notice to answer or object, and so that the party will have enough time to receive the subpoena and serve it.

8. That the parties shall conduct discovery pursuant to 52 Pa.Code §§ 5.321-5.373. I encourage the parties to cooperate and exchange information on an informal basis. The parties shall cooperate rather than engage in numerous or protracted discovery disagreements that require my participation to resolve. All motions to compel shall contain a certification by counsel setting forth the specific actions the parties have undertaken to resolve their discovery disputes informally. If a motion to compel does not contain this certification, I shall contact the parties and direct them to resolve the matter informally and provide the certification if they are unsuccessful. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§ 5.361, 5.371-5.372.

9. That all parties shall comply with the provisions of 52 Pa.Code § 5.243(e) which prohibits the introduction of evidence during rebuttal which should have been included in the party’s case-in-chief or which substantially varies from the party’s case-in-chief, unless the party is introducing evidence in support of a proposed settlement.

10. **THAT** **IF A PARTY FAILS TO PARTICIPATE IN THE HEARING, THE HEARING WILL PROCEED WITHOUT THAT PARTY AND A DECISION MAY BE ENTERED AGAINST THAT PARTY.**

Date: September 5, 2014 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

David A. Salapa

Administrative Law Judge