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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PA. P. U. C. DIV.
INFO. CONTROL

Pennsylvania Public Utility Commission, et al. :
:
:
v. : Docket No. R-0000943271
:
:
:
Pennsylvania Power & Light Company : R-00943271C0001, et seq.

FIRST PREHEARING ORDER

On January 20, 1995, I was assigned to preside over this case. The purpose of this order is to bring to the attention of all parties certain procedural rules, observance of which will serve to "secure the just, speedy and inexpensive determination" of this proceeding. 1 Pa. Code §1.2(a).

Proceedings before the Commission are governed by, inter alia, 52 Pa. Code §1.15, which provides:

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§1.15. Extensions of time.

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(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown, will requests for continuance be considered. The requests should be submitted at least 5 days prior to the hearing date. (Emphasis added.)

In accordance with the foregoing, absent a timely request for continuance for good cause (i.e., no later than 5 days before

the scheduled prehearing conference, on March 7, 1995), all parties to this proceeding shall be prepared to participate in the scheduled prehearing conference.

You should review the regulation pertaining to such conferences, 52 Pa. Code §5.222, in particular, subsection (d) which provides, in part:

(d) Participants and counsel will be expected to attend the conference fully prepared for useful discussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto. The preparation should include, among other things, advance study of all relevant materials, and advance informal communication between the participants, including requests for additional data and information, to the extent it appears feasible and desirable. (Emphasis added.)

I would also like to bring to your attention 52 Pa. Code §5.331(b) which provides, inter alia, that "[p]articipants shall endeavor to initiate discovery as early in the proceedings as reasonably possible," and 52 Pa. Code §5.322 which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements which require the presiding officer's participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572. To avoid delay in the resolution of any discovery issues, I will direct the parties to provide to me, at the prehearing conference, and every 21 days thereafter, written status reports regarding outstanding discovery issues.

If the parties wish to discuss the scheduling of hearings before the prehearing conference, my own schedule is as follows: I will be unavailable to conduct hearings on January 31, February 2, 3, 7, 13, 14, 17, March 16-17, 20, 24, and April 12-14, 17, 1995. My schedule is subject to change between now and March 7. Also, please be aware of State holidays when constructing a tentative hearing schedule.

As a rate case, this proceeding must be completed within a strict time limit. In developing a litigation schedule, the following dates are not subject to change:

Close of record	May 26, 1995
Main Briefs Due	June 15, 1995
Reply Briefs Due	June 26, 1995

For your convenience, I am enclosing a copy of the Commission's service list as of this date.

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ORDER

1. The parties shall comply with procedural rules and regulations discussed herein.

2. At the prehearing conference, and every 21 days thereafter, the parties shall provide to me written status reports regarding outstanding discovery issues.

Date: Sept. 27, 1995

Michael C. Schnierle
MICHAEL C. SCHNIERLE
Administrative Law Judge

Investigation into a proposed \$261,000,000 annual rate increase.

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