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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission . :  
:

v. :  
:

PECO Energy Company :  
:

Docket No. R-00038102

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INITIAL PREHEARING CONFERENCE ORDER

A telephonic prehearing conference in this case is scheduled for April 29, 2003 at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. If you will be at a telephone number that is different than the number on the notice for the prehearing conference, you must notify me of that telephone number at least two days before the prehearing conference.

2. A request for a change of the scheduled prehearing conference date must be submitted to me, in writing, no later than five days prior to the prehearing conference. 52 Pa. Code §1.15(b). Such changes are granted only in rare situations where good cause exists.

In accordance with the foregoing, absent a timely request for a continuance for good cause (i.e., no later than April 24, 2003), all parties must be prepared to participate in the scheduled prehearing conference.

3. Please review the regulation pertaining to prehearing conferences, 52 Pa. Code §5.222, and 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.)

4. Each party must prepare and distribute, prior to 12:00 p.m. on the day before the prehearing conference, a prehearing memorandum which sets forth the history of the proceeding, your position on each of the issues and subissues you intend to address, a listing of your proposed witnesses and the subject matter of their testimony, and a proposed schedule. If you do not present a prehearing memorandum, you will not be permitted to participate in the prehearing conference. Further, witnesses not listed on your prehearing memorandum will not be permitted to participate in the hearing without good cause shown.

5. Please review the regulations relating to discovery, specifically 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.

6. 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 insure that their appearance is entered in accordance with the provisions of 52 Pa.Code §1.24(b).

7. You must serve me directly with a copy of any document that you file in this proceeding. If you send me any correspondence or document, you must send a copy to all other parties. For your convenience, a copy of the Commission's current service list of the parties to this proceeding is enclosed with this Order.

Date: March 28, 2003

  
MARLANE R. CHESTNUT  
Administrative Law Judge

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