

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

ORIGINAL

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 :
Pennsylvania Public Utility Commission :
v. National Fuel Gas Distribution :
Corporation :
 Filed Supplement No. 61 to Tariff Gas - :
 PA PUC No. 9 to become effective :
 July 30, 2006. Total amount of :
 increase: \$25,892,000 or 6/1% based :
 upon a future test year ending :
 January 31, 2007. Total number of :
 customers: 214,625. Area served: :
 Certain cities, boroughs, and townships :
 in the counties of Armstrong, Butler, :
 Cameron, Clarion, Clearfield, Crawford, :
 Elk, Erie, Forest, Jefferson, McKean, :
 Mercer, Venango and Warren. :
 :
 Initial Telephonic Prehearing :
 Conference :
 :
 ----- x

Docket No. R-00061493

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 PA PUC
 SECRETARY'S BUREAU

Pages 1 through 49

Hearing Room No. 5
Commonwealth Keystone Building
Harrisburg, Pennsylvania

DOCKETED
AUG 29 2006

Thursday, August 3, 2006

Met, pursuant to notice, at 10:10 a.m.

BEFORE:

JOHN H. CORBETT, JR., Administrative Law Judge
MARK A. HOYER, Administrative Law Judge

**DOCUMENT
FOLDER**

Commonwealth Reporting Company, Inc.

700 Lisburn Road
Camp Hill, Pennsylvania 17011

APPEARANCES:

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SHARON E. WEBB, Esquire
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JOSEPH L. VULLO, Esquire
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Forty Fort, Pennsylvania 18704
(For Community Action Association of Pennsylvania)

ALSO PRESENT:

ERIC MEINL, National Fuel Gas Distribution Corporation
RUTH FREIDRICH ALF, National Fuel Gas Distribution
Corporation

Commonwealth Reporting Company, Inc.

700 Lisburn Road
Camp Hill, Pennsylvania 17011

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WITNESSES

DIRECT

CROSS

REDIRECT

RECROSS

(None.)

FORM 1

EXHIBIT INDEX

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(None.)

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FORM 1

P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE JOHN H. CORBETT: This is the
3 time and place scheduled for a prehearing conference on the
4 case of Pennsylvania Public Utility Commission versus
5 National Fuel Gas Distribution Corporation. This case is
6 docketed with the Commission at No. R-00061493. I am
7 Administrative Law Judge John Corbett.

8 ADMINISTRATIVE LAW JUDGE MARK A. HOYER: And I am
9 Administrative Law Judge Mark Hoyer.

10 JUDGE CORBETT: We are in Hearing Room No. 2 in the
11 Pittsburgh State Office Building.

12 At this time, I would like to have counsel for each of
13 the parties identify themselves for the record. We will
14 begin with counsel for NFG.

15 MR. GANG: Good morning, Your Honor -- Your Honors;
16 excuse me.

17 Michael Gang, G-a-n-g, with the law firm of Post and
18 Schell, PC, for National Fuel Gas Distribution Corporation.
19 Co-counsel with me on the case is John Harrison Isom, also
20 with Post and Schell, but he is not at the hearing today.

21 JUDGE CORBETT: Okay. Thank you.

22 And you may proceed around the table.

23 MS. GANNON: Your Honor, this is Erin Gannon with the
24 Office of Consumer Advocate.

25 MR. ECKENROD: Good morning, Your Honors. This is

1 Robert Eckenrod, and with me is Allison Curtin, with the
2 Office of Trial Staff.

3 MS. WEBB: Good morning, Your Honors. This is Sharon
4 Webb with the Office of Small Business Advocate.

5 JUDGE CORBETT: Good morning. Any other
6 representatives?

7 MR. ECKENROD: That is all, Your Honor.

8 MR. GANG: Of course, Mr. Vullo is on the line, Your
9 Honor. Maybe you would like him to state his --

10 JUDGE CORBETT: Mr. Vullo?

11 MR. VULLO: Yes, Your Honors. Joseph Vullo on behalf
12 of the Community Action Association of Pennsylvania.

13 JUDGE CORBETT: Okay. Mr. Vullo, would you spell your
14 last name for the court reporter, please?

15 MR. VULLO: Sure. V-u-l-l-o.

16 JUDGE CORBETT: Okay. Okay. Thank you.

17 We have received Prehearing Memoranda from NFG, from
18 the Office of Trial Staff, from the Office of Consumer
19 Advocate, and from the Office of Small Business Advocate.

20 Mr. Vullo, did you file a Prehearing Memorandum?

21 MR. VULLO: No, I did not, Your Honor. I did not
22 (inaudible).

23 JUDGE HOYER: Okay. We are having a little bit of
24 difficulty hearing you, Mr. Vullo.

25 MR. VULLO: I will speak up. I did not receive notice

1 of the conference. I only found out about it when I
2 received an electronic version of OSBA's Prehearing Memo.
3 So, then I made a few calls this morning when I found out
4 about it. So, I did not file a Prehearing Memo.

5 JUDGE HOYER: Okay.

6 JUDGE CORBETT: All right. This is Judge Corbett.

7 We have a number of items on our agenda that we would
8 like to cover with the parties.

9 The first item on our agenda would be the parties and
10 the party list. We have identified on the record the
11 statutory parties and also the Community Action Association
12 of Pennsylvania as a possible Intervenor in this case.

13 Mr. Gang, are you aware of any other parties other
14 than the statutory parties that are involved in this case?
15 I am not talking about individual Complainants.

16 MR. GANG: Other than the individual Complainants,
17 Your Honor, I am not aware of any other parties.

18 JUDGE CORBETT: All right. As you are all aware, I am
19 sure, there have been a number of formal Complaints filed in
20 this particular proceeding.

21 We are in the process -- and by "we" I mean not only
22 Judge Hoyer and myself, but also the OALJ Staff in
23 Harrisburg and also the Secretary's Office in Harrisburg --
24 are in the process of reviewing those Complaints.

25 As of yesterday afternoon, we thought we had a

1 procedure in place for handling those formal Complaints.
2 But this morning I received a message that causes me to
3 pause in explaining how we were going to handle those.

4 Let me just say now that it is under review and we
5 will be working, you know, the next several weeks on
6 handling the number of parties that have filed formal
7 Complaints in this case.

8 So, at this point, let me just say so the parties know
9 that for purposes of distributing the testimony, discovery,
10 and that sort of thing, the parties that have identified
11 themselves this morning are the parties that will be
12 actively participating in this case. Until further notice,
13 the active service list will consist only of those parties.

14 I will discuss the status of the Community Action
15 Association of Pennsylvania in a minute.

16 But we will, at this point, plenary consolidate all
17 of the Complaints that have been filed in this case with
18 this bigger case at this point.

19 And, before we do anything with regard to those formal
20 Complaints, we will batch all of those formal Complaints
21 together, which will take several weeks to perform, as you
22 could imagine.

23 The number of cases, the number of formal Complaints
24 that have been filed -- and some are still on their way, as
25 I understand it -- are in the process of being batched in

1 the Secretary's Office.

2 We will handle those in a special way, and then I will
3 let everyone know how we are going to handle those formal
4 Complaints.

5 I will also distribute to the parties lists of those
6 formal Complaints when we have a service list prepared.

7 And, if there are any missing parties that you are
8 aware of -- and I am referring to all of the parties that
9 are here for this conference this morning -- if you are
10 aware at that point of any parties that are missing, then
11 please get in touch with Judge Hoyer or myself and let us
12 know and we will add those parties to the list and handle
13 those accordingly.

14 I am going to ask everyone to make sure that we have
15 e-mail addresses. Judge Hoyer and I will be preparing
16 distribution lists for e-mail. We would ask that we have
17 your e-mail addresses.

18 Sometimes this causes a little confusion, but my
19 e-mail address is: johcorbett -- c-o-r-b-e-t-t --
20 @state.pa.us.

21 Okay. Judge Hoyer's address -- Judge Hoyer.

22 JUDGE HOYER: My e-mail address is: mhoyer -- that is
23 m-h-o-y-e-r -- @state.pa.us.

24 JUDGE CORBETT: Okay. We are going to assume, as some
25 of you have indicated in your Prehearing Memoranda, that

1 e-mail communication is appropriate, with a hard copy
2 follow-up by ordinary mail, first class mail.

3 Insofar as the Petition to Intervene --

4 MR. GANG: Your Honor, this is Mr. Gang. May I make a
5 comment before we leave the Complaints?

6 JUDGE CORBETT: Sure.

7 MR. GANG: I certainly have no objection -- the
8 Company has no objection to consolidation of the Complaints
9 as a general matter.

10 As we receive the Complaints, it is certainly
11 possible, given the number of Complaints and my past
12 experience in this regard, that we will find some Complaints
13 that have nothing to do with the rate case; and I simply,
14 under those circumstances, reserve the right -- would like
15 to reserve the right, with your permission, to seek to de-
16 consolidate those Complaints if that case can be made.

17 JUDGE CORBETT: Yes. I think that is appropriate.

18 In other words, we will consolidate them. And, if
19 there is a problem that you are aware of, then bring it to
20 our attention and we will rule accordingly.

21 MR. GANG: Thank you, Your Honor.

22 JUDGE CORBETT: Sure.

23 Any other comments on the parties before we move on?

24 (No response.)

25 JUDGE CORBETT: Okay. Insofar as the Petition to

1 Intervene, first of all, the only Petition to Intervene that
2 I am aware of at this point is the petition of Community
3 Action Association of Pennsylvania.

4 Are the parties aware of any other Petitions to
5 Intervene at this point?

6 MR. GANG: No, Your Honor.

7 JUDGE CORBETT: Okay. Mr. Vullo had indicated to me
8 this morning when he called to alert me to the fact that he
9 had not received notice of the prehearing conference and
10 would like to participate by telephone, had indicated that
11 he wanted to file a Reply to the New Matter, the Answer of
12 NFG to his Petition to Intervene.

13 We have given that some thought. Judge Hoyer and I
14 have given that some thought. Our initial reaction is that
15 we would grant the Petition to Intervene conditioned upon
16 Community Action Association of Pennsylvania filing a reply
17 which would outline or state the agencies within the service
18 territory of NFG that CAAP claims to represent in this
19 action.

20 At this point, Mr. Vullo, what comments, if any, do
21 you have to that?

22 MR. VULLO: I would be able to do that, Your Honor. I
23 believe there are five or six agencies that are customers
24 of NFG. And, in addition -- well, grant the intervention
25 based upon my filing a response indicating that the member

1 agencies are customers, I will be able to do that.

2 There are other reasons in support of our intervention
3 that are not necessary, if that is the way the Judges are
4 leaning.

5 JUDGE CORBETT: All right. We are open at this point
6 to any further comments from NFG or anyone else to our
7 proposal on the Petition to Intervene of CAAP.

8 MR. GANG: This is Mr. Gang, Your Honor.

9 We will take a look at Mr. Vullo's response to your
10 request and respond, if necessary -- well, we will respond
11 whether we have any continuing objection or not.

12 JUDGE CORBETT: All right. That will be fine.

13 At this point, we are going to grant the Petition to
14 Intervene of CAAP, conditioned upon the reply that shows, as
15 I indicated, that they are representing agencies within the
16 service territory of NFG and any further response from NFG.

17 Okay.

18 MR. GANG: Thank you, Your Honor.

19 JUDGE CORBETT: Sure.

20 All right. The next thing that we would like to
21 address would be the issues in the case.

22 Certainly, there has been a great deal made of some of
23 the issues here. We acknowledge the issues that have been
24 raised by the parties in their Prehearing Memoranda.

25 I should also note that discovery on these issues

1 should have been started at this point, and I would hope
2 that the parties are well into their discovery aspect of the
3 case concerning those issues.

4 I should also note that Vice Chairman Cawley has
5 enumerated certain issues that he would like to see
6 addressed in this proceeding. We will spell those issues
7 out once again in the Prehearing Order that we will issue
8 after the hearing this morning, and we would expect the
9 parties to address those issues in their testimony and the
10 evidence presented in this case.

11 Before we leave this matter, do any of the parties
12 have any comments with regard to the issues involved in this
13 case?

14 MR. GANG: Yes, Your Honor. Mr. Gang again.

15 Obviously, the Vice Chairman's directed questions came
16 forth after the Company filed its testimony.

17 In order to move that process along, the Company will
18 be filing supplemental testimony, with your permission,
19 addressing its position on the directed questions early next
20 week.

21 That will give the parties an opportunity to review
22 the Company's position on the directed questions and,
23 presumably, respond in their direct cases --

24 JUDGE CORBETT: All right.

25 MR. GANG: -- so that we can get the earliest possible

1 addressing of those matters in the record.

2 JUDGE CORBETT: Okay. You say they will be filed
3 sometime next week or served on the parties sometime next
4 week?

5 MR. GANG: And you, of course, Your Honor --

6 JUDGE CORBETT: Sure.

7 MR. GANG: -- or the Judges, of course.

8 JUDGE CORBETT: Any comments with regard to either
9 what Mr. Gang has just said or any other comments with
10 regard to the issues?

11 MS. GANNON: Your Honor, this is Erin Gannon.

12 We certainly have no objection to the Company
13 supplementing its testimony in response to those questions.
14 However, that may have some impact on our ability to file
15 our direct testimony when we intended to file it. It will
16 depend in part on, you know, the length and the scope of
17 that supplemental testimony, of course.

18 JUDGE CORBETT: Sure.

19 Let me just say that unless there is a problem, that
20 we would expect the parties to abide by the proposed
21 litigation schedule that they have attached to the OCA's
22 Prehearing Memorandum.

23 But, if there is a problem with regard to filing the
24 testimony in time, and if the parties cannot work that
25 matter out among themselves, then you can contact Judge

1 Hoyer or myself and we will have a short informal conference
2 and we will resolve it for you.

3 MS. GANNON: Thank you, Your Honor.

4 JUDGE CORBETT: Sure.

5 Okay. Any other comments with regard to the issues?

6 (No response.)

7 JUDGE CORBETT: All right.

8 JUDGE HOYER: Okay. This is Judge Hoyer again.

9 We are now going to discuss discovery and the
10 discovery process.

11 As Judge Corbett has indicated, we encourage the
12 parties to engage in informal discovery whenever and
13 wherever possible.

14 We are assuming that every party here agrees to use
15 e-mail and fax communications to facilitate discovery.

16 With respect to Motions to Compel and other discovery
17 matters, the parties are directed not to send us discovery
18 material or cover letters unless attached to a Motion to
19 Compel.

20 All Motions to Compel must contain a certification of
21 counsel of the informal discovery undertaken and their
22 efforts to resolve their discovery disputes informally.

23 If a Motion to Compel fails to contain such a
24 certification, we will contact the parties and direct them
25 to pursue informal discovery.

1 Turning now to the discovery proposals that we
2 received in the Prehearing Memoranda, OCA and OTS both
3 request to modify the discovery procedures contained in the
4 regulations.

5 And, from my review of the two proposals, it looks as
6 though the only difference is with respect to, you know,
7 requests for admission and the length of time for
8 objections.

9 In OTS' proposal the length of time was seven days,
10 whereas in OCA's proposal the length of time was only five
11 days.

12 Do the parties have any thoughts on that at this time?
13 Has any agreement been reached since these memoranda were
14 exchanged?

15 MS. GANNON: Your Honor, actually, the OCA and OTS
16 just recognized the difference.

17 MR. GANG: This is Mr. Gang, Your Honor.

18 I think that the shorter period for objections, given
19 ten days, is satisfactory --

20 (Counsel Eckenrod nodding.)

21 MR. GANG: -- and Mr. Eckenrod is confirming that.

22 MR. ECKENROD: Yes, that is satisfactory with OTS as
23 well, Your Honor.

24 JUDGE HOYER: So, the five days?

25 MR. ECKENROD: Yes, Your Honor.

1 JUDGE HOYER: Okay. Is there any objection to the
2 modification that is proposed? And I am speaking now of the
3 proposal of OCA.

4 MR. GANG: This is Mr. Gang, Your Honor.

5 I have no objection. However, I will note that in
6 item 9 OCA has indicated that if an interrogatory is served
7 by noon on Friday, it will be deemed to have been served --
8 excuse me; served after noon on Friday, it will be deemed to
9 have been served on Monday.

10 We appreciate that. In prior cases, we have used any
11 interrogatory served on Friday being deemed to have been
12 served on Monday. But we will comport with this, provided
13 that the parties, as you have encouraged, participate in
14 informal discovery and do their best, as they have in the
15 past, to reduce interrogatories.

16 And, second, we are going to ask that not only are
17 counsel provided with the questions, but that we have
18 several people from the Company receive the interrogatory
19 questions electronically, because we can't be in a position
20 where counsel is on the phone for a couple hours, you know,
21 on Friday afternoon and the Company doesn't have the things
22 instantaneously.

23 So, with those understandings -- and I am sure they
24 will be acceptable to counsel --

25 (Counsel Gannon and Counsel Eckenrod nodding.)

1 MR. GANG: -- they are nodding, Your Honor -- we can
2 accept this proposal.

3 JUDGE HOYER: Okay. Does anyone else care to comment
4 on the proposal of OCA contained on pages 7 and 8 of their
5 Prehearing Memorandum?

6 MR. GANG: No, Your Honor.

7 JUDGE HOYER: Okay.

8 MS. GANNON: Your Honors, if I may, I just have one
9 further matter with regard to discovery.

10 I don't believe that to date we have received
11 discovery responses electronically, and we would request
12 that in the future we receive them, you know,
13 electronically, followed by a hard copy, just to speed the
14 discovery process.

15 JUDGE HOYER: Okay. Isn't that what is contained in
16 paragraph number 10 there?

17 MS. GANNON: Yes. However, it is my understanding
18 that this would operate going forward. So, I just wanted to
19 make sure that the discovery that we have already served
20 would be treated that way going forward as well.

21 MR. GANG: Well, from the Company's perspective, Your
22 Honor, we would think that electronic ought to be
23 sufficient, unless it is a voluminous document that can't be
24 conveyed.

25 MS. GANNON: Actually, to this point, we have only

1 received hard copies.

2 MR. GANG: I understand. But can we do one or the
3 other?

4 MS. WEBB: Your Honor. This is Sharon Webb from the
5 OSBA.

6 We have had a problem in the past with electronic
7 discovery due to the Commonwealth's limitations on the in
8 box on e-mail. So, we ask for paper follow-up, unless it is
9 so voluminous that it is just unreasonable.

10 We would be happy to work with the Company on that,
11 but I have to ask for a follow-up paper.

12 JUDGE HOYER: Okay. Any other thoughts?

13 (No response.)

14 JUDGE HOYER: All right. Well, I think that is
15 reasonable, to require electronic or fax service on the due
16 date, followed by an in-hand requirement.

17 If that does present a problem, Attorney Gang, due to
18 a document being voluminous or for some other reason, if you
19 could contact Judge Corbett or myself, that is something
20 that we could perhaps have an informal discussion about with
21 the other parties as well.

22 MR. GANG: That is fine, Your Honor. We, of course,
23 will work with the parties.

24 JUDGE HOYER: Okay. Then, with respect to the request
25 for the modification of discovery rules, the proposal of OCA

1 will be granted with a few changes.

2 Okay. The Answers to -- okay. That does contain the
3 five-day calendar requirement.

4 Okay. We will just go with that. We will go with the
5 OCA provisions that are contained on pages 7 and 8 of their
6 Prehearing Memorandum.

7 This will also appear in our Order to follow this
8 conference.

9 Again, we would urge the parties to engage in informal
10 settlement conferences with the expert witnesses.

11 Before we leave discovery and this modification
12 procedure, do any of the parties care to make any comments?

13 (No response.)

14 JUDGE HOYER: Okay. Hearing nothing, go ahead.

15 JUDGE CORBETT: This is Judge Corbett.

16 Perhaps we are anticipating something that may not be
17 needed, but if a Protective Order is needed for any
18 proprietary material, we would ask the parties to try to
19 work with each other to anticipate the need and contact us
20 if you do need a Protective Order issued in the case.

21 At this point, if an application is made for a
22 Protective Order, you can attach to that application a
23 proposed Protective Order. Or, if not, then we will have
24 available a Protective Order that we can issue.

25 I would just ask that if there is proprietary material

1 used in discovery, that the parties take special precautions
2 to not disclose that protected material to anyone who is not
3 a party to the proprietary material, has not signed off on
4 an acknowledgement for receipt of the proprietary material.

5 By that I am talking about marking the material so
6 that it is readily apparent that there is proprietary
7 material in the document itself; and if there is proprietary
8 material in any testimony or any briefs, that the document
9 be marked on the front cover with "Proprietary" markings;
10 and at the time that the proprietary material is filed or
11 exchanged, that redacted copies of that material also be
12 served and filed.

13 During the hearings, if the parties are inquiring
14 about protected material from a witness, I would ask you to
15 batch those questions so that there are as few interruptions
16 on the record as possible and by all parties of your
17 intention to inquire into protected material so that
18 measures can be taken to protect that material.

19 You know, we will have more to discuss on this if that
20 becomes necessary.

21 Do we have any comments from any of the parties with
22 regard to the need for a Protective Order or anticipated
23 need for such or anything with regard to procedures employed
24 for protected material?

25 MR. GANG: Mr. Gang, Your Honor.

1 There usually is in National Fuel Gas Distribution
2 rate cases a limited amount of protected information
3 generally related to competitive customers. We normally
4 handle that with a Protective Agreement among the parties.

5 If you prefer, we can provide that Protective
6 Agreement with you and approve it through a Protective
7 Order, but I don't think that is necessary at this point,
8 unless you believe it is.

9 JUDGE CORBETT: Okay. Mike, my general comment on
10 that is that if the parties want to work that out among
11 themselves, that would be sufficient.

12 My only concern would be if the material is going to
13 be used in testimony where we are going to have -- in
14 testimony or in briefs where that material may appear in
15 public and would need to have proprietary and redacted
16 copies of material, that we have a Protective Order on
17 record, so if it becomes apparent that protected material is
18 going to appear in testimony or briefs, that we have a
19 Protective Order on record which will show where and how and
20 why that material is under seal.

21 MR. GANG: We would be happy to submit a proposed
22 Protective Order to you in the event that those
23 circumstances arise, Your Honor.

24 JUDGE CORBETT: Okay. Very good.

25 MR. GANG: We will do so.

1 JUDGE CORBETT: All right. Any further comments on
2 protected material?

3 (No response.)

4 JUDGE CORBETT: Okay. Let's move on, then, to the
5 litigation schedule.

6 Attached to the OCA's Prehearing Memorandum is a Joint
7 Proposed Procedural Schedule, and we can begin addressing
8 that at this point.

9 Let's, for the time being, put aside the public input
10 hearings. We will come back to that in a minute.

11 The parties have outlined for us their proposed
12 schedule.

13 At this point, do we need any further discussion --
14 well, let me just make one comment on this, and that is that
15 I note that there are evidentiary hearings -- this would be
16 the technical evidentiary hearings -- in Harrisburg for the
17 parties' witnesses, all except OCA Witness Catlin,
18 C-a-t-l-i-n, to be held during the week of October 17
19 through 20, 2006, and that a separate evidentiary hearing
20 would be held for OCA Witness Catlin on Monday, October 23,
21 2006. Apparently, as OCA has indicated, that is because
22 Mr. Catlin is unavailable the week of October 16 to 20.

23 I suppose that we can accommodate that in one respect.
24 To be quite honest about it, neither Judge Hoyer nor I have
25 any particular yearning to return to Harrisburg that week

1 for a single day of hearing on Monday following pretty much
2 of a full week of hearings the week before.

3 I was wondering if perhaps the parties would have --
4 or OCA would have Mr. Catlin available in a hearing room in
5 Harrisburg and the parties could be in Harrisburg and Judge
6 Hoyer and I could participate -- could preside by telephone,
7 what you thought of that arrangement.

8 MS. GANNON: Your Honor, this is Erin Gannon.

9 We certainly have no objection to Your Honors
10 participating by telephone on the 23rd.

11 I also should note, first, that we hope to limit as
12 much as possible testimony from Witness Catlin. It may even
13 be possible that we can bring in testimony through other
14 witnesses to avoid the issue altogether, but we can't
15 promise that at this time, which is why we needed to go
16 through these contorted arrangements.

17 But, with regard to Witness Catlin, if at all
18 possible, we will have him present in Harrisburg. However,
19 it may be necessary for him to participate by phone as well
20 in order to participate on the 23rd.

21 JUDGE CORBETT: Okay. Our only hesitancy there is
22 that we make sure that we have all of the exhibits that are
23 going to be used. It involves knowing the exhibits, the
24 testimony and exhibits of the witness, and also the exhibits
25 for cross-examination and so forth that would be used at

1 that time for Mr. Catlin, that we would have the exhibits
2 and testimony prior to the hearing. If we can work that
3 out, I think that would make things much easier for
4 everyone.

5 The other comment would be that, you know, if we have
6 all of the attorneys in the hearing room in Harrisburg and
7 Mr. Catlin is participating by telephone in one location and
8 we are in Pittsburgh, we can possibly work that out if we
9 can deal with the problem of having the testimony and
10 exhibits in advance.

11 MS. GANNON: Certainly. Probably the exhibits would
12 not be coming from the OCA; but to the extent we have any
13 exhibits, we will make sure that all parties have them in
14 advance of the hearing.

15 JUDGE CORBETT: All right.

16 MR. GANG: Yes, Your Honor. The absence of the
17 witness, I don't know -- Mr. Isom, my co-counsel, may have
18 known this, but the absence of the witness from the
19 attorneys makes things quite difficult because of the
20 potential for, you know, any -- a cross-examination witness.
21 So, hopefully, we can avoid that.

22 I understand that there may be problems --

23 JUDGE CORBETT: Right.

24 MR. GANG: -- and we will try in every way we can to
25 avoid even the necessity for him to testify.

1 So, we will see how it goes, and we will try to do the
2 best we can.

3 JUDGE CORBETT: Okay.

4 MR. GANG: The other thing I wanted to say was you
5 should be aware, of course, that once Witness Catlin
6 testifies, the Company may have rejoinder testimony in
7 response to him. And, while it is not so indicated here
8 anyplace, the Company reserves the right to submit rejoinder
9 testimony.

10 So, we might have another witness on the phone or in
11 person in Harrisburg to respond to Mr. Catlin, depending
12 upon what he presents and what he says at the hearing.

13 JUDGE CORBETT: Sure.

14 MS. GANNON: And may I add -- this Erin Gannon --
15 since we will be submitting, you know, written surrebuttal
16 testimony, the Company will have advance notice of the areas
17 that Mr. Catlin will be testifying to? So, hopefully, we
18 can work this out.

19 JUDGE CORBETT: Right. I think, as we have done in
20 other cases, you know, all along, I think that the spirit of
21 cooperation is -- I know we have dealt with counsel here
22 before, and we have always worked with counsel and counsel
23 have worked with each other to try to smooth out these
24 possible procedural kinks in a case.

25 So, I would expect that counsel try to work this out

1 among themselves, also.

2 The preferred method, of course, would be if Witness
3 Catlin would not be needed and perhaps some other witness
4 would be able to testify in his stead on that subject matter
5 that he was going to testify to or however you want to work
6 that out.

7 The next preferred step would be to have Witness
8 Catlin available in the hearing room, and only if all other
9 efforts failed would we consider having Witness Catlin
10 participate by telephone.

11 So, you know, with that order of priority, I think,
12 you know, we will leave it up to the parties to try to work
13 that out if they can.

14 I know many times counsel has been able to work out
15 much more complicated procedural problems than these. So, I
16 will leave that up to counsel to work that out.

17 Okay. Do we have any further comments with regard to
18 a litigation schedule at this point?

19 MR. GANG: Mr. Gang again, Your Honor.

20 The schedule that was presented to you, the Company is
21 in accord with, of course, as Ms. Gannon has indicated.

22 The one thing I did want to note is I don't believe we
23 will conduct a settlement conference on the 7th. It is a
24 little early.

25 Discovery is, as you indicated, under way. We will be

1 talking to the parties about informal discovery, and then we
2 will convene a settlement conference. It may be appropriate
3 to delete this from your schedule that you put in your
4 Prehearing Order.

5 JUDGE CORBETT: Yes, I think we can do that. I think
6 we will just delete that line off of the procedural
7 schedule.

8 Again, that is something that the parties will do
9 informally among themselves. And, as Judge Hoyer has
10 indicated, we are going to assume that the parties will try
11 to engage in informal discovery whenever and wherever they
12 can. You know, this would include their expert witnesses
13 and so forth.

14 So, I will leave those things up to the parties. We
15 have experienced counsel here. They know how to do it.

16 You folks take care of that. I know you will.

17 Okay. Any other comments with regard to the schedule
18 at this point?

19 (No response.)

20 JUDGE CORBETT: Okay. Then we will adopt the Joint
21 Proposed Procedural Schedule as we have indicated here, and
22 that will be in our Prehearing Order.

23 Again, we want to make sure that everyone is on the
24 same page with regard to the serving of their written
25 testimony and exhibits.

1 The exhibits must accompany the written testimony.

2 E-mail service we are going to assume is sufficient,
3 so long as it is received on the day that it is due, and
4 with a hard copy to follow by first class mail.

5 We are going to request that the parties, again,
6 confer among themselves to schedule their witnesses for the
7 technical hearings to avoid any dead time or any gaps in the
8 hearing time, the use of hearing, the hearing time. We will
9 let that up to you, so that we have a smooth flow of the
10 hearings without any gaps.

11 Of course, there will be no cumulative or friendly
12 cross-examination.

13 And let me just ask the parties at this point about
14 their anticipated need for transcript delivery. Do you need
15 the transcripts the next day?

16 MR. GANG: The Company does not, Your Honor. Three
17 days is fine.

18 JUDGE CORBETT: Three days? Okay. Is three days
19 satisfactory with everyone?

20 MR. ECKENROD: Yes, Your Honor.

21 MS. WEBB: Yes, Your Honor.

22 MS. GANNON: Yes, Your Honor.

23 JUDGE CORBETT: Okay. Let me just make a note on
24 that. One moment, please.

25 (Pause.)

1 JUDGE CORBETT: Before we leave the subject, again
2 excluding the public input hearings, are there any comments
3 from the parties with regard to the litigation schedule that
4 we haven't covered?

5 (No response.)

6 JUDGE CORBETT: Okay. Hearing nothing, then we will
7 turn to the public input hearings.

8 The OCA has set forth five sites, I believe, for
9 public input hearings.

10 Ms. Gannon, would you be kind enough to just summarize
11 for us the information that your office has received to show
12 that there is substantial public interest in the five sites
13 that you have requested?

14 MS. GANNON: Certainly, Your Honor.

15 I am afraid that what I have outlined is not as clear
16 as it might have been.

17 Basically, the calls -- what I have done here is I
18 have kind of summarized in general the ways in which we have
19 been communicated interest in public input hearings.

20 The first is calls to the Consumer Advocate's Call
21 Center, where people have specifically requested public
22 input hearings. Those requests have generally come from the
23 area of Erie, Meadville, Sharon and Farrell, Oil City and
24 Franklin, St. Marys and DuBois.

25 By far, the most requests that we have received have

1 come from the area of Erie. But, also, we have received
2 numerous requests for Meadville and I would say in the
3 neighborhood of five to ten requests from each of the other
4 locations.

5 In addition to that -- and I believe the Commission
6 has received letters. I am not sure if they made their way
7 to Your Honors, but the Commission has received written
8 requests from several senators and representatives, which I
9 have also listed in the Prehearing Memo, specifically
10 requesting public input hearings either in a town or in a
11 county.

12 In addition, both of the mayors of Sharon and Farrell
13 have also specifically requested public input hearings.

14 Based on those -- we also took a look at -- to the
15 extent we could, we specifically looked at some of the
16 informal written Complaints and the formal written
17 Complaints where there was a specific request for a public
18 input hearing, and then also just kind of took a general
19 look at the addresses where we were getting the informal
20 Complaints and the formal Complaints from to see if they
21 corresponded with the information that we already had, and
22 they did.

23 Certainly, I would request a public input hearing be
24 held in Erie, at least one. I would specifically request a
25 hearing in -- if you will look, I tried to place these out

1 on a map. The Company's service territory is very spread
2 out.

3 But the six locations that I have proposed, if you
4 look at Appendix B, on the first page there, they are each
5 in a different county and they do address each of the
6 specific senator and representative requests for public
7 input hearings.

8 And then, following that on Appendix B, I have listed
9 specific venues that customers or representatives have
10 identified which might be helpful to the Scheduling Staff,
11 and also I have listed just for convenience on the second
12 page of Appendix B locations where in the past public input
13 hearings have been held, specific locations.

14 But, really, the specific locations are more just to
15 assist the Scheduling Staff in coordinating locations.

16 JUDGE CORBETT: I am sorry. You broke up a little bit
17 there, Ms. Gannon. That last sentence or two you broke up.
18 Someone might have brushed up against the microphone for the
19 speaker phone. So, if you could just repeat whatever you
20 said there.

21 MS. GANNON: I believe I had just said that the
22 specific locations that I have listed were more just for the
23 benefit of the Scheduling Staff, to assist them.

24 But the locations that we are requesting are certainly
25 Erie and Meadville, also Sharon and Farrell, Oil City and

1 Franklin, and then St. Marys and DuBois as well.

2 It may be possible to combine some of these that are
3 closer together where we could do perhaps an afternoon and
4 an evening session to reduce the number of days, something
5 like -- while they are not close together, Erie, Meadville,
6 Sharon and Farrell, and Oil City and Franklin are somewhat
7 in the same geographic area. It may be possible to
8 coordinate some afternoon and evenings there. And then St.
9 Marys and DuBois are geographically closer together as well.

10 JUDGE CORBETT: Okay.

11 MS. GANNON: I think that Erie definitely needs to be
12 an evening session, however.

13 JUDGE CORBETT: Right. Okay. Just so I understand,
14 are you proposing three separate sessions for Erie or are
15 you proposing three separate sites for a public input
16 hearing?

17 MS. GANNON: Those are just potential sites, because,
18 as I indicated, we have had past public input hearings in
19 City Hall, but that may not be large enough for what we are
20 anticipating.

21 JUDGE CORBETT: Right.

22 MS. GANNON: So, people have specifically suggested
23 the public library, primarily. Apparently, they have a
24 large area.

25 And then those are two high schools. I can't remember

1 which is which, but one is more to the east of downtown Erie
2 and one is more to the west of downtown Erie.

3 Those are other suggestions for specific venues within
4 Erie.

5 JUDGE CORBETT: I see. Okay.

6 MS. GANNON: And then we have rival suggestions for
7 locations in Sharon and Farrell from both of the mayors
8 there. But, principally, they are just interested in making
9 sure there is a public input hearing in their area.

10 JUDGE CORBETT: Right.

11 All right. Does anyone else have any comments with
12 regard to the public input hearings?

13 MR. GANG: Mr. Gang, Your Honor.

14 It is hard for us to judge all of the information that
15 Ms. Gannon has received. Obviously, we are not privy to it.

16 It does seem to me, though, that typically the Company
17 has had public input hearings in rate cases in Erie, often
18 an evening and afternoon session, and then a hearing in
19 Sharon.

20 Beyond that, it -- it is not clear to us that there is
21 sufficient interest in all of these other communities to
22 justify a public input hearing. I think Ms. Gannon said
23 five or ten customers indicated they might want a public
24 input hearing. I am afraid we might find our way out there
25 without a lot of participation.

1 But you did say, Erin, that I think someone
2 specifically requested Meadville. Did you say that?

3 MS. GANNON: We have had numerous. And, when I say
4 that people have called, I just want to be clear that people
5 have specifically called our office to ask for a public
6 input hearing. Those were the calls that I was counting.

7 But Meadville has gotten -- we have gotten
8 considerable calls from Meadville. As I said, Erie
9 certainly first, and then Meadville.

10 I am sure that the Company is aware of the press
11 coverage in these areas of the filing, and there has been
12 significant press coverage in each of those areas, which I
13 suppose is, in part, educating people to the ability to call
14 the Commission or to call our office, which has driven the
15 number of calls that we have received, which is certainly
16 more than in typical cases.

17 We also have not infrequently had hearings in DuBois,
18 public input hearings in DuBois, for NFG rate cases or
19 purchased gas cases.

20 The difficulty really is the geographic spread of the
21 Company. I think they cover 14 counties. We have only
22 proposed six counties here. But the geography is so spread
23 out that it is really virtually impossible, you know, to ask
24 a customer to travel more than an hour to attend a public
25 input hearing.

1 MR. GANG: Your Honor, this is Mr. Gang again.

2 On behalf of the Company, based on what Ms. Gannon has
3 said, I would suggest a hearing in Erie, perhaps an
4 afternoon and evening session, as has been done in the past,
5 a hearing in Sharon or Farrell, and a hearing in Meadville.

6 JUDGE CORBETT: How strong has been the public
7 interest in hearings in DuBois and Oil City, Ms. Gannon?

8 MS. GANNON: If I could take a moment.

9 (Pause.)

10 JUDGE CORBETT: I think --

11 MS. GANNON: I believe -- I am trying to refresh my
12 recollection here, because I should have brought my list and
13 I did not.

14 JUDGE CORBETT: That is all right.

15 MS. GANNON: I apologize for that oversight.

16 But I would say that I would agree that I have
17 received fewer calls from Oil City and DuBois perhaps. I
18 have received a pretty significant number of calls from St.
19 Marys. But I would agree that the largest number of calls
20 have come from Erie, Meadville, and Sharon/Farrell.

21 JUDGE CORBETT: Okay. I should also note that we have
22 received requests from Senator Mary Jo White and
23 Representative Scott Hutchinson for public input hearings in
24 Venango County, which would be the Franklin/Oil City area, I
25 believe.

1 MS. GANNON: Yes, Your Honor.

2 JUDGE CORBETT: Okay. Of the five sites that you have
3 proposed, that leaves DuBois. It appears not to have as
4 much public interest as the other sites.

5 Any comments with regard to how strongly you need a
6 public input hearing in DuBois, Ms. Gannon?

7 MS. GANNON: Well, as I indicated, we certainly have
8 received calls from there.

9 What I would suggest, perhaps we could begin
10 scheduling the other public input hearings and our office
11 can certainly bring to your attention and the other parties'
12 attention any additional information we receive.

13 We have not had an opportunity to review all of the
14 formal Complaints yet, because it is my understanding that
15 the Complaint file is in the Secretary's Office at this
16 time. So, we are not aware if there are specific requests
17 in the 60-some Complaints that we haven't looked at yet.

18 JUDGE CORBETT: Okay. All right. Well, at this
19 point, it appears that we probably will have to have -- we
20 will have to have an afternoon and an evening session in
21 Erie, I believe. We will have to have a session in the
22 Sharon/Farrell area, also Meadville, and the Franklin/Oil
23 City area.

24 DuBois is questionable at this point, and St. Marys is
25 also questionable. So, the ones that are questionable are

1 DuBois and St. Marys of the list that you gave us,
2 Ms. Gannon.

3 MS. GANNON: That is fine, Your Honor. As I
4 indicated, if I can identify -- if I do identify interest,
5 then I will certainly let the parties know. But we
6 certainly don't want unattended public input hearings
7 either.

8 JUDGE CORBETT: Right.

9 MS. GANNON: That is not in anyone's interest.

10 JUDGE CORBETT: Right.

11 There is a lot to be covered in this case. You know,
12 we are going to have not only the Judges, but also counsel,
13 you know, attending these hearings, and, you know, we have
14 to also consider the value of attending the hearings as
15 opposed to performing discovery and so forth. So, those are
16 matters that we have to balance here.

17 So, if you can get to us any further information of
18 the need for public input hearings in DuBois and St. Marys,
19 we would appreciate it.

20 The others, to reiterate, there would be an afternoon
21 and evening session in Erie. What do you think for the
22 Sharon/Farrell area?

23 MS. GANNON: I would say probably an evening in
24 Sharon/Farrell. Perhaps we could do an afternoon in
25 Meadville.

1 JUDGE CORBETT: Okay.

2 MS. GANNON: Well, either an afternoon in Meadville or
3 Oil City, and then an evening in the other one I would
4 suggest. That way, you know, customers in that area, maybe
5 if they can't attend an afternoon, might be able to travel
6 45 minutes or so for an evening, if that is their
7 preference.

8 JUDGE CORBETT: Okay. Does anyone else have any
9 comments with regard to the public input sessions -- public
10 input hearings?

11 MR. GANG: Your Honor, Mr. Gang.

12 If I may ask the Company representatives, who are more
13 familiar with these locations, if they have any comment.

14 Mr. Meinl?

15 MR. MEINL: Yes. We were just chatting about that.

16 You are settled, then, with Erie for the whole day.
17 And what are you thinking? Going to Meadville, Erin, and
18 then Sharon or --

19 MS. GANNON: Yes. It is my recollection that
20 Meadville is north and then somewhat between -- I guess Oil
21 City is to the east of -- or southeast, I guess, of
22 Meadville.

23 MR. MEINL: Correct.

24 MS. GANNON: Sharon and Farrell are to the southwest.

25 MR. MEINL: Right.

1 MS. GANNON: As I said, I think it is probably
2 important to have an evening in Sharon and Farrell. Perhaps
3 we could do an afternoon in Meadville and then an evening in
4 Oil City.

5 MR. MEINL: I am not sure that would be the best. I
6 don't have my map in front of me.

7 I think you would want to do your Erie based on an
8 afternoon in Meadville, an evening in Sharon and Farrell,
9 and then an afternoon in Oil City, and then that gives you
10 time to get home that day from Oil City.

11 MR. GANG: Did you follow that, Your Honor,
12 suggestion?

13 JUDGE CORBETT: I believe an afternoon and evening in
14 Erie, an afternoon in Meadville, an evening in Sharon/
15 Farrell, and an afternoon in Franklin/Oil City.

16 MS. GANNON: That seems reasonable, Your Honor.

17 This is Erin Gannon.

18 That is assuming that those can be coordinated with
19 the locations, but it seems like a reasonable plan.

20 JUDGE CORBETT: All right. Give me just a minute,
21 please. One moment.

22 (Pause.)

23 JUDGE CORBETT: Okay. We will see how that goes.

24 And then, Ms. Gannon, if you can let us know as soon
25 as possible if you have any need -- if you believe there is

1 any further need for public input hearings in other
2 locations.

3 MS. GANNON: Yes, Your Honor. I certainly will do so.

4 JUDGE CORBETT: All right.

5 MS. WEBB: Your Honor, this is Sharon Webb from the
6 OSBA.

7 We have received a couple of informal inquiries from
8 customers in the Erie area. I am at a little bit of a
9 disadvantage. Obviously, the Complaint file isn't back at
10 the Secretary's Bureau. So, I am not aware of the rest of
11 the locations. In terms of business customers, the only
12 official inquiries I have at this point are from Erie.

13 JUDGE CORBETT: Right.

14 Okay. Insofar as advertising these -- we will work
15 with the schedulers in Harrisburg and set up the venues and
16 the times for these public input hearings.

17 They certainly will not be the week of -- I believe
18 you have proposed the week of August 14. We just don't have
19 enough time to set up the sites and also advertise in
20 sufficient time.

21 MS. GANNON: Your Honor, if I could just jump in here?

22 JUDGE CORBETT: Sure.

23 MS. GANNON: This is Erin Gannon.

24 I agree with that. We had indicated that as well. At
25 the time that we were working out the schedule, we were

1 anticipating an earlier prehearing. So, we certainly agree
2 that the schedulers need time. We absolutely want to make
3 sure that we get sufficient time to advertise the hearings
4 to make them worthwhile for everyone.

5 JUDGE CORBETT: All right.

6 MR. GANG: Your Honor, it is Mr. Gang.

7 It is the Company's practice, whether directed to or
8 not, to advertise the hearings once we know their location
9 in a paper of general circulation approximately a week
10 before the hearing, or at least as soon before as we can,
11 you know, given the timing of when we know when the hearing
12 is and where it is; and we have agreed with OCA, Ms. Gannon,
13 to discuss with them the content of the notice, which will
14 be basically based on the rate case notice that went to the
15 customers, but potentially some additions that briefly
16 describe the Company's Conservation Program and the proposed
17 revenue-to-coupling mechanism.

18 So, we can try to work out a notice with the Consumer
19 Advocate, if that is acceptable to the other parties, to be
20 published in the paper.

21 There is not going to be a lot of time here no matter
22 how we do this, and --

23 JUDGE CORBETT: Right.

24 MR. GANG: -- we will commence those discussions
25 immediately.

1 JUDGE CORBETT: Right. I understand.

2 Does anybody have any comments with regard to the
3 advertising, the manner of advertising, or the proposal of
4 Mr. Gang insofar as notice of these public input hearings?

5 (No response.)

6 JUDGE CORBETT: Okay. Let me just say this. I would
7 expect, again, that the parties work this out among
8 themselves. If you need us to get involved, then you can
9 contact Judge Hoyer or myself and we will discuss this
10 matter further with the parties.

11 As Mr. Gang indicated, we don't have a lot of time to
12 do this.

13 We will let the parties know as soon as we possibly
14 can what we have scheduled for these public input hearings,
15 where they are, and so forth. So, we will share that
16 information with you as soon as we possibly can, and then
17 the parties can work out among themselves how they are going
18 to advertise and give public notice of how these sessions
19 are going to proceed.

20 Is there anything else, then, that we need to discuss
21 with regard to these public input hearings before we move
22 on, then, to the next subject?

23 (No response.)

24 JUDGE CORBETT: Okay. We will move on then.

25 JUDGE HOYER: Okay. This is Judge Hoyer again.

1 We are going to discuss the topic of briefs.

2 We expect that the parties will develop a common brief
3 outline for this case.

4 As far as page limitations on briefs, that is
5 something that we will discuss on the last day of hearing or
6 before that during the hearing process.

7 As far as protected material, Judge Corbett has
8 discussed that and a Protective Order. If protected
9 material is referred to in a brief, we would require that
10 the parties file a redacted copy so that that would be
11 available to the public.

12 As far as service of the briefs, e-mail service, with
13 a hard copy to follow, first class mail.

14 We would ask for us, for Judge Corbett and myself,
15 that the briefs to us be in Microsoft Office Word 2003 or an
16 earlier version.

17 And, of particular importance with respect to the
18 topic of briefs, attached to our Order that is going to go
19 out today will be instructions dealing with how the briefs
20 are to be prepared. We expect that those instructions will
21 be followed to the letter.

22 It is critically important that you follow the format
23 for tables that appears in those instructions.

24 If, after reviewing those instructions, you have any
25 questions, the sooner you contact us and bring those to our

1 attention the better.

2 Obviously, you should copy other parties on any
3 questions you might have with respect to briefs.

4 Any comments on the subject of briefs at this time?

5 (No response.)

6 JUDGE HOYER: Hearing nothing, we will move on.

7 JUDGE CORBETT: Okay. Let me just indicate also that
8 on the subject -- this is Judge Corbett.

9 On the subject of briefs, the appendix that will be
10 attached to the Prehearing Order has, I believe, a outline
11 for a common brief outline for these cases. However, there
12 are some additional issues in this case that may not be
13 covered in that material that is attached to the Prehearing
14 Order.

15 I would expect the parties to discuss among themselves
16 how they would incorporate those additional issues in a
17 common brief outline so that each brief deals with each
18 issue in the same order.

19 That is all we have to say on that.

20 Insofar as the next subject is concerned, I am sure
21 that those who have been in cases with me before have heard
22 my standard line on this, and that is that -- this is on the
23 subject of settlements.

24 Certainly, the Commission encourages settlements. It
25 encourages settlements even in a case like this.

1 I would expect the parties to engage in informal
2 settlement conferences whenever and wherever they possibly
3 can.

4 If there is a settlement achieved, then we expect to
5 have a fully executed Settlement Agreement in our hands to
6 go with a detailed statement ordering settlement by
7 Wednesday, November 22, 2006. That is by the close of
8 business on that date, 4:30 p.m.

9 In the absence of a settlement, then we expect the
10 parties to engage in -- or prepare any stipulations that
11 they possibly can to take care of any issues or any material
12 that is not really in dispute.

13 Again, the stipulations are to be in written form,
14 signed by the parties, to be filed by then, by the
15 stipulation.

16 Any questions with regard to settlement or
17 stipulations?

18 (No response.)

19 JUDGE CORBETT: Okay. Finally, the last item, are
20 there any final comments or anything the parties want to
21 bring to our attention before we adjourn?

22 MS. GANNON: Your Honor, this is Erin Gannon.

23 On the matter of public inputs, there is one matter I
24 wanted to specifically note.

25 In our Prehearing Memo, we had specifically requested

1 that customer Complainants be permitted to testify at the
2 public input hearing sessions.

3 JUDGE CORBETT: Yes.

4 MS. GANNON: And I wanted to, you know, get Your
5 Honor's opinion on that, as to whether that was acceptable.

6 JUDGE CORBETT: Yes. You are talking about the
7 individual Complainants --

8 MS. GANNON: Yes.

9 JUDGE CORBETT: -- appearing and testifying at public
10 input hearings?

11 MS. GANNON: Yes, Your Honor, the individual customer
12 Complainants.

13 JUDGE CORBETT: We would expect -- that was the
14 procedure that we were contemplating in handling the
15 numerous formal Complaints that we have received from the
16 parties, and that would be to encourage them to appear at
17 public input hearings where they could testify and they
18 could be heard on their individual Complaints. That is
19 certainly what we would contemplate in this case.

20 MS. GANNON: Thank you.

21 JUDGE CORBETT: Any other comments from the parties
22 before we adjourn?

23 (No response.)

24 JUDGE CORBETT: Well, I thank you all for your
25 patience and cooperation this morning.

1 You will receive, hopefully, a copy of the Prehearing
2 Order. We want to get that out, send that out to you
3 sometime this afternoon if we can. If not, it will be
4 within the next day or so.

5 MR. GANG: Thank you, Your Honor.

6 JUDGE CORBETT: Thank you all for your patience and
7 cooperation and we look forward to seeing you at the various
8 hearings in this case.

9 We are adjourned.

10 (Whereupon, at 11:17 a.m., the prehearing conference
11 was adjourned.)

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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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