

COMMONWEALTH OF PENNSYLVANIA

PUBLIC UTILITY COMMISSION

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 :
Pennsylvania Public Utility Commission : Docket Nos.
v. Borough of Phoenixville. : R-00061625 and
 Mediation Session/Prehearing Conference. : R-00061625C0001
 :
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Pages 1 through 10

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Hearing Room 2, Plaza Level
Commonwealth Keystone Building
Harrisburg, Pennsylvania

Friday, February 2, 2007

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

CHARLES E. RAINEY, JR., Administrative Law Judge
BRUCE BIGELOW, Mediator

APPEARANCES:

ROBERT ECKENROD, Esquire
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Harrisburg, Pennsylvania 17120
(For Office of Trial Staff)

JENNEDY E. SANTOLLA, Esquire
CHRISTINE M. HOOVER, Esquire
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Harrisburg, Pennsylvania 17101
(For Office of Consumer Advocate)

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(For Borough of Phoenixville)

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WITNESS INDEX

WITNESSES

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(None.)

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FORM 2

EXHIBIT INDEX

NUMBER

FOR IDENTIFICATION

IN EVIDENCE

(None.)

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FORM 2

P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE CHARLES E. RAINEY: Good
3 morning. My name is Charles Rainey, and I am the
4 administrative law judge who has been assigned to this case.

5 And this is the case of the Pennsylvania Public
6 Utility Commission and the Office of Consumer Advocate vs.
7 Borough of Phoenixville, at Docket No. R-00061625 and
8 R-00061625C0001.

9 Let me just state that this is a prehearing
10 conference to be followed by a mediation session.

11 I'll ask the parties at this time to introduce
12 themselves for the record.

13 We'll start with you, Mr. Berger.

14 MR. BERGER: Yes, Your Honor. This is Tad Berger for
15 the Borough of Phoenixville.

16 JUDGE RAINEY: Thank you.

17 Mr. Eckenrod?

18 MR. ECKENROD: Good morning, Your Honor. This is
19 Robert Eckenrod on behalf of the Office of Trial Staff.

20 JUDGE RAINEY: Thank you.

21 And Ms. Santolla?

22 MS. SANTOLLA: Good morning, Your Honor. This is
23 Jennedy Santolla and Christine Hoover for the Office of
24 Consumer Advocate.

25 JUDGE RAINEY: Thank you, Ms. Santolla.

1 A prehearing conference order in this case was issued
2 on January 22, 2007. And in response to the order's
3 directive, prehearing conference memoranda were submitted by
4 the Borough, the Office of Trial Staff, and the Office of
5 Consumer Advocate.

6 Is it my understanding that the parties are in
7 agreement with the proposed procedural schedule that is
8 appended to the Office of Consumer Advocate's prehearing
9 conference memorandum.

10 MR. BERGER: That's correct, Your Honor.

11 MR. ECKENROD: Yes.

12 JUDGE RAINEY: It is also my understanding that the
13 proposed procedural schedule is based on the end of the
14 suspension period having been extended to October 1, 2007,
15 to accommodate mediation. Is that correct?

16 MR. BERGER: Yes, it is, Your Honor.

17 JUDGE RAINEY: Okay. Mr. Berger, I'm going to ask
18 you to send me a copy of the filing extending the end of the
19 suspension period to October 1, 2007.

20 MR. BERGER: Okay, I will, Your Honor.

21 JUDGE RAINEY: Okay. Thank you.

22 Then the procedural schedule that is appended to the
23 Office of Consumer Advocate's prehearing conference
24 memorandum will be adopted.

25 The procedural schedule is as follows. And I will be

1 submitting this in writing in a prehearing order to all of
2 the parties.

3 March 16, 2007, direct testimony of the Borough is
4 due in hand.

5 April 6, 2007, direct testimony of parties other than
6 the Borough due in hand.

7 April 27, 2007, rebuttal testimony of the Borough due
8 in hand.

9 May 11, 2007, surrebuttal testimony of parties other
10 than the Borough due in hand.

11 May 21 through 22, 2007, evidentiary hearings;
12 June 12, 2007, main briefs due in hand; June 26, 2007, reply
13 briefs due in hand.

14 The evidentiary hearings will be held in an available
15 hearing room in the Commonwealth Keystone Building, 400
16 North Street, Harrisburg, Pennsylvania. The evidentiary
17 hearings will begin at 10:00 a.m.

18 Written testimonies and briefs and are due in hand by
19 4:00 p.m. on the due date. Technical terms and concepts are
20 to be clearly defined and explained in written testimonies
21 and briefs.

22 Briefs must follow the content and form for briefs as
23 set forth at 52 Pa. Code, Section 5.501. Briefs shall
24 include proposed findings of fact, conclusions of law, and
25 ordering paragraph.

1 Briefs shall be as concise as possible and shall be
2 limited to 60 pages.

3 Well, let me take that back. At this particular time
4 I'm not going to set a page limit for the briefs.

5 Any unpublished opinions, decisions or policies cited
6 in the briefs must be attached to the brief.

7 The parties indicated in the prehearing conference
8 memoranda that the public has not shown substantial interest
9 in this proceeding so as to necessitate holding one or more
10 public input hearings.

11 If a party becomes aware of sufficient public
12 interest in this proceeding so as to necessitate holding one
13 or more public input hearings, the party is to confer with
14 the other parties and then submit to me in writing as soon
15 as possible proposed dates, times and specific locations for
16 one or more public input hearings.

17 As far as document submission is concerned, written
18 testimonies and briefs may be delivered to me via electronic
19 mail on the date due as long as a hard copy is delivered to
20 me by the following business day via overnight mail or hand
21 delivery.

22 The parties may enter into an agreement in regard to
23 the manner in which they will serve documents on each other.

24 The parties are otherwise required to serve documents
25 on each other consistent with the Commission's rules at

1 Title 52 of the Pennsylvania Code.

2 Are there any questions with regard to either the
3 procedural schedule or the other matters to which I just
4 referenced?

5 MR. BERGER: No, Your Honor.

6 JUDGE RAINEY: Hearing none, then I am going to wish
7 the parties well in their mediation session. And if there
8 is nothing further, then this prehearing conference is
9 adjourned.

10 Thank you very much.

11 MR. BERGER: Thank you, Your Honor.

12 MR. ECKENROD: Thank you, Your Honor.

13 MS. SANTOLLA: Thank you, Your Honor.

14 (Whereupon, at 10:08 a.m., the hearing was adjourned,
15 to reconvene on May 21, 2007, at 10:00 a.m., in Harrisburg,
16 Pennsylvania.)

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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
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accurate record to the best of my ability.

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