

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PA P.U.C. BUREAU
SECRETARY'S BUREAU

Louise Ogilvie :
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 v. :
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 AT&T Communications of Pennsylvania, LLC :

C-20055304

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PREHEARING ORDER

An Initial Telephonic Hearing in this case is scheduled for Wednesday, February 8, 2006, at 10:00 a.m.. Accordingly, the parties are hereby directed to comply with the following requirements:

1. If you intend to present any proposed exhibits for my consideration, you must send one (1) copy to the other party and three (3) copies to me one week before the hearing. Proposed exhibits should be properly pre-marked for identification purposes. Respondent must prepare and submit, as proposed exhibits, the following: (a) an account history of Complainant's residential and commercial accounts, showing all amounts billed, payments made, service disconnections and restorations, and account credits for basic, toll, and non-basic service, as applicable; and, (b) a summary of all contacts during the relevant time period between the Complainant and Respondent concerning her service. Be sure that you serve me directly with a copy of any document that you file in this proceeding, at the time of filing. If you send me any correspondence, 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.

2. If you or any proposed witness will be at a telephone number that is different than the number on the hearing notice, you must notify me of that telephone number at least one (1) week before the hearing.

**DOCUMENT
FOLDER**

3. A request for a change of the scheduled hearing date 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 the hearing date must state the agreement or opposition of other parties, and must be sent to me and all parties of record. The correct address is: Administrative Law Judge Kandace F. Melillo, P.O. Box 3265, Harrisburg, PA 17105-3265. Changes are granted only in rare situations where good cause exists.

4. YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.

5. Although this hearing is being conducted telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

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. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainant is entitled to the relief requested in the Complaint. Please note that the Commission does not possess the authority to award damages to parties for financial and other losses incurred as a result of utility conduct (Feingold v. Bell of Pennsylvania, 477 Pa. 1, 383 A.2d 791 (1977)); however, it does possess the authority to impose civil penalties on utilities for unreasonable service (66 Pa. C.S.

§3301) and to prescribe just and reasonable standards of utility service to be observed (66 Pa. C.S. §1504). If the Complainant is seeking monetary damages, she may only pursue this remedy in another forum.

8. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa.Code §5.421. You must submit your 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 you will have enough time to receive the subpoena and serve it.

9. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa.Code §5.331(b) provides, in relevant part, that "[a] participant shall endeavor to initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa.Code §5.322 provides, in relevant part, that "participants are encouraged to exchange information on an informal basis." All parties are urged to cooperate in informal information exchanges and in conducting discovery. There are limitations on discovery (52 Pa.Code §5.361) and sanctions for abuse of the discovery process (52 Pa.Code §§5.371 & 5.372).

10. **Commission policy is to encourage settlements. 52 Pa.Code §5.231(a). The Respondent will contact Complainant at least one (1) week before the hearing to discuss the possible settlement of this case.** If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

Date: December 22, 2005

Kandace F. Melillo
Kandace F. Melillo
Administrative Law Judge