

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Whitehall Township

v.

R.J. Corman Railroad Company

C-20054822

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FOLDERDOCKETED  
FEB 10 2006PREHEARING CONFERENCE ORDER

An Initial Prehearing Conference in this case is scheduled for Thursday, March 2, 2006, at 10:00 a.m., in Hearing Room #3, Plaza Level, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120. Accordingly, the participants are hereby directed to comply with the following requirements:

1. A request for a change of the scheduled Prehearing Conference date must state the agreement or opposition of other participants, and must be submitted in writing no later than five (5) days prior to the Prehearing Conference. 52 Pa.Code §1.15(b). Requests for changes of Prehearing Conference dates must be sent to me and all participants 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. In accordance with the foregoing, absent a continuance for good cause, all participants must be prepared to participate in the scheduled Prehearing Conference.

2. Participants should 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.)

3. **Each participant must file and serve, at least three (3) days before the Prehearing Conference, a prehearing conference memorandum which sets forth the history of the proceeding, the issues you intend to present, and a listing of your proposed witnesses and the subject of their testimony. In addition, the participants should endeavor to agree upon a procedural schedule for my consideration, which is to be attached to Complainant's prehearing memorandum. This procedural schedule must provide for the prefiling of written testimony, in accordance with 52 Pa. Code §5.412. Participants may also propose a procedural schedule if the participants are unable to agree on a consensus proposal.**

4. Participants should 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. All participants are urged to cooperate in discovery. There are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa.Code §§5.361, 5.371-3.572.

5. 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).

6. 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

participants. For your convenience, a copy of the Commission's current service list of the participants to this proceeding is enclosed with this Order.

7. The Complainant is directed to ascertain whether the July 2, 1956, Commission Order attached to the Complaint, is a complete copy, with no missing pages. In my copy, there are only two (2) unnumbered pages between pages 8 and 13 of the Order.

Date: February 3, 2006

Kandace F. Melillo  
Kandace F. Melillo  
Administrative Law Judge

C-20054822 WHITEHALL TOWNSHIP v. R J CORMAN RAILROAD COMPANY

- ✓ KENNETH SNYDER PRESIDENT  
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ALLENTOWN PA 18101-2400
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