

4. The hearing is a formal proceeding and will be conducted in accordance with the Pennsylvania Public Utility Commission's (Commission) Rules of Practice and Procedure. I have been assigned by the Commission to preside in this matter. The Commission does not provide trials by jury to litigants, but provides hearings before administrative law judges. The Complainant may consult legal counsel as to whether he could obtain a court trial with a jury in civil court in this type of case. If the Complainant does not wish to proceed in this forum, he should file a notice of withdrawal with the Secretary of the Commission and provide copies of the notice to me and all parties.

5. If you intend to introduce any exhibits into evidence at the hearing, you must supply an original and one copy for the court reporter, a copy for me, and one copy for each other party. Proposed exhibits should be properly pre-marked for identification purposes. The utility must prepare, as an exhibit, copies of Complainant's billing history for the period of January 2001 to the present. In addition, the parties should address the issue of civil penalties if Complainant's allegations concerning noncompliance with a prior Commission Order are sustained.

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 THE COMMISSION SO THAT THE**

**COMPLAINANT IS ENTITLED TO THE RELIEF REQUESTED IN THE COMPLAINT.**

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 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] party shall initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa.Code §5.322 provides, in relevant part, that "parties are encouraged to exchange information on an informal basis." 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). Therefore, the utility will contact the Complainant at least one 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: July 10, 2006

Kandace F. Melillo  
Kandace F. Melillo  
Administrative Law Judge

C-20066231 Richard H. Kuntz v. PPL Electric Utilities Corporation

Billing dispute.

RICHARD H KUNTZ  
477 WEST FOURTH STREET  
LOCK HAVEN PA 17745

KIMBERLY G KRUPKA ESQUIRE  
GROSS MCGINLEY LABARRE & EATON LLP  
33 SOUTH SEVENTH STREET  
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COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

PLEASE DOCKET

IN REPLY PLEASE  
REFER TO OUR FILE

July 14, 2006

Richard H. Kuntz  
477 West Fourth Street  
Lock Haven, PA 17745

DOCUMENT  
FOLDER

Re: Richard H. Kuntz v. PPL Electric Utilities Corporation  
Docket No. C-20066231

Dear Mr. Kuntz:

I received a message that you had contacted the Office of Administrative Law Judge staff today and had indicated that you would not be able to drive to Harrisburg for an in-person hearing, now scheduled for Tuesday, August 29, 2006, at 10:00 a.m. I am treating your message as a request for a telephonic hearing, and I am therefore requesting that this matter be rescheduled as a telephonic hearing. You will be notified of this rescheduling by a hearing notice, which will be sent to all parties. A revised Prehearing Order will be forthcoming, which will require proposed exhibits to be sent to me and all parties in advance of the hearing.

The hearing was originally scheduled as an in-person hearing, in response to your request for a more formal hearing (your Complaint requested a formal court trial, which would necessitate an in-person hearing). However, I understand that traveling to Harrisburg would present difficulties, as indicated in your phone call to our offices. I emphasize that if you do not wish to pursue your Complaint through the hearing process, you should file a notice of withdrawal of your Complaint with the Secretary of the Commission, and provide copies of this notice to me and all parties. Unless I receive a copy of this withdrawal, or notice that your Complaint has been resolved, I must proceed with a scheduled hearing.

I also believe it would be beneficial for an agency, friend, or relative to intercede on your behalf to assist in this matter and help review the utility's billing. The utility may have a department which could help locate an area agency on aging or other assistance for this purpose. I am therefore requesting, by copy of this letter, that the utility consider the use of a third party, if acceptable to the Complainant, in its efforts to resolve this case.

Please contact me if you have any questions. As I indicated above, you will receive notice of the scheduling of the telephonic hearing.

Very truly yours,

*Kandace F. Melillo*

Kandace F. Melillo  
Administrative Law Judge

cc: Kimberly G. Krupka, Esquire