

PLEASE DOCKET

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT
FOLDER

Catherine Kerner

v.

PECO Energy Company

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:
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:
:

Z-01526213

DOCKETED
JUL 06 2004

PREHEARING ORDER

A telephonic Initial Hearing in this case is scheduled for Tuesday, August 24, 2004, 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. 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.

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 Wayne L. Weismandel,

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).

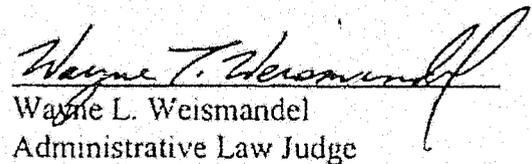
7. The complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the complainant is entitled to the relief requested in the Complaint.

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). Therefore, you are urged to discuss informally between yourselves the possible settlement of this case at least one (1) week before the hearing. If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

Date: June 22, 2004


Wayne L. Weismandel
Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

June 22, 2004

In Re: Z-01526213

(SEE ATTACHED LIST)

Catherine Kerner v. PECO Energy Company

Service Dispute

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial Telephone Hearing
Date: Tuesday, August 24, 2004
Time: 10:00 a.m.
Presiding: Administrative Law Judge Wayne L. Weismandel
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

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JUN 29 2004

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At the above date and time, the Presiding Officer will contact the parties as follows:

Catherine Kerner	610-970-0594
Anthony D. Kanagy, Esquire	215-841-5974

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 3 days before the hearing.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Weismandel
Cherie Pyle
Beth Plantz
Docket Section
Calendar File



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265
June 30, 2004

IN REPLY PLEASE
REFER TO OUR FILE

Anthony D. Kanagy, Esq.
2301 Market Street S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699

DOCKETED
JUL 22 2004

Re: Catherine Kerner v. PECO Energy Company, Docket Number Z-01526213

Dear Mr. Kanagy:

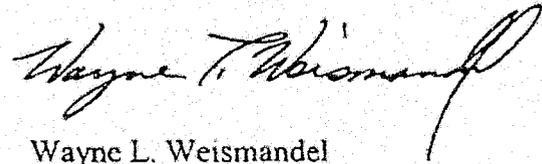
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I am the Administrative Law Judge assigned by the Pennsylvania Public Utility Commission to preside in the above-referenced case.

So that there is no confusion, I want to advise you that the above-referenced case is not an "inability to pay" type of case despite the "Z" docket number that it was given. Rather, the Complaint filed by Ms. Kerner clearly alleges inadequate service by PECO Energy Company. Consequently, if the complainant is able to bear her burden of proof the possibility of the imposition of a civil penalty on PECO pursuant to the provisions of 66 Pa.C.S. §3301 exists.

If you have any questions about this matter, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Wayne L. Weismandel".

Wayne L. Weismandel
Administrative Law Judge

cc: Ms. Catherine Kerner
1519 Harvey Lane
Pottstown, PA 19465

Chief ALJ Veronica Smith

New Filing



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

July 8, 2004

In Re: Z-01526213

(SEE LETTER DATED 6/22/04)

Catherine Kerner v. PECO Energy Company

Service Dispute

Corrected Telephone Hearing Notice

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This is to inform you that the notice dated June 22, 2004 on the above-captioned case contained incorrect information. The purpose of this notice is to correct that information. All corrections are double underlined.

The hearing will be held as follows:

Type: Initial Telephone Hearing

Date: Tuesday, August 24, 2004

Time: 1:00 p.m.

Presiding: Administrative Law Judge Wayne L. Weismandel
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

DOCKETED
AUG 13 2004

The judge will be presiding as authorized by
52 Pa. Code §56.174.

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

RJP

At the above date and time, the Presiding Officer will contact the parties as follows:

Catherine Kerner	610-970-0594
Anthony D. Kanagy, Esquire	215-841-5974

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 3 days before the hearing.

Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Weismandel
Cherie Pyle
Beth Plantz
Docket Section
Calendar File

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No:	Z-01526213		YES	NO
Case Name:	Catherine Kerner v. PECO Energy Company	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	HBG	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	August 24, 2004	Estimated Add'l Days:	N/A	
ALJ:	Wayne L. Weisman	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:	8/24/04.	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:		

DOCUMENT FOLDER

PLEASE PRINT CLEARLY - Incomplete Information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?
ANTHONY J. KANAGY, ESQ.	EXELON BUSINESS SERVICES COMPANY LEGAL DEPARTMENT 2301 MARKET STREET P.O. BOX 8699 City: PHILADELPHIA State: PA Zip: 19101	PECO ENERGY COMPANY
Telephone: (215) 841-5974	E-mail Address:	Fax Number:
EDWARD KERNER	1519 HARVEY LANE City: POTTS TOWN State: PA Zip: 19465	PRO SE
Telephone: (610) 970-0594	E-mail Address:	Fax Number:
	City: State: Zip:	
Telephone:	E-mail Address:	Fax Number:

Check this box if additional parties or attendees appear on back of form.

Cameel Adams
Reporter's Signature