

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Kerry Kurtz

v.

PPL Electric Utilities Corp.

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:  
:  
:  
:

Z-01663172

PREHEARING ORDER

A telephonic Initial Hearing in this case is scheduled for Tuesday, May 31, 2005, at 1:30 p.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 Angela T. Jones, P.O. Box 3265, Harrisburg, PA 17105-3265. Changes are granted only in rare situations where good cause exists.

RJP

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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.

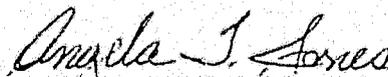
9. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa. Code § 5.331(b) provides, in relevant part, that

"[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.

11. PPL as Respondent should be prepared to show that it has complied with 52 Pa. Code § 56.12.

Date: May 10, 2005

  
\_\_\_\_\_  
Angela T. Jones  
Administrative Law Judge

**OALJ Hearing Report**

Please Check Those Blocks Which Apply

Docket No:	Z-01663172		YES	NO
Case Name:	Kerry Kurtz v PPL Electric Utilities Corp	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"/>
		Estimated Add'l Days:		
Date:	May 31, 2005	RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	Angela T. Jones	DATE:		
Reporting Firm:	Sargents Court Reporting	Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	REQUESTED 2 ADDITIONAL EXHIBITS FROM COMPANY ; WAITING TO RECEIVE THEM B/A CLOSING RECORD	

**DOCUMENT FOLDER**  
**RECEIVED**  
 JUN - 2 2005  
 PA PUBLIC UTILITY COMMISSION  
 SECRETARY'S BUREAU

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

Name and Telephone Number	Address			Who are you representing?
✓ MR. GARY L. WEBER, ESQ. MITCHELL, MITCHELL, GALASHIER, WEBER, SOUTHWARD & WISHARD PC	10 W. 3RD ST. WILLIAMSPORT PA 17701-6513			PPL
Telephone:	E-mail Address:			Fax Number:
✓ MRS. KERRY KURTZ	51 KENAPE DR. E. STROUDSBURG PA 18301			PRO - SE
Telephone:	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.

6/1/05  
e/p

*Daniel P. [Signature]*  
 Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

PLEASE DOCKET

*Mitchell  
Gallagher*  
Attorneys at Law

*J. Neafie Mitchell (1919-1995)*

C. Edward S. Mitchell  
Robert A. Gallagher  
Gary L. Weber  
Bret J. Southard  
Daryl R. Wishard

Email: glw@mimgwsw.com

June 2, 2005

**RJP**

Judge Angela T. Jones  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**RE: Kerry Kurtz v. PPL Electric Utilities  
Corporation  
Docket No. Z-01663172**

Dear Judge Jones

Enclosed are the two supplemental exhibits you requested during the initial hearing:

**PPL Exhibit 3** – Documentation relating to John Janosky's July 29, 2002 meter test.

**PPL Exhibit 4** – Documentation concerning Kevin George's March 4, 2005 meter test.

By copy of this letter, I am serving a copy of the exhibits on the Complainant.

Very truly yours,

**DOCUMENT  
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**MITCHELL MITCHELL GALLAGHER WEBER  
SOUTHARD & WISHARD, P.C.**

Gary L. Weber

**RECEIVED**

GLW:bgh  
Enclosures

JUN - 7 2005

pc w/encs: Kerry Kurtz  
Deidre Bilger  
Linda Waskevich  
Kevin George

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Mitchell Mitchell Gallagher Weber Southard & Wishard P.C.

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