

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PLEASE DOCKET

Joseph and Lisa DeGennaro

v.

Pennsylvania Electric Company

C-20066055

ORDER GRANTING
APPLICATION FOR SUBPOENA

I. INTRODUCTION

On March 29, 2006, Joseph and Lisa DeGennaro (Complainants) filed a Formal Complaint with the Pennsylvania Public Utility Commission (Commission) against Pennsylvania Electric Company (Penelec or Respondent). Penelec filed an Answer and New Matter on April 24, 2006. I was assigned as the presiding officer to hold hearings and issue a decision. An Initial In-Person Hearing is scheduled for Wednesday, August 30, 2006, at 10:00 a.m., in Hearing Room #4, Commonwealth Keystone Building, Harrisburg, PA.

On August 1, 2006, Penelec filed an Application For Subpoena (Application) to compel the attendance of Carl Weyandt, Foreman/Electrical Inspector for the City of Altoona, Pennsylvania. This Application was served upon both Mr. Weyandt and Joseph and Lisa DeGennaro by UPS overnight, with postage prepaid. This, the time for filing an Answer expired on August 11, 2006. As of today, August 14, 2006, no Answer or Objection to the issuance of the subpoena has been served upon me, and I am unaware that any has been filed. This matter is ready for a ruling.

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II. NECESSITY FOR SUBPOENA

Commission regulations at 52 Pa. Code §5.421 provide for the issuance of subpoenas upon a showing of the relevance and materiality of the testimony sought to be compelled, and the scope of the testimony. Penelec's Application asserted that Mr. Weyandt's testimony is relevant and material as to issues of the discovery and notice of unsafe conditions and as to whether the pole location contributed to the unsafe condition. Neither Mr. Weyandt nor the DeGennaros have disputed these assertions of relevancy and materiality. The Application also listed the scope of the testimony sought to be compelled. Thus, I will grant the Application and issue the attached subpoena for the attendance of Carl Weyandt at the August 30, 2006, hearing.

III. SERVICE OF THE SUBPOENA

The requirements for service of the subpoena are set forth in 52 Pa. Code §5.421 (old version as the Complaint was filed prior to April 29, 2006). If service is made by a person other than a sheriff, like officer or deputy, the person shall make an affidavit thereof, and shall return the affidavit on or with the original subpoena. A copy of the subpoena shall be left with Mr. Weyandt. The original subpoena, accompanied by affidavit of service, shall be returned to the Commission's Secretary, with a copy to the presiding officer.

IV. WITNESS FEES

A witness subpoenaed by a party shall be paid, by that party, the same fees and mileage as are paid for the like services in the courts of common pleas.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Application For Subpoena filed by Pennsylvania Electric Company on August 1, 2006, at Docket No. C-20066055 is hereby granted and a subpoena is issued for the attendance of Carl Weyandt. The original and one copy of the Subpoena are attached to this Order, as well as an Affidavit of Service.

Date: August 14, 2006

Kandace F. Melillo
Kandace F. Melillo
Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of: Joseph and Lisa DeGennaro

Docket No. C-20066055

v.

Pennsylvania Electric Company

SUBPOENA

To: Carl Weyandt, City of Altoona, Department of Public Works, 1301 12th Street, Suite 300, Altoona, PA, 16601

(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to Hearing Room 4, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA

(place)

on August 30, 2006, at 10:00 o'clock, in the above case, to testify

(date)

on behalf of Pennsylvania Electric Company and to remain until excused;

2. And bring with you and produce the following: no documents specified - see Application for Subpoena as to subject matter of questioning

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

BY THE COMMISSION

Date August 14, 2006

Kandace J. Melillo
Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of: Joseph and Lisa DeGennaro
v.
Pennsylvania Electric Company

Docket No. C-20066055

SUBPOENA

To: Carl Weyandt, City of Altoona, Department of Public Works, 1301 12th Street, Suite 300,
Altoona, PA, 16601

(Name and Address)

Pursuant to the authority of this Commission under §§309, 331(d)(2) and 333(j) of the Public Utility Code:

1. YOU ARE ORDERED by the Commission to come to Hearing Room 4,
Commonwealth Keystone Building, 400 North Street, Harrisburg, PA
(place)
on August 30, 2006, at 10:00 o'clock, in the above case, to testify
(date)
on behalf of Pennsylvania Electric Company and to remain
until excused;

2. And bring with you and produce the following: no documents specified - see
Application for Subpoena as to subject matter of questioning

This subpoena is issued subject to the provisions of 52 Pa. Code §5.421 (with regard to issuance, notice, service and witness fees).

BY THE COMMISSION

Date August 14, 2006

Katherine J. Mello
Administrative Law Judge

Commonwealth of Pennsylvania

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) SS:
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AFFIDAVIT OF SERVICE

Before me, the undersigned authority, personally appeared _____
who, being duly sworn according to law, deposes and says that he/she served a true and correct
copy of the within SUBPOENA upon Carl Weyandt
by handing the same to him/her at _____ on the
_____ day of _____, 20____ at _____ a.m./p.m.

(Signature)

Sworn to and subscribed before me
this _____ day of _____, 20____

Notary Public