

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cheryl Smith

v.

Philadelphia Gas Works

:  
:  
:  
:  
:

Docket No. Z-01197128

PREHEARING ORDER

An initial telephonic hearing in this case is scheduled for December 5, 2003 at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. If you intend to present any documents or 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. 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 or document, 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, in writing, 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 to me, in writing, no later than five (5) days prior to the hearing. 52 Pa. Code §1.15(b). Such changes are granted only in rare situations where good cause exists.

DOCUMENT

DOCKETED

SEP 04 2003

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. Unless you are a corporation, it is not required that you be represented by an attorney, although you may choose to be represented by an attorney. If you are a corporation, you must be represented by an attorney.

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 the other parties will have the required ten (10) days' notice to answer or object, and so 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. Cooperation is preferable to disagreements, which require my participation to resolve. 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 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: August 27, 2003

  
\_\_\_\_\_  
Marlane R. Chestnut  
Administrative Law Judge

**ORIGINAL**

**RECEIVED**  
2003 DEC -8 AM 6:11

**Philadelphia Gas Works**



PA P.U.C.  
**SECRETARY'S BUREAU PGW**

800 W. Montgomery Avenue, Philadelphia, PA 19122  
Telephone: (215) 236-0500

Laureto A. Farinas, Senior Attorney  
Legal Department  
Direct Dial: 215-684-6982  
FAX: 215-684-6798  
E-mail: laureto.farinas@pgworks.com

December 5, 2003

James McNulty, Secretary  
Pennsylvania Public Utility Commission  
Room B-20, North Office Building  
Harrisburg, PA 17105-3265

**DOCUMENT  
FOLDER**

Re: Cheryl Smith v. PGW, Docket No. Z - 01197128

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaint has been satisfied and the Complainant acknowledges that the Complaint has been satisfied. PGW and the Complainant have discussed the Complainant's concerns with her account. With this discussion the Complainant has indicated on the record of this proceeding that she is satisfied with the resolution of this complaint.

By copy of this letter, I am notifying the Complainant of her right to object to any part of this settlement, in writing to the Public Utility Commission within ten (10) days of the date of this letter.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you for your assistance.

Sincerely,  
*Laureto Farinas*

**DOCKETED**  
DEC 30 2003

cc: Cheryl Smith  
Administrative Law Judge Marlane R. Chestnut (via FAX)  
Annamarie Nagle

COMMONWEALTH OF  
PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

DATE: December 11, 2003

SUBJECT: Certification of Satisfaction Filed  
Z-01197128 Cheryl Smith v. Philadelphia Gas Works

TO: Wanda Zeiders,  
Docket Management

FROM: Judy W. Springer, Scheduling Officer  
Office of Administrative Law Judge

On December 9, 2003, a Certificate of Satisfaction was filed in the above-captioned proceeding by Laureto A. Farinas, Esquire. If no objection is filed to this certificate within 10 days of service, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Marlane R. Chestnut  
Elzy Ditzler  
Beth Plantz  
Case File

DOCUMENT  
FOLDER

**DOCKETED**  
JAN 05 2004

**OALJ Hearing Report**

Please Check Those Blocks Which Apply

Docket No.:	Z-01197128	YES	NO
Case Name:	Cheryl Smith v. Philadelphia Gas Works	Prehearing Held:	<input type="checkbox"/> YES <input type="checkbox"/> NO
		Hearing He'd:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
		Testimony Taken:	<input type="checkbox"/> YES <input type="checkbox"/> NO
		Transcript Due:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
		Hearing Concluded:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/> YES <input type="checkbox"/> NO
Date:	December 5, 2003	Estimated Add'l Days:	
ALJ:	Marlane R. Chestnut	RECORD CLOSED:	<input type="checkbox"/> YES <input type="checkbox"/> NO
Reporting Firm:	Sargents Court Reporting Service, Inc.	Briefs to be Filed:	<input type="checkbox"/> YES <input type="checkbox"/> NO
		Bench Decision:	<input type="checkbox"/> YES <input type="checkbox"/> NO
		REMARKS:	
		<i>settled at hearing</i>	

RECEIVED  
 OFFICE OF ALJ  
 03 DEC 15 AM 11:54  
 PA PUC

DOCUMENT

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

Name and Telephone Number	Address	Who are you representing?
Laureto A. Farinas	800 W. Montgomery Ave City: Phila State: PA Zip: 19122	PGW
Telephone: 215-684-6982	E-mail Address: laureto.farinas@pgworks.com	Fax Number: 215-684-6398
Cheryl Smith	2045 S. Norwood St City: Phila State: PA Zip: 19145	
Telephone: 215-221-0245	E-mail Address:	Fax Number:
	City: State: Zip:	
Telephone:	E-mail Address:	Fax Number:

RECEIVED  
 2003 DEC 16 AM 10:13  
 SECRETARY'S BUREAU

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

*Christina Zyl Payne*  
 Reporter's Signature **RJP**

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

Name and Telephone Number	Address			Who are you representing?
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number: