

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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P.U.C.  
SECRETARY'S BUREAU

St Lucy Society

v.

Pennsylvania Power Company

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C-20055684

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**DOCKETED**  
FEB 10 2006

PREHEARING ORDER

An initial telephonic hearing in this case is scheduled for Tuesday, February 28, 2006, 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 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 before the hearing. 52 Pa. Code §1.15(b). Requests for changes of initial hearings must be sent to the undersigned Administrative Law Judge, with copies to all parties of record. The correct address is: Pennsylvania Public Utility Commission, Office of Administrative Law Judge, 1103 Pittsburgh State Office Building, 300 Liberty Avenue,

Pittsburgh, PA 15222-1210. Only the undersigned Administrative Law Judge or Office of Administrative Law Judge Scheduling Unit may grant a request for a change of an initial hearing. Such changes are granted only in rare situations where sufficient cause exists. Should any party have any questions regarding this procedure, you may contact me at 412-565-3550.

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 represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

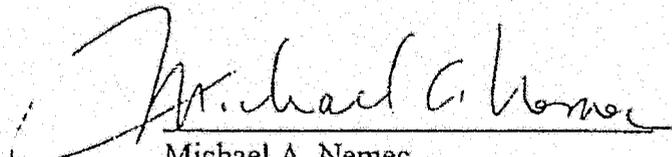
7. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainant is entitled to the relief requested in the complaint.

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. It is the Commission's policy 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.

Dated: January 23, 2006

  
Michael A. Nemec  
Administrative Law Judge

# OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20055684		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	St. Lucy Society	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	v.	Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Pennsylvania Power Company	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Pittsburgh	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	February 28, 2006	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ	Michael A. Nemeo	DATE:	03/28/2006	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	Parties reached an agreement on the record	

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COMMISSION  
GUIDE

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

Name and Telephone Number	Address	Who are you representing?						
Charles M. Pezzulo	P.O. Box 276	Complainant pro se						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 0.8em;">City</td> <td style="font-size: 0.8em;">State</td> <td style="font-size: 0.8em;">Zip</td> </tr> <tr> <td>Hillsville</td> <td>PA</td> <td>16132</td> </tr> </table>	City	State	Zip	Hillsville	PA	16132	
City	State	Zip						
Hillsville	PA	16132						
Telephone: 724-667-8991	E-mail Address:	Fax Number:						
Harry A. Flannery, Esq.	76 South Main Street	Respondent						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 0.8em;">City</td> <td style="font-size: 0.8em;">State</td> <td style="font-size: 0.8em;">Zip</td> </tr> <tr> <td>Akron</td> <td>OH</td> <td>44308</td> </tr> </table>	City	State	Zip	Akron	OH	44308	
City	State	Zip						
Akron	OH	44308						
Telephone: 330-761-4206	E-mail Address: <i>flanneryh@bwtc.com</i>	Fax Number: 330 761 4206						
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 0.8em;">City</td> <td style="font-size: 0.8em;">State</td> <td style="font-size: 0.8em;">Zip</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	City	State	Zip				
City	State	Zip						
Telephone:	E-mail Address:	Fax Number:						

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

*Barbara Hointer*

Reporter's Signature

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