

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

-----x  
Hubert J. Franklin v. : Docket No.  
Conneaut Lake Park, Inc. Trustees. : C-20029158  
Billing dispute. :

-----x  
Carol McClenahan v. : Docket No.  
Conneaut Lake Park, Inc. Trustees. : C-20039214  
Service and billing dispute. :

Initial telephonic  
prehearing conference. :

DOCUMENT  
FOLDER

Pages 1 through 9

State Office Building  
Hearing Room 1  
300 Liberty Avenue  
Pittsburgh, Pennsylvania

Wednesday, November 19, 2003

**DOCKETED**

JAN 09 2004

Met, pursuant to notice, at 10:10 a.m.

BEFORE:

JAMES D. PORTERFIELD, Administrative Law Judge

APPEARANCES:

HUBERT J. FRANKLIN, JR.  
208 Bainbridge Drive  
Aliquippa, Pennsylvania 15001  
(Pro se)

CAROL McCLENAHAN  
582 Mohawk Road  
Edinburg, Pennsylvania 16116  
(Pro se)

*J. M.*  
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WITNESS INDEX

WITNESS

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(None.)

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EXHIBIT INDEX

NUMBERS

FOR IDENTIFICATION IN EVIDENCE

(None.)

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FORM 2

P R O C E E D I N G S

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2 ADMINISTRATIVE LAW JUDGE JAMES D. PORTERFIELD: I'm  
3 Administrative Law Judge James D. Porterfield, the  
4 presiding officer assigned by the Office of Administrative  
5 Law Judge for the Pennsylvania Public Utility Commission to  
6 hear the matter captioned Hubert J. Franklin versus  
7 Conneaut Lake Park, Inc., Trustees at Docket C-20029158,  
8 and Carol McClenahan versus Conneaut Lake Park, Inc.,  
9 Trustees at Docket C-20039214.

10 It being November the 19th, now at about 10:10, it  
11 is the time set pursuant to notice to the parties most  
12 recently dated October 24th, 2003, for the initial  
13 prehearing conference.

14 This morning, as the following transcription will  
15 reflect, I have contacted Carol McClenahan and Hubert J.  
16 Franklin, the complainants. The complaints haven't been  
17 formally consolidated, and I am not sure that other than a  
18 common respondent there are common issues, so I will hold  
19 off at this point formally consolidating them. In any  
20 event, I did contact the two complainants.

21 In my first attempt to contact Conneaut Lake Park,  
22 Inc., and I will note at this time that no counsel had  
23 entered an appearance notwithstanding the respondent being  
24 a corporate entity, I was unable to contact Mary E.  
25 ReBrassier.

1 After I got through to a number at Conneaut Lake  
2 Park, they indicated that Ms. ReBrassier had an emergency  
3 taking her mother to the hospital. A representative at  
4 Conneaut Lake Park did give me Ms. ReBrassier's cell phone  
5 number and I did reach her at the hospital.

6 She indicated that she does have counsel for these  
7 cases, Bill Gregg. I called Mr. Gregg at 814-382-3949 and  
8 left a message for him to get in touch with me regarding  
9 these complaints. I am going to put out a letter to Mr.  
10 Gregg and Conneaut Lake Park today to one, have an  
11 appearance entered by counsel, and two, have the complaints  
12 answered.

13 I take it neither of you have received word from a  
14 lawyer for Conneaut Lake Park.

15 MR. FRANKLIN: No.

16 MS. McCLENAHAN: No.

17 JUDGE PORTERFIELD: I haven't either, but she did  
18 give me the name Bill Gregg and a telephone number.

19 What I have to do in light of this emergency is  
20 write a letter explaining that Mr. Gregg has to enter an  
21 appearance and an answer. As far as I know, no one has  
22 answered your complaints. Is that correct?

23 MS. McCLENAHAN: Yes.

24 MR. FRANKLIN: Everything I had is going to the PUC  
25 in Harrisburg.

1 JUDGE PORTERFIELD: Somebody should have answered  
2 the complaint, so let me get a letter out this morning. I  
3 am going to continue this, and I apologize for that  
4 although I don't know why I am apologizing. It's really  
5 not my fault.

6 MR. FRANKLIN: This has been going on since 1999.

7 JUDGE PORTERFIELD: And no one has tried to resolve  
8 this with you?

9 MR. FRANKLIN: In 1999, I filed a complaint with  
10 the PUC.

11 JUDGE PORTERFIELD: Your complaint is dated 2002.

12 MR. FRANKLIN: It was way before that. It started  
13 out back in 1999. Finally, the Commission adopted the  
14 final rates.

15 JUDGE PORTERFIELD: Let's not get into the  
16 substance. What I am going to do is put out a letter today  
17 and I will copy you in on it. I will ask them to schedule  
18 these complaints again as soon as possible. Would either  
19 one of you prefer to have an in-person hearing?

20 MS. McCLENAHAN: I'm working. I'm a teacher. I  
21 have taken time off and am supposed to be back in the  
22 classroom as soon as I finish here. If you can schedule  
23 it...

24 JUDGE PORTERFIELD: I can try to schedule it around  
25 your schedule.

1 MS. McCLENAHAN: Is 4:00 a reasonable request?

2 JUDGE PORTERFIELD: No. Is there a time during the  
3 day when you normally get a break?

4 MS. McCLENAHAN: What I could do is take a cell  
5 phone with me on that day. That would be a possibility. I  
6 hate to take off another time.

7 JUDGE PORTERFIELD: I understand, but surely you  
8 get some free time. Do you have a time you prefer to  
9 10:00?

10 MS. McCLENAHAN: Well, 11:00 would be better.

11 JUDGE PORTERFIELD: Okay. Mr. Franklin, do you  
12 have any problem with an 11:00 start?

13 MR. FRANKLIN: Not unless something comes up. We  
14 are talking about 11:00 when?

15 JUDGE PORTERFIELD: I don't know. For whatever  
16 reason, we have had a tremendous influx of cases. I'm  
17 going to ask them to slot this in as soon as possible, but  
18 with that being said, I have cases now scheduled for  
19 hearings up in to March. I will ask them to do it as soon  
20 as possible.

21 What I will do is get a letter out today, ask the  
22 scheduling unit to schedule this as soon as possible and  
23 try to get on with this thing.

24 MR. FRANKLIN: If they prolong this, Your Honor,  
25 too much longer, I may not be even living.

1 JUDGE PORTERFIELD: Don't say that. All I can do  
2 is what I can do, Mr. Franklin.

3 MR. FRANKLIN: The longer they drag their feet, it  
4 seems like it will go in their favor no matter what  
5 happens. I feel like they have sandbagged the whole thing.

6 JUDGE PORTERFIELD: Mr. Franklin, there's no way I  
7 can wave a magic wand and fix it.

8 MR. FRANKLIN: I know that.

9 JUDGE PORTERFIELD: All right. Thank you both.

10 MS. McCLENAHAN: Do you want my cell phone number?

11 JUDGE PORTERFIELD: Yes.

12 MS. McCLENAHAN: It's 724-674-0942.

13 JUDGE PORTERFIELD: Okay, thank you.

14 MS. McCLENAHAN: And, that won't be used unless I  
15 know you are going to call because I won't have it on.

16 JUDGE PORTERFIELD: Right, I understand that.

17 MS. McCLENAHAN: All right.

18 JUDGE PORTERFIELD: Good day to you all.

19 (Whereupon, at 10:20 a.m., the hearing was adjourned.)  
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C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were reported by me and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

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FORM 2