

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

JOAN GREENE,
v.
METROPOLITAN EDISON CO.
PLC

Docket No.:
C20029142

DOCUMENT

DOCKETED

MAR 05 2004

Keystone Building
Harrisburg, Pennsylvania

Thursday, February 12, 2004
Commencing at 10:00 a.m.

BEFORE:

MICHAEL SCHNIERLE, Administrative Law Judge

APPEARANCES:

JEFFREY A. FRANKLIN, Esquire
Ryan, Russell, Ogden & Seltzer, LLP
1105 Berkshire Boulevard
Suite 330
Wyomissing, PA 19610-1222
For the Respondent

RECEIVED

FEB 26 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

REPORTER: Bernadette M. Black

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WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

NONE TESTIFIED

P R O C E E D I N G S

JUDGE MICHAEL SCHNIERLE:

This is the time and place set for hearing in the matter of Joan Greene versus Metropolitan Edison Company. The docket number is C-20029142. My name is Michael Schnierle. I'm the Administrative Law Judge assigned to this case. I note the appearance of Jeffrey Franklin for the Metropolitan Edison Company. At this time, Joan Greene is not present in the courtroom. We're going to wait 15 minutes anyway to see if she shows up, because if you're not familiar with the parking in downtown Harrisburg, it can be difficult at best. Also, I did receive from her this week a set of Exhibits, so I have no reason to believe that she didn't intend to be here. So we'll be in recess in 15 minutes.

SHORT RECESS

JUDGE SCHNIERLE:

All right. It's 10:30 a.m. I tried to call Ms. Greene at home. The phone rang at least a dozen times. Nobody answered. She's still not here. Met Ed has pointed out that with her Exhibits was a letter in which she asks that I decide --- she states

1 that she will be unable to attend the hearing, and
2 requests you decide the case based on all of the
3 written evidence I provided you and the Secretary of
4 PCC, including my original complaint. Mr. Franklin,
5 do you have any motion you wish to make at this time?

6 ATTORNEY FRANKLIN:

7 Yes, Your Honor. Met Ed makes a motion
8 to dismiss for the Complainant's failure to appear at
9 the date and time set. The Plaintiff was not aware
10 previously of any conflicts, and we have received no
11 requests for extension or a continuance of this
12 hearing. Met Ed is prepared and was ready to proceed
13 this morning. We are unduly prejudiced with that
14 attitude, as we would have to prepare again at a
15 future date. Therefore, we're going to request that
16 the complaint be dismissed for failure to prosecute.
17 And there's been entrance of no testimony and no
18 witnesses.

19 JUDGE SCHNIERLE:

20 That motion will be granted by initial
21 decision. The hearing is adjourned. Thank you very
22 much, and have a good day.

23 ATTORNEY FRANKLIN:

24 Thank you, Your Honor.

25 * * * HEARING CONCLUDED AT 10:45 A.M. * * *

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<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
NONE TESTIFIED				

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C E R T I F I C A T E

I HEREBY CERTIFY THAT THE FOREGOING PROCEEDINGS
WERE REPORTED STENOGRAPHICALLY BY ME AND THEREAFTER
REDUCED TO TYPEWRITING AND THAT THIS TRANSCRIPT
IS A TRUE AND ACCURATE RECORD THEREOF.

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