

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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: Daniel T. Yastishock v. PPL Electric : Docket No.
: Utilities Corporation Meter dispute. : F-01339570
:
: Initial Telephonic Hearing :
:
: ----- X

Pages 1 through 7 Hearing Room No. 3
Commonwealth Keystone Bldg
Harrisburg, Pennsylvania

Friday, January 23, 2004

Met, pursuant to notice, at 10:15 a.m.

BEFORE:

DEBRA PAIST, Administrative Law Judge

APPEARANCES:

KIMBERLY G. KRUPKA, Esquire
Gross, McGinley, Labarre & Eaton
33 South Seventh Street
Allentown, Pennsylvania 18101
(For PPL Electric Utilities Corporation)

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WITNESS INDEX

WITNESSES: DIRECT CROSS REDIRECT RECROSS

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P R O C E E D I N G S

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2 ADMINISTRATIVE LAW JUDGE DEBRA PAIST: Good
3 morning. We are here this morning for what was supposed
4 to be a hearing on the Complaint of Daniel Yastishock
5 versus PPL Electric Utilities Corporation at Docket
6 No. F-01339570.

7 I have on the telephone this morning Attorney
8 Kimberly Krupka, who represents PPL. But I do not have
9 on the telephone this morning Mr. Daniel Yastishock, the
10 Complainant, because each time I have called his home
11 telephone number, I have not been able to reach him; all
12 I reached is an answering machine.

13 I called his home telephone number of 545-4993,
14 which is listed on his formal Complaint, at 10:00, and I
15 got an answering machine on which I recorded the message
16 that I was calling for today's hearing, and I also gave
17 him my direct dial telephone number at the Commission
18 and asked him to call me. I explained that I would call
19 him back at 10:15 for participation in the hearing, and
20 that if he was not available I would assume that he
21 didn't want to participate in the hearing and I would
22 dismiss his Complaint.

23 I went upstairs to my office to see whether or
24 not he had left any messages for me. I double checked
25 my telephone messages on my machine telephone voice mail

1 answering system at 10:15 and Mr. Yastishock did not
2 call. I also verified that Mr. Yastishock had not left
3 any messages on the main telephone number which is
4 listed on the Hearing Notice for the Office of
5 Administrative Law Judge, and there are no messages
6 there from Mr. Yastishock.

7 At 10:16, I dialed Mr. Yastishock's home
8 telephone number a second time, and again, all I
9 received was the answering machine on which I recorded a
10 message.

11 Now, at this point, we're starting the hearing in
12 the absence of Mr. Yastishock. His absence is
13 unexcused. He has not asked for a continuance of
14 today's hearing and I have no idea why I cannot reach
15 him.

16 So at this point, let me ask Ms. Krupka if she has
17 anything that she would like to put on the record. Ms.
18 Krupka, anything that you'd like to put on the record
19 this morning?

20 MS. KRUPKA: Yes, Your Honor. On behalf of PPL,
21 we would like to make a motion to dismiss Mr.
22 Yastishock's Complaint for failure to prosecute today.

23 JUDGE PAIST: 'And I'm going to grant that because
24 his absence from the hearing is unexcused. He hasn't
25 asked for a continuance of the hearing, and I have no

1 idea why we can't reach him this morning.

2 We had the hearing scheduled for Friday
3 specifically at his request, because in his formal
4 Complaint he indicated that he works four days a week,
5 ten hours a day, Monday through Thursday. So we
6 scheduled the hearing specifically for Friday to
7 accommodate him, and yet, as I said, I can't reach him
8 on the phone, and he hasn't called in to question why I
9 haven't called him at a different number or anything of
10 the sort, so I have no way to reach him. His absence is
11 unexcused. He hasn't asked for a continuance.

12 Therefore, he has not prosecuted the Complaint by
13 putting in any evidence on the record, and I'm going to
14 grant the motion to dismiss.

15 I'll confirm it in writing with a written
16 Decision.

17 Thank you, Ms. Krupka, for your participation in
18 the hearing this morning. Thank you for your
19 preparation for the case, and please let your PPL
20 witnesses know that I appreciate the preparation that
21 they made for today's hearing.

22 I did receive from you the exhibits that you
23 would have put into the record had Mr. Yastishock had
24 participated, so I appreciate all the effort that was
25 made.

1 Thank you very much. That concludes the hearing.

2 MS. KRUPKA: Thank you, Your Honor.

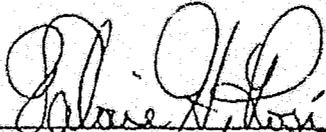
3 (Whereupon, at 10:18 a.m., the hearing was
4 adjourned.)

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6 * * *

7
8 C E R T I F I C A T E

9 I hereby certify, as the stenographic
10 reporter, that the foregoing proceedings were taken
11 stenographically by me, and thereafter reduced to
12 typewriting by me or under my direction; and that this
13 transcript is a true and accurate record to the best of
14 my ability.

15 COMMONWEALTH REPORTING COMPANY, INC.

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17 BY: 

18 Valorie H. Rosi

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