

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DAVID SMYK

: DOCKET #:

: C-20065797

-VS

VERIZON PENNSYLVANIA, INC.:

STATE OFFICE BUILDING
1400 SPRING GARDEN STREET
PHILADELPHIA, PENNSYLVANIA
Wednesday, April 26, 2006
Commencing at 1:00 p.m.

DOCKETED
MAY 22 2006

SECRET

2006 MAY -8 AM 9:01

BEFORE:

HERBERT SMOLEN

**DOCUMENT
FOLDER**

APPEARANCES:

Law Offices of Hawke, McKeon, Sniscak
& Kennard

BY: RIKARDO J. HULL, Esquire

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Harrisburg, Pennsylvania 17105-1778

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2 THE COURT: We're on the record
3 now. This is the matter of David Smyk versus
4 Verizon Pennsylvania, Inc. in Docket
5 C-20065797. My name is Herbert Smolen,
6 Administrative Law Judge, assigned by the
7 commission to hear the evidence in this case
8 and to render an initial decision in writing in
9 due course.

10 Let the record show that this is
11 a telephonic hearing, and that on the telephone
12 we have representing Verizon Pennsylvania, Inc.
13 its counsel, Rikardo Hull, Esquire.

14 Mr. Hull, will you acknowledge
15 your presence?

16 MR. HULL: Yes, your Honor, I am
17 here.

18 THE COURT: And you are prepared
19 with a witness to proceed in this case?

20 MR. HULL: I am, your Honor.

21 THE COURT: Let the record
22 further show that no appearance either in
23 person or by counsel has been entered on behalf
24 of the Complainant David Smyk.

1 Let the record show that the
2 Administrative Law Judge placed a telephone
3 call to the complainant at the telephone number
4 listed in his complaint, and the telephone call
5 was answered by a telephone answering service
6 whereupon the Administrative Law Judge left a
7 message informing him as to the nature and
8 purpose of the telephone call; that is, to
9 proceed with the telephonic hearing.

10 Let the record also show that
11 under the date of March 29, 2006 written notice
12 of today's telephonic hearing was sent to all
13 of the parties. The record should always
14 disclose that under the date of April 4, 2006
15 the Administrative Law Judge issued a
16 prehearing order also setting forth today,
17 April 26, 2006, at 1:00 p.m. as the date and
18 time for the hearing.

19 Again, let me state for the
20 record that the complainant has not
21 communicated with this office to explain his
22 absence and as a foresaid was unavailable by
23 telephone to proceed with the hearing.

24 Now, having placed those facts

1 upon the record, I'll ask Mr. Hull if he has
2 any comments or anything else he wants to put
3 on the record?

4 MR. HULL: Your Honor, at this
5 time I would like to make a motion to dismiss
6 Mr. Smyk's complaint for failure to prosecute.

7 THE COURT: I'm going to take
8 your motion under advisement, and I will deal
9 with it in the initial decision.

10 Thank you very much for
11 appearing. This hearing is now adjourned.

12 MR. HULL: Thank you, your
13 Honor.

14 - - -

15 (Proceedings concluded at or
16 around 1:10 p.m.)

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C E R T I F I C A T I O N

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4 I hereby certify that the proceedings
5 and evidence are contained fully and accurately
6 in the stenographic notes taken by me upon the
7 foregoing matter on April 26, 2006, and that this
8 is a correct transcript of the same.
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14 _____
Jennifer Navejar
Court Reporter-Notary Public

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18 (The foregoing certification of this transcript
19 does not apply to any reproduction of the same by
20 any means, unless under the direct control and/or
21 supervision of the certifying reporter.)
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