

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joseph &amp; Karen Fucc

v.

Philadelphia Gas Works

**DOCKETED**  
NOV 03 2006

C-20066831

PREHEARING ORDER**DOCUMENT  
FOLDER**

An Initial Hearing in this case is scheduled for an available hearing room on the thirteenth floor of the Philadelphia State Office Building on Thursday, December 7, 2006, at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. You must 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 Pennsylvania Public Utility Commission's ("Commission" or "PUC") current service list of the parties to this proceeding is enclosed with this Order.

2. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code § 1.15(b). Requests for changes of hearing dates must be sent to me and all parties of record. The correct address is: Administrative Law Judge Angela T. Jones, 1302 Philadelphia State Office Building, 1400 West Spring Garden Street, Philadelphia, PA 19130. Changes are granted only in rare situations where good cause exists.

3. **YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

**BTL**

4. The hearing is a formal proceeding and will be conducted in accordance with the Pennsylvania Public Utility Commission's Rules of Practice and Procedure.

5. If you intend to introduce any exhibits into evidence at the hearing, you must supply an original and one copy for the court reporter, a copy for me, and one copy for each other party. Proposed exhibits should be properly pre-marked for identification purposes.

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 licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa. Code § 1.24(b).

**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 THE 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.

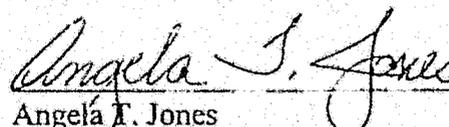
9. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa. Code § 5.331(b) provides, in relevant part, that "[a] party shall initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa.

Code § 5.322 provides, in relevant part, that "parties are encouraged to exchange information on an informal basis." Parties are urged to cooperate in informal information exchanges and in conducting discovery. 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. Commission policy is 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.

11. Any document(s) regarding the Customer Responsibility Program (CRP) as agreed to by the parties and the notice required if changes in payment are necessary is encouraged to be submitted as an exhibit.

Date: October 24, 2006

  
Angela F. Jones  
Administrative Law Judge

# OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20066831		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
Case Name:	Joseph & Karen Fuce v. Philadelphia Gas Works	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:		
Date:	December 7, 2006	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Angela T Jones	DATE:	WHEN TRANSCRIPT REV'D	
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
REMARKS: MOTION GRANTED TO DISMISS THE CASE. COMPLAINANT INVOKED RIGHT TO REMAIN SILENT UNDER UCC SECTION 1-207.				

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

Name and Telephone Number	Address	Who are you representing?
Laureto Farinas, Esq. 215-684-6982	800 W. Montgomery Avenue Philadelphia, PA 19122 <a href="mailto:laureto.farinas@pqworks.com">laureto.farinas@pqworks.com</a>	PHILADELPHIA GAS WORKS FAX # 215-684-6798

Telephone:	E-mail Address:	
Joseph Fuce Esq. 215-475-7477	4547 Old York PA City: Phila State: PA Zip: 19141	myself
Telephone:	E-mail Address:	Fax Number:
	City: State: Zip:	
Telephone:	E-mail Address:	Fax Number:

ETL

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



Reporter's Signature

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

Pa Public Utility Commission[2]

:Joseph:Fuce:II:  
4547 Old York Road,2nd floor  
Philadelphia, Pa 19140

Ref#6335-2-005

Date: 12/27/06

:Angela-T.:Jones:, Esq., Administrative Judge  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pa 17105-3265  
Attn: :James-J.:McNulty:, Sec'ty  
:Lou:Sauers:, Div. Chief  
:Terry:Trout:  
:Regina:Brown:

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1302 Philadelphia State Office Bldg.  
1400 West Spring Garden Street  
Philadelphia, Pa 19130

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
HARRISBURG, PA 17105-3265

Legal Notice and Order

Ref: Ltr of Notice, Ref#6335-2-003[4], dated 12/4/06, to :Angela-T.:Jones:,  
Esq., Administrative Judge  
Initial Hearing, dated 12/7/06, :Fuce:II: V. P.G.W., C-20066831

Re: C-20066831 :Fuce:II: V. P.G.W., Ruling concerning

:Angela-T.:Jones:, Esquire, Administrative Judge,

Notice

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I, :Joseph: of the :Fuce:-Family, in the second generation, Sovereign, of the  
State of Pennsylvania, in the jurisdiction of the State and National Flags,  
shall not be deprived of Life, Liberty, Property, Privileges, or Immunities,  
or in any manner disfranchised except by due process course of the Law of  
the State of Pennsylvania or the United States of America.

On the First day of the month of September, 2006, I, :Joseph: of the :Fuce:-  
Family, in the second generation, Sovereign, filed a formal complaint with  
:James-J.:McNulty:, the secretary of the Pennsylvania Public Utility Com-  
mission.

On the Thirtieth day of the month of September, 2006, I, :Joseph:, the Com-  
plaintant, forwarded a Final Notice and Demand to :Regina:Brown: of the  
Pa Public Utility Commission.

On the Seventh day of the month of December, 2006, I, :Joseph:, the com-  
plaintant, was present at the hearing before you, :Angela-T.: of the :Jones:-  
Family, Esquire, the administrative Judge and presented evidence concerning  
the matter of :Fuce:II: V. P.G.W..

For the issue and evidence presented was, that, the Philadelphia Gas works Co.,  
a private company, knowingly, willfully, and without reason, increased the value  
of the CRP Agreement without proper notification and neglected to make a  
diligent attempt to negotiate a reasonable agreement in direct violation of  
Pa.C.S., Title 52, Part I, Subpart A, Chapter 56, Subpart F, Section 56.151(b).

On the seventeenth day of the month of October, 2006, :Laureto-A.: of the  
:Farinas:-Family, Esquire #50415, the legal representative for P.G.W., acting  
under color of law, knowingly and willfully, verified, that, P.G.W. denied  
breaching the CRP "contract", but neglected to provide the "contract" nor  
provide any evidence of the proper lawful notification of the increase of  
the value of the CRP "Agreement" prior to the billing concerning the re-

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Pa Public Utility Commission[2]

certification of the "Agreement" and therefore :Laureto-A.:Farinas:, Esq., knowingly and willfully, engaged in perjury pursuant to 18Pa.C.S., Sec. 4904, and therefore was estopped from producing any other evidence. Mr.:Farinas:, Esquire#50415 remained silent concerning the settlement of the complaint filed by me, :Joseph: of the :Fuce:-Family, in the second generation, Sovereign, the complainant.

Enclosed, an Order for a ruling concerning the matter of :Fuce:II: V. P.G.W., C-20066831, to be responded to immediately by you, :Angela-T.:Jones:, Esq., the Administrative Judge, in writing, bearing your lawful name and authentic autograph, and no stamp!

For the failure to rule :Angela-T.:Jones:, Esquire, the Administrative Judge, will be a direct violation of your Oath of Office and treason.

Notice to principle is notice to agent. Notice to agent is notice to principle.

*: Joseph: Fuce:II:*  
:Joseph:Fuce:II:, Sui juris, Complainant  
All rights reserved without prejudice per U.C.C.1-207

Certificate of Delivery

I, :Joseph: of the :Fuce:-Family, in the second generation, Sovereign, declare under the penalty of perjury under the laws of the United States of America, that, I, :Joseph: mailed by first class mail along with a certificate of mailing the legal Notice and Order to P.O. Box 3265, Harrisburg, Pa, 17105-3265, to :Angela-T.:Jones:, Esquire, the Administrative Judge, of the Pa Public Utility Commission.

*: Joseph: Fuce:II:*  
:Joseph:Fuce:II:, Sui juris  
Without prejudice per 1-207

cc: :Fuce:II:





Pa Public Utility Commission[2]

:Joseph:Fuce:II:  
4547 Old York Road,2nd floor  
Philadelphia, Pa 19140

Ref#6335-2-006

Date: 1/18/07

:Angela-T.:Jones:,Esq.,Administrative Judge  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg,Pa 17105-3265  
Attn: :James-J.:McNulty:,Sec'ty  
:Lou:Sauers:,Div. Chief  
:Terry:Trout:  
:Regina:Brown:

1302 Philadelphia State Office Bldg.  
1400 West Spring Garden Street  
Philadelphia, Pa 19130

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JAN 28 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Legal Notice and Inquiry

Ref: Legal Notice&Order,Ref#6335-2-005,dated 12/27/06,to :Angela-T.:  
Jones:,Esq.,Administrative Judge  
Ltr of Notice,Ref#6335-2-003[4],dated 12/4/06,to :Angela-T.:Jones:,  
Esq.,Administrative Judge  
Initial Hearing,dated 12/7/06,:Fuce:II: V. P.G.W.,C-20066831

Re: C-20066831 :Fuce:II: V. P.G.W.,Order concerning

:Angela-T.:Jones:,Esquire,Administrative Judge,

For the witness is with the volition of the truth with his testimony.

Notice

I,:Joseph: of the :Fuce:-Family,in the second generation,Sovereign,of the  
State of Pennsylvania,in the jurisdiction of the State and National Flags,  
on the Eighteenth day of the month of January,2007,have not recieved an  
order of relief concerning the matter C-20066831 :Fuce:II: V. P.G.W. from  
you,:Angela-T.:Jones:,Esquire,the Administrative Judge.

Inquiry

With direct knowledge of perjury by :Laureto-A.: of the :Farinas:-Family,  
an attorney,what is the specific reason,why,you,:Angela-T.: of the :Jones:  
-Family,an attorney,acting under color of law,have not responded to the Order?

:Angela-T.:Jones:,Esquire,Adiminstrative Judge,your silence is your ac-  
quiescence,that,you are acting in felony breach of your Oath of Office  
while involved in a conspiracy to deprive me,:Joseph: of the :Fuce:-  
Family,in the second generation,Sovereign,of my inalienable right to  
"Fundamental Fairness" concerning the administration of procedural due  
process of the law.

Be advised,you,:Angela-T.:Jones:,Esquire,are on "Public Record" and the re-  
cord will validate my legal claim and will estoppell you from producing any  
future evidence in any legal claims,civil or criminal,against you in the  
near future.

Notice to principle is notice to agent.Notice to agent is notice to  
principle.

Pa Public Utility Commission[2]

*Joseph: Fuce: II:*

:Joseph:Fuce:II:, Sui juris, Complainant  
All rights reserved without prejudice per U.C.C.1-207

Certificate of Delivery

I, :Joseph: of the :Fuce:-Family, in the second generation, Sovereign,  
declare under the penalty of perjury under the laws of the United States  
of America, that, I, :Joseph: mailed by first class mail along with a cer-  
tificate of mailing the legal Notice and Order to P.O. Box 3265, Harrisburg,  
Pa, 17105-3265, to :Angela-T.:Jones:, Esquire, the Administrative Judge, of the  
Pa Public Utility Commission.

*Joseph: Fuce: II:*

:Joseph:Fuce:II:, Sui juris  
Without prejudice per 1-207

cc: :Fuce:II: