



FEB 18 2004

PLEASE DOCKET

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Donald A. Barnot :
 :
 v. :
 :
 Comcast Phone of Pennsylvania, LLC. :

C-20030986

SECRETARY'S BUREAU

01 JAN -5 AM 11:54

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PREHEARING ORDER

An initial telephonic hearing in this case is scheduled for Friday, February 6, 2004, at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. If you intend to present any documents or exhibits for my consideration, you must send one (1) copy to the other party and three (3) copies to me one week before the hearing. Be sure that you 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 Commission's current service list of the parties to this proceeding is enclosed with this Order.

2. If you or any proposed witness will be at a telephone number that is different than the number on the hearing notice, you must notify me of that telephone number at least one week before the hearing.

3. A request for a change of the scheduled hearing date must be submitted in writing no later than five days before the hearing. 52 Pa. Code §1.15(b). Requests for changes of initial hearings must be sent to the undersigned Administrative Law Judge, with copies to all parties of record. The correct address is: Pennsylvania Public Utility Commission, Office of Administrative Law Judge, 1103 Pittsburgh State Office Building, 300 Liberty Avenue,

Pittsburgh, PA 15222-1210. Only the undersigned Administrative Law Judge or Office of Administrative Law Judge Scheduling Unit may grant a request for a change of an initial hearing. Such changes are granted only in rare situations where sufficient cause exists. Should any party have any questions regarding this procedure, you may contact me at 412-565-3550.

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

5. **ALTHOUGH THIS HEARING IS BEING CONDUCTED TELEPHONICALLY FOR THE CONVENIENCE OF THE PARTIES, IT IS STILL A FORMAL HEARING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE.**

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 represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

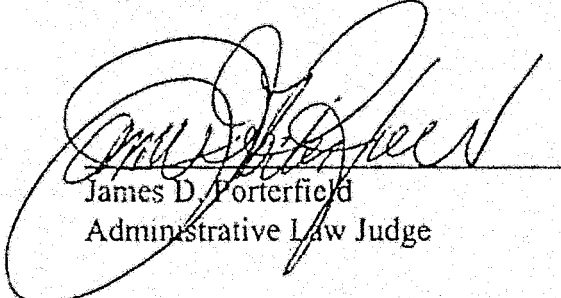
7. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainant is entitled to the relief requested in the complaint.

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 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] participant shall endeavor to initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa. Code §5.322 provides, in relevant part, that "participants are encouraged to exchange information on an informal basis." All parties are urged to cooperate in informal information exchanges and in conducting discovery. Cooperation is preferable to disagreements, which require my participation to resolve. 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. It is the Commission's policy 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.

Dated: December 29, 2003



James D. Porterfield
Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office Of Administrative Law Judge
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

February 17, 2004

In Re: C-20030986

(See letter dted 01/29/2004)

Donald A. Barnot v. Comcast Phone of Pennsylvania LLC

Service dispute.

Telephone Hearing Cancellation/Reschedule Notice

This is to inform you that due to a scheduling conflict, the Initial Telephone Hearing on the above-captioned case now scheduled to be held on Tuesday, March 2, 2004 at 10:00 a.m. has been canceled and has been rescheduled as follows:

Type: Initial
Date: Thursday, April 22, 2004
Time: 1:00 p.m.
Presiding: Administrative Law Judge James D. Porterfield
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-3550
Fax: (412) 565-5692

DOCUMENT
FOLDER

At the above date and time, the Presiding Officer will contact the parties as follows:

Donald A. Barnot (724) 565-1473
Alan Kohler, Esquire (717) 237-7160

Please change your records accordingly.

DOCKETED
MAR 05 2004

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Judge Porterfield
Steve Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

April 9, 2004

Administrative Law Judge James D. Porterfield
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

DOCUMENT

Re: C-20030986

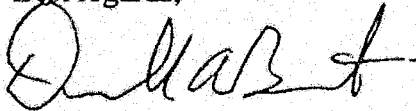
Donald A. Barnot v. Comcast Phone of Pennsylvania LLC
Service dispute

Judge Porterfield

I must at this time request a change in the above referenced hearing date. I am scheduled to be out of the area for business and will not be available for the telephone hearing at that time. As of this time, my first available date would be mid May or later.

I would appreciate your consideration for this request and hope a new date can be agreed.

Best regards,



Donald A. Barnot

cc. Alan Kohler, Esquire
James McNulty
Kevin Povich
Karen Gauden

DOCKETED

JUN 01 2004

SECRETARY'S BUREAU

2004 APR 12 AM 9:31

REC-11111



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office of Administrative Law Judge

1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222

Tel: 412-565-3550
Fax: 412-565-5692
IN REPLY PLEASE
REFER TO OUR FILE

April 13, 2004

DOCKETED

JUN 09 2004

Mr. Donald A. Barnot
55 Florence Drive
Charleroi, PA 15022

DOCUMENT

Re: *Karen Gauden, Donald A. Barnot, and Kevin Povich v. Comcast Phone of Pennsylvania, LLC;*
C-20030938, C-20030986, C-20031022

Dear Mr. Barnot:

Your letter, dated April 9, 2004, asks that the April 22, 2004 hearing date in the above-captioned matters be changed because you "are scheduled to be out of the area for business and will not be available for the telephone hearing at that time." The stated basis for your request is insufficient for the purpose of rescheduling the hearing. You offer no reason for being unavailable to participate in the 1:00 p.m. hearing. Please furnish me with the telephone number at which you can be contacted at 1:00 p.m., on April 22, 2004, if it is different from 724-565-1473. Failure to participate in the hearing and present evidence on the matters at issue may result in your complaint being summarily dismissed.

Sincerely yours,

James D. Porterfield
Administrative Law Judge

cc: Service List
Secretary Bureau

SECRETARY'S BUREAU

2004 APR 15 AM 9:41

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SECRETARY'S BUREAU

2004 APR 15 AM 9:11

RECEIVED

MEMORANDUM

COMMONWEALTH OF PENNSYLVANIA
PA Public Utility Commission

DATE: April 22, 2004 ..

SUBJECT: Kevin Povich v. Comcast Phone of Pennsylvania
Docket No. C-20031022;
Karen Gauden v. Comcast Phone of Pennsylvania
Docket No. C-20030938;
Donald A. Barnot v. Comcast Phone of Pennsylvania
Docket No. C-20030986

TO: Wanda Zeiders, Docket Management
PA Public Utility Commission

FROM: ALJ James D. Porterfield *JDP/aw*
Office of Administrative Law Judge, Pittsburgh

Please find enclosed Respondent's Exhibit 1 (original and one) relative to the above-captioned case. Please place these exhibits in the appropriate file folder. Thank you.

JDP:seo

Enclosure

DOCUMENT

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2004 APR 27 AM 9:31
SECRETARY'S BUREAU

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20031022, C-20030938 and C-20030986	YES	NO
Case Name:	Kevin Povich v. Comcast Phone of Pennsylvania Karen Gauden v. Comcast Phone of Pennsylvania Donald A. Barnot v. Comcast Phone of Pennsylvania	Prehearing Held:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Location:	Pittsburgh	Hearing Held:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Date:	April 22, 2004	Testimony Taken:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ALJ:	James D. Porterfield	Transcript Due:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Reporting Firm:	Commonwealth Reporting	Hearing Concluded:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">APR 28 2004</p> <p style="text-align: center;">PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU</p>		Further Hearing Needed:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		Estimated Add'l Days:	
		RECORD CLOSED:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
		Briefs to be Filed:	DATE: 05/24/04 <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		Bench Decision:	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
		REMARKS:	

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FOLDER**

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

Name and Telephone Number	Address	Who are you representing?
<i>Karen Gauden</i> 724-565-1416 <i>Karen</i>	143 Cross Ridge Road Charleroi PA 15022	<i>Self</i>
Telephone:	E-mail Address:	Fax Number:
<i>Donald A. Barnot</i> <i>Lock</i> 724.565.1473	55 Florence Drive Charleroi PA 15022	<i>Self</i>
Telephone:	E-mail Address:	Fax Number:
<i>Kevin Povich</i> 724.565.4824	56 Florence Drive Charleroi PA 15022	<i>Self</i>
Telephone:	E-mail Address:	Fax Number:

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

Witness Michael Gross
412 747 6553

Anne Thompson
Reporter's Signature

Name and Telephone Number	Address	Who are you representing?
Alan Kohler, Esq. 717.237.7160	Wolf Block Storage Suite 300, 212 Locust St. Harrisburg, PA 17101	Solis-Cohen LLP Communist Party of Pennsylvania
Shaun Sparks, Esq. 717.783.5048	555 Walnut St, 5th Floor Forum Place Harrisburg, PA 17101-1923	OCA
monitor, role	City: State: Zip:	Telephone: E-mail Address: Fax Number:
Telephone:	City: State: Zip:	E-mail Address: Fax Number:
Telephone:	City: State: Zip:	E-mail Address: Fax Number:
Telephone:	City: State: Zip:	E-mail Address: Fax Number:
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Telephone:	City: State: Zip:	E-mail Address: Fax Number: