

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT  
FOLDER

Joseph Riccelli

v.

Duquesne Light Company

Docket No. C-20016621

DOCKETED

FEB 26 2002

PREHEARING ORDER

An initial hearing in this case is scheduled for Wednesday, March 20, 2002 at 10:00 a.m., in an 11th Floor Hearing Room, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222. 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 Commission's 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 be submitted in writing no later than five (5) days prior to the hearing. 52 Pa. Code §1.15(b). Requests for changes of initial hearings must be sent to the undersigned Administrative Law Judge, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222. Only the undersigned Administrative Law Judge or OALJ Scheduling Staff may grant a request for a change of an initial hearing. Such changes are granted only in rare situations where sufficient

cause exists. Requests for changes of subsequent hearings, if any, should also be served directly on me.

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

4. THIS HEARING IS A FORMAL PROCEEDING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE.

5 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.

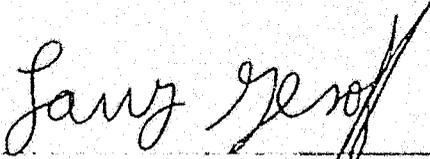
6. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainant is entitled to the relief requested in the complaint.

7. 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.

8. 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).

9. 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.

Dated: February 19, 2002

  
\_\_\_\_\_  
LARRY GESOFF  
Administrative Law Judge

**SWENSEN PERER & KONTOS**  
Attorneys At Law

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FOLDER

Jan C. Swensen  
Alan H. Perer\*  
George M. Fomros  
John W. McCandless  
Anthony C. Mengine  
Daniel J. Snelcher

*Of Counsel*  
Diane W. Perer  
Anthony J. Scrimmo  
L. C. "Winkie" \*\*  
James P. Miller

February 27, 2002

*Pittsburgh Office*  
Two PNC Plaza, Suite 2710  
Pittsburgh, PA 15222  
412-281-1970  
1-800-775-5292  
412-281-2808 (Fax)  
pittsburgh@swensenperer.com

*Erie Office*  
150 West Sixth Street  
209 Courthouse Commons  
Erie, PA 16501  
814-456-0489  
1-800-837-4352  
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erie@swensenperer.com

\*Also admitted in Montana  
\*\*Also admitted in New York

Administrative Law Judge Larry Gesoff  
1103 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222

Re: Joseph Riccelli v. Duquesne Light Company  
Docket No.: C-20016621

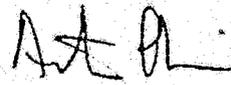
Dear Judge Gesoff:

Please be advised that I have been retained by Mr. Joseph Riccelli in the above captioned matter. Mr. Riccelli has forwarded your hearing notice to my attention where the trial date is listed as Wednesday, March 20, 2002. Pursuant to your Prehearing Order at Section 2, I am requesting a continuance in this matter as I have two previously scheduled trials in the Court of Common Pleas of Allegheny County starting on March 11 and March 15, 2002. I am certain to still be in a courtroom on March 20, 2002.

I have not discussed the continuance with opposing counsel, but I am sending her a copy of this letter per your secretary's instructions.

Thank you for your consideration of my request.

Very truly yours,

  
Anthony C. Mengine



MAR 08 2002

ACM/dmf

cc: Regina M. Sestak

FEB 28 2002

Pittsburgh Office of A.L.  
Pittsburgh, PA

RECEIVED  
FEB 28 2002  
COURT CLERK'S BUREAU

MEMORANDUM

COMMONWEALTH OF PENNSYLVANIA  
PA Public Utility Commission

DATE: March 1, 2002

SUBJECT: Joseph Riccelli v. Duquesne Light Company  
Docket No. C-20016621

TO: James J. McNulty  
Secretary

FROM: Larry Gesoff  
Administrative Law Judge

LG

Please insert the attached letter into the document folder of the  
subject proceeding.

LG:bmf

Enclosure

DOCUMENT  
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SECRETARIAT'S BUREAU

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11 11 02



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

March 6, 2002

In Re: C-20016621

(See attached list)

Joseph Riccelli v. Duquesne Light Company

Billing dispute.

Hearing Cancellation/Reschedule Notice

This is to inform you that the initial hearing on the above-captioned case previously scheduled for March 20, 2002 has been canceled.

The hearing has been rescheduled as follows:

Type: Initial hearing  
Date: Monday, April 1, 2002  
Time: 10:00 a.m.  
Location: 11th floor hearing room  
Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, Pennsylvania  
Presiding: Administrative Law Judge Larry Gesoff  
1103 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
Telephone: (412) 565-3550  
Fax: (412) 565-5692

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

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FOLDER MAR 11 2002

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

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 Gesoff  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File

**OALJ Hearing Report**

*Please Check Those Blocks Which Apply*

Docket No.:	C-20016621		YES	NO
Case Name:	Joseph Ricceli v. Duquesne Light Company	Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
		Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input type="checkbox"/>
Location:	Pittsburgh	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	April 1, 2002	Estimated Add'l Days:		
ALJ:	Larry Gesoff	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:	4-15-02	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:		

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FOLDER**

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 OFFICE

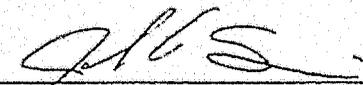
APR 17 2002

**REP**

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

Name and Telephone Number	Address	Who are you representing?
REGINA M. SESTAK	DUQUESNE LIGHT CO. 411 SEVENTH AVENUE, 9-1	DUQUESNE LIGHT COMPANY
Telephone: 412/393-1546	City: PITTSBURGH State: PA Zip: 15219	E-mail Address: rsestak@dgc.com Fax Number: 412/393-1418
Anthony L. Mengine	2 PNC Plaza, Suite 2710	JOSEPH RICCELLE
Telephone: 412-281-1970	City: Pittsburgh State: PA Zip: 15222	E-mail Address: amengine@swensens.com Fax Number: 412-281-2808
Telephone:	City: State: Zip:	E-mail Address: Fax Number:

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.*