

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

David W. Slutterback

v.

Columbia Gas Of Pennsylvania, Inc.

:
:
:
:
:

C-20054258

PREHEARING ORDER

A telephonic Initial Hearing in this case is scheduled for Wednesday, April 6, 2005, at 10:00 a.m.. Accordingly, the parties are hereby directed to comply with the following requirements:

1. If you intend to present any proposed 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. Proposed exhibits should be properly pre-marked for identification purposes. 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, 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 (1) week before the hearing.

3. 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 the hearing date must state the agreement or opposition of other parties, and must be sent to me and all parties of record. The correct address is: Administrative Law Judge Wayne L. Weismandel,

DOCKETED
MAR 28 2005

**DOCUMENT
FOLDER**

P.O. Box 3265, Harrisburg, PA 17105-3265. Changes are granted only in rare situations where good cause exists.

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 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).

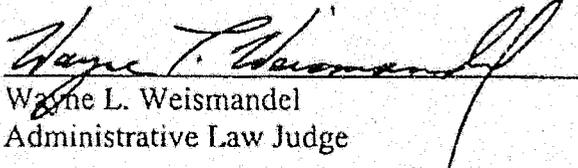
7. The complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the complainant is entitled to the relief requested in the Complaint.

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 that the other parties will have the required ten (10) days' notice to answer or object, and so that 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. 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 (1) 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.

Date: March 4, 2005


Wayne L. Weismandel
Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

March 4, 2005

In Re: C-20054258

(SEE ATTACHED LIST)

David W. Slautterback v. Columbia Gas of PA., Inc.

Pole Dispute

**DOCUMENT
FOLDER**

Telephone Hearing Notice

This is to inform you that a hearing by telephone on the above-captioned case will be held as follows:

Type: Initial Telephonic Hearing
Date: Wednesday, April 6, 2005
Time: 10:00 a.m.
Presiding: Administrative Law Judge Wayne L. Weismandel
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452
Fax: (717) 787-0481

DOCKETED
MAR 17 2005

If you have not provided a current telephone number where you can be reached for participation in the hearing OR YOUR AREA CODE HAS CHANGED, then you must contact the presiding officer at least 7 days before the actual hearing and provide the necessary information.

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

David W. Slautterback	717-840-6653
Theodore J. Gallagher, Esquire	614-227-2384

If you have any hearing exhibits to which you will refer during the hearing, 3 copies must be sent to the Administrative Law Judge and 1 copy each must be sent to every other party. All copies must be received at least 3 days before the hearing.

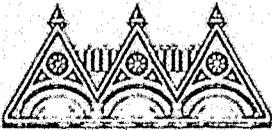
Attention: You may lose the case if you do not take part in this hearing and present facts on the issues raised.

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 Weismandel
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File



Bricker & Eckler
ATTORNEYS AT LAW
COLUMBUS • CLEVELAND

BRICKER & ECKLER LLP
100 South Third Street
Columbus, Ohio 43215-4291
MAIN: 614 227 2300
FAX: 614 227 2390

www.bricker.com
info@bricker.com

Theodore J. Gallagher
614 227 2384
tgallag@bricker.com

*Via facsimile
& regular mail*

March 9, 2005

Hon. Wayne L. Weismandel
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: *David W. Slautterback v. Columbia Gas of Pennsylvania, Inc.*
Docket No. C-20054258

Dear Judge Weismandel:

The purpose of this letter is to request that the Initial Hearing currently scheduled in the referenced matter for April 6, 2005 be continued pending a decision on Respondent's Preliminary Motion to Dismiss, which Columbia Gas filed on the same date as its Answer in this matter. Alternatively, Columbia Gas requests that the Initial Hearing be converted to a hearing on the Preliminary Motion to Dismiss.

Very truly yours,

Theodore J. Gallagher

cc: David W. Slautterback

DOCKETED
MAR 13 2005
DOCUMENT FOLDER

RECEIVED

MAR 14 2005

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BTL

PA PUC

05 MAR 11 AM 8:37

RECEIVED
OFFICE OF CALLUJ.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
March 15, 2005

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20054258

(SEE LETTER DATED 3/4/05)

David W. Slautterback v. Columbia Gas of PA., Inc.

Cancellation Notice

This is to inform you of the following cancellation:

Type: Initial Telephonic Hearing
Date: Wednesday, April 6, 2005
Time: 10:00 a.m.
Presiding: Administrative Law Judge Wayne L. Weisman

Please mark your records accordingly.

pc: Judge Weisman
Cherie Pyle, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

DOCUMENT
FOLDER

DOCKETED
MAY 09 2005