

ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

VALERIE HOWARD)

) DOCKET #: C-20066952

vs.)

PECO ENERGY COMPANY)

Initial Hearing
Pages 1 through 6

Room 1302
State Office Building
1400 Spring Garden Street
Philadelphia, Pennsylvania 19131

Monday, May 7, 2007
Commencing at 10:03 a.m.

Before:

Marlane R. Chestnut, Administrative Law Judge

APPEARANCES:

Michael S. Swerling, Esquire
PECO ENERGY COMPANY
2301 Market Street
Philadelphia, Pennsylvania 19103

PRECISION REPORTING, INC.
230 South Broad Street - 11th Floor
Philadelphia, PA 19102
(215) 731-9847

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2 PROCEEDINGS

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4 THE COURT: This is the hearing
5 scheduled at Docket C, dash, 20066952. Valerie
6 Howard versus PECO Energy Company.

7 For the record, let me state that I am
8 Administrative Law Judge Marlane R. Chestnut.
9 Honor the following appearance, Michael Swerling,
10 representing the Company. I do have a statement
11 to make at this point.

12 When I was reviewing the file this
13 morning I noticed that although the original
14 hearing notice and the pre-hearing order that I
15 sent out were not returned to the Commission, and
16 presumably the complainant had knowledge of that
17 hearing, the hearing notice for this rescheduled
18 hearing and my order granting the continuance were
19 returned with the notation, moved, left no
20 address.

21 Do you have a forwarding address for
22 her?

23 MR. SWERLING: No, I don't, Your Honor.

24 THE COURT: So, why don't you move to

1 dismiss it.

2 MR. SWERLING: Okay.

3 THE COURT: But what I was going to
4 suggest was -- or what I was going to do,
5 actually, was that I was going to dismiss it for her
6 failure to appear, because I think she had notice
7 of the original hearing and should have appeared
8 at that.

9 She also did not comply with the
10 requirement to notify the Commission of her
11 change of address. So, I think it's appropriate
12 to dismiss it. But I will dismiss it without
13 prejudice.

14 Is that okay with you, Mr.
15 Swerling?

16 MR. SWERLING: Not a problem, Your
17 Honor.

18 THE COURT: So, do you want to make a
19 motion?

20 MR. SWERLING: Yes, Your Honor.

21 At this point I would ask the
22 Commission to motion to dismiss the case for
23 failure to prosecute.

24 THE COURT: Your motion is granted.

1 MR. SWERLING: Thank you.

2 THE COURT: Anything else?

3 MR. SWERLING: No, Your Honor.

4 THE COURT: Okay.

5 * * * *

6 (Whereupon, the proceedings
7 concluded at 10:05 a.m.)

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C E R T I F I C A T E

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I hereby certify that the testimony and the proceedings in the foregoing matter are contained fully and accurately in the stenographic notes taken by me, and that the copy is a true and accurate transcript of the same.

Ronald DeShields

Ronald DeShields, Notary Public

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