

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Maria T. & Mildred
McAuley,
v.
PECO Energy

Docket No.: C-20066851

Telephonic Hearing

Pages: 1 - 8

**DOCUMENT
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State Office Building
1400 Spring Garden Street
13th Floor
Philadelphia, PA 19130

Monday, February 5, 2007
Commencing at 1:44 p.m.

BEFORE:

ANGELA T. JONES, Administrative Law Judge

APPEARANCES:

NOT PRESENT
For the Complainant

MICHAEL S. SWERLING, Esquire
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699
For the Respondent

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FEB 07 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE

REPORTER: SHARON M. MARSH

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WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

None

P R O C E E D I N G S

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3 JUDGE JONES:

4 We are on the record. This is the time
5 and place for the matter of Maria T. and Mildred
6 McAuley versus PECO Energy Company, at Docket Number,
7 C-20066851. I am Administrative Law Judge Angela T.
8 Jones, appointed by the Commission to preside over
9 this matter. I note for the record that I do have on
10 the phone with me Mr. Michael S. Swerling, Esquire,
11 representing PECO Energy Company. Mr. Swerling, do
12 you have a witness?

13 ATTORNEY SWERLING:

14 Yes. I have Ms. Renee Tarpley with me
15 today.

16 JUDGE JONES:

17 Good morning, Ms. Tarpley.

18 MS. TARPLEY:

19 Good morning, Judge.

20 JUDGE JONES:

21 I also note for the record that I have
22 attempted to contact Maria T. and Mildred McAuley at
23 the following number, 610-792-3419. Upon dialing that
24 number, I received a voicemail message asking me to
25 leave a message for the parties that I contacted. I

1 did do so and allowed Mr. Swerling to hear what I
2 heard on the telephone line. Prior to that I had
3 received a fax from a Mr. Thomas F. Spadel or Spadel
4 (changes pronunciation). And the content or the
5 substance of the fax is that his mother --- what he
6 represents as his mother, Maria T. McAuley, has
7 suffered some ailments and has emaciated from 150
8 pounds to 108 pounds over a six month time frame. And
9 it looks like she will be under medical supervision
10 and relocating from where she reside at 901 Chestnut
11 Street in, I believe it's Rehrersburg, Pennsylvania.

12 I find the facsimile problematic because
13 I do not know if one, Marie is aware that Mr. Spadel
14 is spokesperson for her in this matter. I am not
15 aware, or have anything to authenticate that Mr.
16 Spadel is, in fact, the son of Maria. And I have
17 nothing --- if I should believe the facsimile as true,
18 I have nothing before me that tells me that he is also
19 speaking on behalf of Mildred McAuley, who is also a
20 dual complainant in this matter.

21 I did share the facsimile with Mr.
22 Swerling. The facsimile does represent that there was
23 a copy sent to Mr. Swerling, however, he did not
24 receive that copy. So I did send a facsimile to Mr.
25 Swerling.

1 All of this has taken place prior to
2 being on the record. So I'm trying to make sure that
3 the record is complete as to the actions that have
4 been taken since we tried to commence this proceeding.
5 Mr. Swerling, is there anything you wish to add, sir?

6 ATTORNEY SWERLING:

7 No, Your Honor.

8 JUDGE JONES:

9 Okay. Mr. Swerling, how do you wish to
10 proceed?

11 ATTORNEY SWERLING:

12 At this time, I'd like to ask the
13 Commission to dismiss the complaint with prejudice for
14 failure to prosecute.

15 JUDGE JONES:

16 Very well. I am inclined to hold your
17 motion in abeyance for a period of 48 hours.
18 Basically, I am doing this only because of the
19 substance of the fax that we did receive from Mr.
20 Spadel. And if that does turn out to be true, I am
21 rather sympathetic for the Complainant. But we do not
22 know that that is true or not, so to be cautious, I
23 will not be ruling on your motion timely but through a
24 written Order, depending on how or what we hear from
25 the McAuleys as well as Mr. Spadel, your motion will

1 be granted or denied. Do you understand that, Mr.
2 Swerling?

3 ATTORNEY SWERLING:

4 I do, Your Honor.

5 JUDGE JONES:

6 Thank you. Thank you for your time and
7 your patience. Thank you, Ms. Tarpley. We are
8 adjourned.

9 ATTORNEY SWERLING:

10 Thank you, Judge.

11 * * * * *

12 HEARING CONCLUDED AT 2:00 P.M.

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C E R T I F I C A T E

I hereby certify, as the
stenographic reporter, that the foregoing
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me, and thereafter reduced to typewriting
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transcript is a true and accurate record
to the best of my ability.

Sharon M. Marsh

Court Reporter

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