

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

John Spiesberger

v.

Verizon Pennsylvania Inc.

DOCUMENT
FOLDER

PREHEARING ORDER

C-20077284

DOCKETED
MAR 9 - 2007

A telephonic Initial Hearing in this case is scheduled for Thursday, April 5, 2007, 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 Pennsylvania Public Utility Commission's ("Commission" or "PUC") 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 Angela T. Jones, 1302 Philadelphia State Office Building, 1400 West Spring Garden

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Street, Philadelphia, PA 19130. 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, limited liability company, 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] party shall initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa. Code §5.322 provides, in relevant part, that "parties 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. 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 6, 2007



Angela T. Jones
Administrative Law Judge

Hawke
 McKeon
 Sniscak &
 Kennard LLP

ATTORNEYS AT LAW

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March 8, 2007

VIA HAND DELIVERY

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street - Filing Room (2 North)
P.O. Box 3265
Harrisburg, PA 17105-3265

ORIGINAL

SECRETARY'S BUREAU
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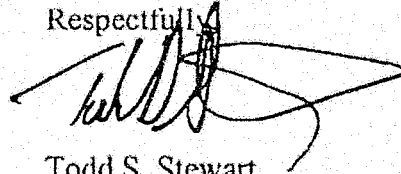
RE: John Spiesberger v. Verizon Pennsylvania Inc.; Docket No. C-20077284;
MOTION FOR CONTINUANCE

Dear Mr. McNulty:

Enclosed for filing with the Commission are the original and three (3) copies of Verizon Pennsylvania Inc.'s Motion for Continuance. Copies of this document have been served in accordance with the attached Certificate of Service.

If you have any questions with regard to this filing, please direct them to me. Thank you for your attention to this matter.

Respectfully,



Todd S. Stewart
Counsel for Verizon Pennsylvania Inc.

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TSS/bks

Enclosures

cc: Presiding ALJ, Angela T. Jones (via electronic and First Class Mail)
Per Certificate of Service

MAILING ADDRESS: P.O. BOX 1778 HARRISBURG, PA 17105

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECRETARY'S BUREAU
2007 MAR -8 AM 9:57

JOHN L. SPIESBERGER,
Complainant

v.

Docket No. C-20077284

VERIZON PENNSYLVANIA INC.,
Respondent

DOCUMENT
FOLDER

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MOTION FOR CONTINUANCE

NOW COMES, Verizon Pennsylvania Inc. ("Verizon PA"), by and through its counsel in the above-captioned matter, Hawke McKeon Sniscak & Kennard LLP, pursuant to 52 Pa. Code § 5103, and hereby Moves for a continuance in the above-captioned matter. In support of its Motion, Verizon PA states and avers as follows:

1. On or about January 19, 2007, the Pennsylvania Public Utility Commission served the above-captioned Complaint on Verizon PA. On February 8, 2007, Verizon PA filed an Answer and New Matter to the Complaint. Also on February 8, 2007, Verizon PA filed a Preliminary Objection to the Complaint on the basis that the Complainant is not a customer of Verizon PA for the service in question, that he lacks standing to prosecute the Complaint.

2. On or about February 13, 2007, Mr. Spiesberger submitted a response to Verizon PA's pleadings.

3. On or about February 21, 2007, a Notice was issued by the Office of Administrative Law Judge assigning Administrative Law Judge Angela T. Jones to hear this matter and scheduling a hearing for Thursday, April 5, 2007.


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4. Counsel for Verizon PA subsequently discussed the schedule in this matter with the Complainant, Mr. Spiesberger, and Mr. Spiesberger agrees that a continuance would be in the best interest of all parties. This is particularly so because a decision on the Preliminary Objection has not yet been issued, and the parties are left without any guidance as to how to proceed, with the hearing date drawing very close.

5. Accordingly, to allow time for a decision on Verizon PA's Preliminary Objections, and still allow the parties adequate time to prepare for a hearing, if indeed such preparation is necessary, Verizon PA requests a continuance of the hearing presently scheduled for April 5, 2007, in the above-captioned matter until at least the latter part of the week of June 18, 2007. Verizon PA is authorized to state that Mr. Spiesberger concurs in this request.

WHEREFORE, Verizon PA respectfully requests a continuance of the currently scheduled hearing in the above-captioned matter.

Respectfully Submitted,



Todd S. Stewart, Attorney I.D. No. 75556
Thomas J. Sniscak, Attorney I.D. No. 33891
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tjsniscak@hmsk-law.com

Dated: March 8, 2007

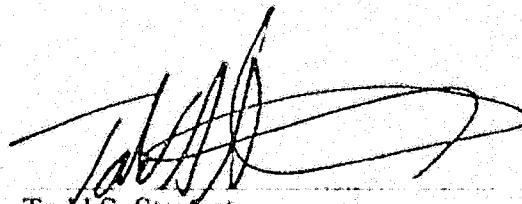
Counsel for Verizon Pennsylvania Inc.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

VIA ELECTRONIC and FIRST CLASS MAIL

John Spiesberger
6 Derringdale Road
Wayne, PA 19087



Todd S. Stewart

Dated this 8th day of March, 2007.

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SECRETARY'S BUREAU