

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Clara M. Parks t/a Boys & Girls Club :
:
v. :
:
Philadelphia Gas Works :

Docket No. |

C-20016626

MAY 09 2002

PREHEARING ORDER

DOCUMENT
FOLDER

Procedural History

By letter dated March 18, 2002, Jeffrey Waldron, Chief Professional Officer of the Boys & Girls Clubs of Philadelphia, Inc., notified the Commission that an employee of the organization at 4223 Wayne Avenue had exceeded the scope of her responsibility in negotiating a settlement with PGW of a complaint she had filed against it on behalf of the Boys & Girls Clubs facility at 4223 Wayne Avenue. He asserts that he is the only employee of the Boys and Girls Clubs authorized by the Board of Directors to negotiate any financial matters. He requested a hearing to review and renegotiate the disputed matter. Waldron does not appear to have served this letter on PGW.

Also, it does not appear that the Commission served this letter on PGW. The Commission serves formal complaints, but of course, this letter is not a complaint. I will attach a copy of this letter to the copy of this Prehearing Order that is to be sent to Counsel for PGW.

At this point in the proceeding, a prehearing conference would be more appropriate than a hearing, and I will request that the scheduler reset it as an initial prehearing conference. For one thing, I opine that PGW does not have any clear notice of any allegations against which it must defend itself. Waldron seeks an opportunity "to

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review and renegotiate the disputed matter". He does not seek to put on evidence. While Waldron may need to review the original complaint and PGW's Answer, and may eventually want or need to go to hearing, he may be able to negotiate a new, more satisfactory settlement, and dispense with further litigation.

Waldron has also contacted me about his need to have the matter moved to a different date because he has a previously scheduled professional commitment on June 20, 2002. I will also request that when the matter is reset, that it be set on a different date.

The Boys & Girls Clubs is considered to be a commercial customer for purposes of PUC proceedings, and for purposes of billing by PGW. The Boys & Girls Clubs is an incorporated Charitable institution, and is required to be represented by counsel in adversary proceedings before the Commission. 52 Pa.Code §§1.22, 1.23. If the Boys & Girls Clubs are going to be represented by counsel at the prehearing, or if the case does go to hearing, their counsel will need to enter an appearance. 52 Pa. Code §1.24

On March 28, 2002, the Commission issued a hearing notice scheduling an Initial In-person Hearing to be held on this case in the Philadelphia State Office Building on Thursday, June 20, 2002 at 10:00 a.m. By hearing notice dated April 2, 2002, the case was reassigned to Administrative Law Judge Allison K. Turner (ALJ) for hearing and decision; but as of now, the time date and location of the hearing remain unchanged.

ORDER

1. The presently scheduled hearing shall be converted to a prehearing conference, and shall be set on a different date taking into account both the Boys & Girls Clubs and PGW.

2. If for any reason any party cannot appear at this initial prehearing conference as scheduled, that party should request a continuance. Continuances are only granted if good cause is presented. Any request for a change of the scheduled date for the initial prehearing conference **must** be sent to the Office of Administrative Law Judge Scheduling Staff, to the office of the presiding officer, and to the opposing party or parties. The mailing address for the Scheduling Staff is: PA PUC, P.O. Box 3265, Harrisburg, PA 17105-3265, and the phone number is (717) 787-1399. The scheduling officer for your case is Judy Weaver. The mailing address for the Philadelphia Administrative Law Judges is: PA PUC, Room 1302 Philadelphia State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130. The phone number for this office is (215) 560-2105. The presiding officer on your case is Judge Allison K. Turner. After the initial hearing or prehearing conference has been held, requests for changes of subsequent hearing or prehearing conference dates should be directed to the Judge.

3. **You may lose this case if you do not take part in the initial prehearing conference, and present your position on the issues raised, if you do not have a continuance.**

4. **ALTHOUGH THIS IS NOT A HEARING, IT IS A FORMAL ADMINISTRATIVE PROCEEDING, AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE. ALTHOUGH THE PRIMARY PURPOSE IS NOT TO TAKE EVIDENCE, ANY TESTIMONY GIVEN WILL BE TAKEN UNDER OATH, AND BE SUBJECT TO CROSS-EXAMINATION, ETC.**

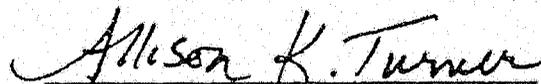
5. If the case goes to hearing, The Boys & Girls Clubs, as the complainant, has the burden of proof to show that its allegations are true, and that it is entitled to the relief it requests. The Boys & Girls Clubs would present its evidence first because as the complainant it has the burden of proof. It would also have the opportunity

to give any closing testimony. If The Boys & Girls Clubs does make out a *prima facie* case, PGW will have the burden of moving forward with rebuttal evidence.

6. As an incorporated institution, the Boys & Girls Clubs must be represented by counsel in adversary proceedings, and that counsel must enter an appearance with the Commission at this docket. 52 Pa. Code §1.24. However, in negotiations at a prehearing conference, Waldron may represent the Boys & Girls Clubs **but he must show that he is authorized to do so.** Once again, if counsel intends to appear at the prehearing conference, he or she must enter an appearance. As municipal entity, PGW must be represented by counsel.

7. Commission policy is to encourage settlements. 52 Pa. Code §5.231(a). Therefore, the Boys and Girls Clubs and PGW are urged to **discuss informally between themselves the possible settlement of this case at least one week before the hearing, and to notify the ALJ and or the Scheduling Office by three days before the eventual date of the prehearing conference, if agreement is reached, and the prehearing is not necessary.**

8. If you are unable to completely settle this case, you may still resolve as many questions or issues as possible during your informal discussion.



Allison K. Turner
Administrative Law Judge

Date: May 3, 2002



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

June 5, 2002

In Re: C-20016626

(See letter dated 04/02/02)

Clara M. Parks t/a Nicetown Boys & Girls Club v. Philadelphia Gas
Works

Billing dispute.

Hearing Cancellation/Reschedule Notice

This is to inform you that the initial hearing on the above-
captioned case previously scheduled for Thursday, June 20, 2002 at
10:00 a.m. has been canceled.

The hearing has been rescheduled as follows:

Type: Initial hearing
Date: Wednesday, August 7, 2002
Time: 10:00 a.m.
Location: In an available hearing room
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania
Presiding: Administrative Law Judge Allison K. Turner
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

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

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 Turner
Herbert Nurick, Mediator
Judy Weaver, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

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

June 13, 2002

In Re: C-20016626

(See letter dated 06/05/2002)

Clara M. Parks t/a Nicetown Boys & Girls Club v. Philadelphia Gas
Works

Billing dispute.

Hearing Cancellation/Reschedule Notice

This is to inform you that the initial hearing on the above-captioned case previously scheduled for Wednesday, August 7, 2002 at 10:00 a.m. and has been rescheduled as follows:

Type: Initial Hearing
Date: Wednesday, August 21, 2002
Time: 10:00 a.m.
Location: In an available hearing room
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania
Presiding: Administrative Law Judge Allison K. Turner
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

DOCUMENT
FOLDER

Please change your records accordingly.

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JUN 18 2002

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 Turner
Steve Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

Original -
File in Secretary's Bureau

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DOCKETED

COMMONWEALTH OF PENNSYLVANIA JUL 01 2002
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: C-38016626

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BOYS & GIRLS CLUBS OF PHILADELPHIA, INC.

JUN 3 2002

PUBLIC UTILITY COMMISSION
PHILADELPHIA OFFICE
ADMINISTRATION LAW JUDGE

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Boys & Girls Clubs of Philadelphia, Inc.

KANTER, BERNSTEIN & KARDON P.C.

By:



MARTIN S. KARDON, ESQUIRE
KANTER, BERNSTEIN & KARDON P.C.
Suite 1150, 1617 John F. Kennedy Blvd.
Philadelphia, PA 19103
(215) 568-5885
Attorney for Boys & Girls Clubs of Philadelphia, Inc.

2002 JUN 13 AM 10:19
SECRETARY'S BUREAU

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DOCUMENT

OALJ Hearing Report

Please check those blocks which apply

Docket No.:	C-20016626		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Clara M. Parks /a Nicetown Boys & Girls Club v. Philadelphia Gas Works	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:		1 day
Date:	June 20, 2002	RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ALJ:	Allison K. Turner	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
DOCUMENT FOLDER		REMARKS:	Hearing rescheduled to 8/21	

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

Name and Telephone Number	Address	Who are you representing?
	City State Zip	
Telephone:	E-mail Address:	Fax Number:
	City State Zip	
Telephone:	E-mail Address:	Fax Number:
	City State Zip	
Telephone:	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.

2002 JUN 29 09:24



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office of Administrative Law Judge

1302 Philadelphia State Office Building, 1400 W. Spring Garden St., Philadelphia, PA 19130

Telephone: (215) 560-2105

July 24, 2002

IN REPLY PLEASE
REFER TO OUR FILE

Martin S. Kardon, Esquire
Kanter, Bernstein & Kardon, PC
1617 John F. Kennedy Boulevard
Suite 1150
Philadelphia, PA 19103

DOCKETED

AUG 08 2002

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2002 AUG - 1 AM 10: 37
SECRETARY'S BUREAU

Re: Clara M. Parks t/a Nicetown Boys & Girls Club v. Philadelphia Gas Works
Docket No. C-20016626

DOCUMENT

Dear Mr. Kardon:

I have received your letter seeking another continuance in this case. Two continuances have previously been granted to either you or your client. The Commission's last rescheduling notice was dated June 13, 2002, and it set the hearing date for Wednesday, August 21, 2002. The copy of the attachment letter to you from Judge William W. Vogel, which you sent to me, is dated July 16, 2002, and begins "At your request and with your agreement, the above matter is listed for a settlement conference ...". Therefore it appears that you requested and or agreed to this settlement conference in Montgomery County with full knowledge of your preexisting obligation to represent your client here before the Commission.

For this reason, your request for a continuance is denied.

Very truly yours,

Allison K. Turner
Administrative Law Judge

AKT/mg

cc: Laureto A. Farinas, Esquire
Judy Weaver, Scheduling Office
Steven Springer, Scheduling Office
Robert A. Christian, Chief Administrative Law Judge
Secretary's Bureau



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Office of Administrative Law Judge

1302 Philadelphia State Office Building, 1400 W. Spring Garden St., Philadelphia, PA 19130

Telephone: (215) 560-2105

IN REPLY PLEASE
REFER TO OUR FILE

July 30, 2002

Martin S. Kardon, Esquire
Kanter, Bernstein & Kardon, PC
1617 John F. Kennedy Boulevard
Suite 1150
Philadelphia, PA 19103

DOCKETED
AUG 08 2002
DOCUMENT

Re. Clara M. Parks v/a Nicetown Boys & Girls Club v. Philadelphia Gas Works
Docket No. C-20016626

Dear Mr. Kardon:

I appreciate the courtesy of your latest letter to me. Nonetheless, your continuance request remains denied. May I suggest that you send an associate from your firm in your place, if not to cover the whole hearing, then at least to cover your absence.

Very truly yours,

Allison K. Turner
Administrative Law Judge

AKT/mg

cc: Laureto A. Farinas, Esquire
Judy Weaver, Scheduling Office
Steven Springer, Scheduling Office
Robert A. Christian, Chief Administrative Law Judge
Secretary's Bureau



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

August 19, 2002

In Re: C-20016626

(See letter dated 06/13/02)

Clara M. Parks t/a Nicetown Boys & Girls Club v. Philadelphia Gas
Works

Billing dispute.

Changed Hearing Notice

This is to inform you that the Time of the initial hearing
has changed as shown below. This is a reprint of the hearing
notice from June 13, 2002 with the change.

Type: Initial Hearing

Date: Wednesday, August 21, 2002

Time: 2:00 p.m.

Location: In an available hearing room
Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania

BTL

Presiding: Administrative Law Judge Allison K. Turner
1302 Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130
Telephone: (215) 560-2105
Fax: (215) 560-3133

Please change your records accordingly.

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DOCKETED
AUG 22 2002

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 Turner
Herbert Nurick, Mediator
Judy Weaver, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

Philadelphia Gas Works
Legal Department



800 W. Montgomery Avenue, Philadelphia, PA 19122
Fax: (215) 684-6798

Laureto A. Farinas
Senior Attorney
Legal Department

Direct Dial: 215-684-6982
FAX: 215-684-6798
E-mail: laureto.farinas@pgworks.com

ORIGINAL RECEIVED

August 19, 2002

AUG 19 2002

James McNulty, Secretary
Pennsylvania Public Utility Commission
Room B-20, North Office Building
Harrisburg, PA 17105-3265

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Clara M. Parks t/a Nicetown Boys & Girls Club v. PGW, Docket No. C - 20016626

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.24(b), the Philadelphia Gas Works (PGW) certifies that the above referenced Complaint has been satisfied and the Complainant acknowledges that the Complaint has been satisfied. PGW and the Complainant's counsel have discussed the Complainant's concerns with the account and reached a settlement. With this discussion and settlement, the Complainant has indicated that it is satisfied with the resolution of this complaint.

By copy of this letter, I am notifying the Complainant of its right to object to any part of this settlement in writing to the Public Utility Commission within ten (10) days of the date of this letter.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you for your assistance.

Sincerely,

BTL

DOCKETED

cc: Martin S. Kardon, Esq.
Administrative Law Judge Allison K. Turner (via FAX)
Judy Weaver (via FAX)
Zayda Santiago
Linda Pereria

DOCKETED
SEP 04 2002

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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

August 20, 2002

In Re: C-20016626

(See letter dated 08/19/02)

Clara M. Parks t/a Nicetown Boys & Girls Club
v.
Philadelphia Gas Works

Billing dispute.

Cancellation Notice

This is to inform you of the following cancellation:

Type: Initial hearing
Date: Wednesday, August 21, 2002
Time: 2:00 p.m.
Location: Philadelphia, Pennsylvania
Presiding: Administrative Law Judge Allison K. Turner

SRB

Please mark your records accordingly.

pc: Judge Turner
Herbert Nurick, Mediator
Judy Weaver, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

DOCKETED
AUG 23 2002

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COMMONWEALTH OF
PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: August 20, 2002

SUBJECT: Certification of Satisfaction Filed
C-20016626 Clara M. Parks t/a Nicetown Boys & Girls Club v. Philadelphia
Gas Works

TO: Wanda Zeiders,
Docket Management

FROM: Judy Weaver, Scheduling Officer
Office of Administrative Law Judge

On August 19, 2002, a Certificate of Satisfaction was filed in the above-captioned proceeding by Laureto A. Farinas, Esquire. If no objection is filed to this certificate within 10 days of service, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Allison K. Turner
Elzy Ditzler
Beth Plantz
Case File

DOCUMENT
FOLDER

DOCKETED
AUG 26 2002

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20016626		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Clara M. Parks t/a Nicetown Boys & Girls Club	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	v. Philadelphia Gas Works	Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Concluded:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:	- 0 -	
Date	August 21, 2002	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Allison K. Turner	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm	Precision Reporting, Inc	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		REMARKS:	<i>Certificate of Satisfaction filed 8/19/02</i>	

CEAL-2001-412
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DOCUMENT FOLDER

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

Name and Telephone Number	Address	Who are you representing?			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> </table>	City	State	Zip	BTL
City	State	Zip			
Telephone:	E-mail Address:	Fax Number:			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> </table>	City	State	Zip	
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Telephone:	E-mail Address:	Fax Number:			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> </table>	City	State	Zip	
City	State	Zip			
Telephone:	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.



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

IN REPLY PLEASE
REFER TO OUR FILE

September 10, 2002

C-20016626

MARTIN S KARDON ESQUIRE
KANTNER BERNSTEIN & KARDON PC
SUITE 1150 1617 JFK BLVD
PHILADELPHIA PA 19140

DOCKETED
SEP 10 2002

DOCUMENT

CLARA M PARKS T/A NICE TOWN BOYS & GIRLS CLUB
v.
PHILADELPHIA GAS WORKS

TO WHOM IT MAY CONCERN:

Please be advised that the Commission has marked closed the above-entitled proceeding

Very truly yours,

James J. McNulty
Secretary

JEP

BTL

cc: All parties of Record
Office of ALJ