

PLEASE DOCKET

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Kevin Povich

v.

Comcast Phone of Pennsylvania

:  
:  
:  
:  
:

C-20031022

DOCUMENT  
FOLDER

PREHEARING ORDER

**DOCKETED**

JAN 08 2004

An initial telephonic hearing in this case is scheduled for Friday, February 6, 2004 at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. If you intend to present any documents or 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. 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 or document, 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 initial hearings must be sent to the undersigned Administrative Law Judge, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222. Only the undersigned Administrative Law Judge or OALJ Scheduling Staff may grant a request for a

change of an initial hearing. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent hearings, if any, should also be served directly on me.

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 represent you. However, if you are a partnership, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

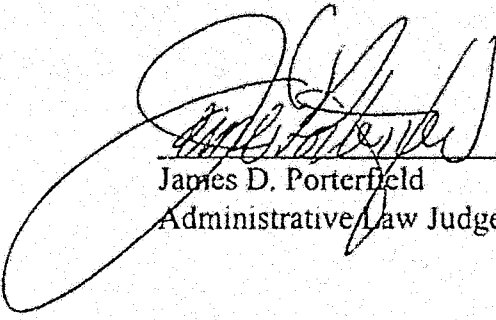
7. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainant is entitled to the relief requested in the complaint.

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 the other parties will have the required ten (10) days' notice to answer or object, and so 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. 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 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: December 19, 2003



James D. Porterfield  
Administrative Law Judge

212 Locust Street, Suite 300, Harrisburg, Pennsylvania 17101  
Tel (717) 237-7160 ■ Fax: (717) 237-7161 ■ www.WolfBlock.com

**WolfBlock**

Alan C. Kohler  
Direct Dial: (717) 237-7172  
Direct Fax: (717) 237-2752  
E-mail: akohler@wolfblock.com

**ORIG**

December 23, 2003

James McNulty, Secretary  
PA Public Utility Commission  
400 North Street  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**ORIGINAL**

RECEIVED  
2003 DEC 24 AM 12:01  
SECRETARY'S BUREAU

Re: Donald A. Barnot v Comcast Phone of Pennsylvania,  
Docket No. C-20030986  
Karen Gauden v Comcast Phone of Pennsylvania, Docket  
No. C-20030983  
Kevin Povich v Comcast Phone of Pennsylvania, Docket  
No. C-20031022

**DOCKETED**  
APR 13 2004

**DOCUMENT  
FOLDER**

Dear Secretary McNulty:

We are in receipt of hearing notices for the three above captioned matters, currently all are scheduled separately. On December 10, 2003 we filed a motion to consolidate these matters as they share common issues of fact and law. Comcast requests that the Motion be addressed prior to any hearing taking place.

Respectfully submitted,

Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

ACK/djs

DSH 39283.1

James McNulty, Secretary  
December 23, 2003  
Page 2

cc: Honorable Robert A. Christianson  
Honorable Larry Gesoff  
Honorable James D. Porterfield  
Donald A. Barnot  
Karen Gauden  
Kevin Povich  
Honorable Robert P. Meehan

212 Locust Street, Suite 300, Harrisburg, Pennsylvania 17101  
Tel: (717) 237-7160 ■ Fax: (717) 237-7161 ■ www.WolfBlock.com

Alan C. Kohler  
Direct Dial: (717) 237-7172  
Direct Fax: (717) 237-2752  
E-mail: akohler@wolfblock.com

December 24, 2003

James McNulty, Secretary  
PA Public Utility Commission  
400 North Street  
P.O. Box 3265  
Harrisburg, PA 17105-3265

DOCUMENT  
FOLDER

RECEIVED  
2003 DEC 24 PM 12:10  
SECRETARY'S BUREAU

Re: Donald A. Barnot v Comcast Phone of Pennsylvania,  
Docket No. C-20030986  
Karen Gauden v Comcast Phone of Pennsylvania, Docket  
No. C-20030938  
Kevin Povich v Comcast Phone of Pennsylvania, Docket  
No. C-20031022

KJR

Dear Secretary McNulty:

Please accept our apologies for indicating the incorrect Docket No. re the Gauden v Comcast matter referenced above. The correct Docket No. is C-20030938 as indicated in the above caption. Please accept this letter request in place of the filing that is dated 12/23/2003.

We are in receipt of hearing notices for the three above captioned matters, currently all are scheduled separately. On December 10, 2003 we filed a motion to consolidate these matters as they share common issues of fact and law. Comcast requests that the Motion be addressed prior to any hearing taking place.

Respectfully submitted,

Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

ACK/djs

DSH 59293.1

James McNulty, Secretary

December 24, 2003

Page 2

cc: Honorable Robert A. Christianson  
Honorable Larry Gesoff  
Honorable James D. Porterfield  
Honorable Robert P. Meehan  
Donald A. Barnot  
Karen Gauden  
Kevin Povich