

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Anthony P. Zeus, III

v.

National Fuel Gas Distribution Corporation

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:  
:  
:

C-20066855

DOCUMENT  
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PREHEARING ORDER

**DOCKETED**  
JAN 5 - 2007

An initial telephonic hearing in this case is scheduled for Monday, January 22, 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 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 before the hearing. 52 Pa. Code §1.15(b). Requests for changes of initial hearings must be sent to the undersigned Administrative Law Judge, with copies to all parties of record. The correct address is: Pennsylvania Public Utility Commission, Office of Administrative Law Judge, 1103 Pittsburgh State Office Building, 300 Liberty Avenue,

BA

Pittsburgh, PA 15222-1210. Only the undersigned Administrative Law Judge or Office of Administrative Law Judge Scheduling Unit may grant a request for a change of an initial hearing. Such changes are granted only in rare situations where sufficient cause exists. Should any party have any questions regarding this procedure, you may contact me at 412-565-3550.

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.

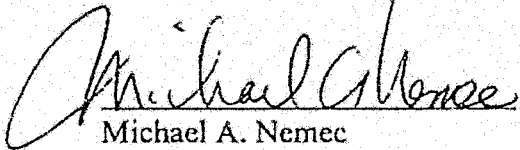
7. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainant is entitled to the relief requested in the complaint.

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] 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. It is the Commission's policy 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 26, 2006

  
Michael A. Nemec  
Administrative Law Judge



**National Fuel**

**ORIGINAL**

Lee E. Hartz  
Attorney

January 22, 2007

SECRETARY'S OFFICE

2007 JAN 24 AM 9:00

RECEIVED

**VIA FIRST CLASS MAIL**  
Secretary James J. McNulty  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**Re: Anthony P. Zeus, III v. National Fuel Gas Distribution Corporation**  
**Pa. P.U.C. Docket No.: C-20066855**

Dear Secretary McNulty:

As attorney for Respondent in the above-referenced matter, I hereby certify pursuant to 52 Pa. Code § 5.24 that Respondent has satisfied the Complaint, and that the Complainant has acknowledged satisfaction to the Respondent. Therefore, Docket C-20066855 should be marked closed.

A duplicate copy of this letter is being served on the Complainant at the address listed below. The Complainant has the right to object to this certification by filing said objection with the Commission, in writing, within 10 days of the date of this letter.

If you should have any questions regarding this matter, please do not hesitate to contact me at (814) 871-8060. Many thanks for your assistance.

**DOCUMENT  
FOLDER**

Very truly yours,

Lee E. Hartz  
Pa. I.D. No. 87675  
Attorney for National Fuel Gas  
Distribution Corporation

cc: Mr. Anthony P. Zeus, III (4331 Aaron Road, Erie, PA 16511)  
Administrative Law Judge Michael A. Nemeec  
(1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222)

**DOCKETED**  
JAN 25 2007

FILE

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**OALJ Hearing Report**

Please Check Those Blocks Which Apply

Docket No.:	C-20066855		YES	NO
	Anthony P. Zeus, III	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	v.	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	National Fuel Gas Distribution Corporation	Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Pittsburgh	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date:	January 22, 2007	Estimated Add'l Days:		
ALJ:	Michael A. Nemeec	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Commonwealth Reporting Company	DATE:	01/22/2007	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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JAN 8 0 2007

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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

REMARKS: Parties reached an agreement at the end of the hearing and a certificate of satisfaction will be filed.

Name and Telephone Number	Address	Who are you representing?
Anthony Zeus, III Telephone: 814-897-7888	4331 Aaron Road Erie PA 16511	Self
Lee E. Hartz, Esq. Telephone 814-871-8060	P.O. Box 2081 Erie PA 16512	National Fuel Gas Distribution Corporation

**DOCUMENT FOLDER**

Check this box if additional parties or attendees appear on back of form.

*Anne Thompson*  
Reporter's Signature

**BA**

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

DATE: January 23, 2007  
SUBJECT: C-20066855  
Anthony P. Zeus, III v. National Fuel Gas Distribution Corporation  
TO: Wanda Zeiders  
Docket Management  
FROM: Dawn M. Reitenbach, ALJ Support Staff  
Office of Administrative Law Judge

On January 23, 2007, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of the filing, 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 Michael A. Nemecek  
Beth Plantz  
Case File

DOCUMENT  
FOLDER

**DOCKETED**  
JAN 31 2007

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

IN REPLY PLEASE  
REFER TO OUR FILE

April 20, 2007

C-20066855

ANTHONY ZEUS III  
4331 AARON ROAD  
ERIE PA 16511

ANTHONY ZEUS III  
v.  
NATIONAL FUEL GAS DISTRIBUTION

DOCUMENT  
FOLDER

**DOCKETED**  
APR 20 2007

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

cc: All parties of Record

nvl

BTL