

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Bob Boychak

v.

PECO Energy Co.

DOCKETED
DEC 14 2006

C-20066946

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PREHEARING ORDER

A telephonic Initial Hearing in this case is scheduled for Thursday, January 4, 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, 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. 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).

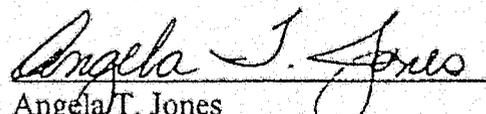
10. **Commission policy is to encourage settlements. 52 Pa. Code § 5.231(a). Therefore, you are urged to discuss informally between yourselves the possible settlement of this case at least one (1) week before the hearing.** If you are unable to settle this case, you may still resolve as many questions or issues as possible during your informal discussion.

11. Complainant, Mr. Boychak, should provide evidence of residency somewhere other than 104 David Lane, Lansdale, Pennsylvania during the time frame at issue. In the alternative, Complainant can provide evidence of an agreement in tenancy with another person or entity responsible for utility for property over the time frame at issue.

12. Complainant, Mr. Boychak, is cautioned that according to Commission statute, absent a change in income that is provided by evidence, the Commission cannot establish or order a public utility to establish a second or subsequent payment arrangement if the customer has defaulted on a previous payment agreement. 66 Pa. C.S. § 1405(d). However, the public utility may, at its discretion, enter into a second or subsequent payment agreement with the customer.

13. The utility should prepare and submit at least one week before the hearing, an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less.

Date: December 1, 2006


Angela T. Jones
Administrative Law Judge

OALJ Hearing Report

Please check Those Blocks Which Apply

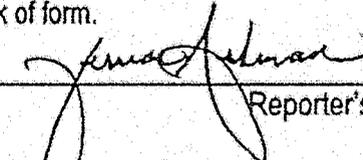
Docket No.:	C-20066946		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Bob Boychak v. PECO Energy Company	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input type="checkbox"/>
		Estimated Add'l Days:		
Date:	January 4, 2007			
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Angela T. Jones	DATE:	1-4-07	
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	COMPLAINANT NO SHOW. DO, MOVED TO DISMISS FOR FAILURE PROSECUTE	

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

Name and Telephone Number	Address	Who are you representing?
MICHAEL SWERLING, ESQ.	2301 MARKET ST., S23-1 P.O. BOX 8699	PECO
	City State Zip	
	PHILA. PA 19101-8699	
Telephone: 215-841-6841	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.