

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Donna Mahan

v.

PECO Energy Company

:
:
:
:
:
:

F-02016859

DOCUMENT
FOLDER

PREHEARING ORDER

An initial telephonic hearing in this case is scheduled for Monday, February 12, 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 in the case. A copy of the current service list is attached to 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 initial telephonic hearing date must be submitted in writing no later than five (5) days prior to hearing. 52 Pa. Code §1.15(b). Requests for changes of initial hearings must be sent to me with copies to all parties of record. The correct address is 1302 State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130. Such changes are granted only in rare situations where sufficient cause exists.

DOCKETED
DEC 21 2006

Requests for changes of subsequent hearings, if any, should also be served directly on me with copies to all parties.

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. ADMISSIONS CONTAINED IN THE PLEADINGS MAY BE OFFERED AT THE HEARING.

6. Pursuant to 52 Pa. Code §§1.21 and 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 Complainant is entitled to the relief requested in the Complaint.

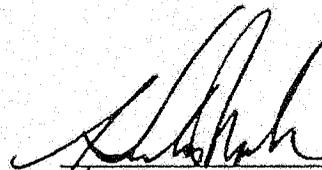
8. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You should submit your written application for subpoenas sufficiently in advance of the hearing so that the other parties will have the requisite ten days' notice to answer or object, 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

"[p]articipants 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 11, 2006



Herbert Smolen
Administrative Law Judge

OALJ Hearing Report

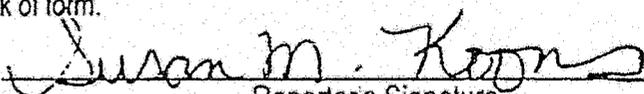
Please check those blocks which apply

Docket No.:	F-02016859		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
Case Name:	Donna Mahan v. PECO Energy Company	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	February 12, 2007			
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Herbert Smolen	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:		
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto;"> <p style="font-size: 24px; margin: 0;">RECEIVED</p> <p style="margin: 0;">FEB 23 2007</p> <p style="margin: 0;">PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU</p> </div>		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:	<p style="font-size: 18px; margin: 0;"><i>CASE SETTLED</i></p> <p style="font-size: 18px; margin: 0;"><i>CERT/SATIS FILED</i></p> <p style="font-size: 18px; margin: 0;"><i>W&C</i></p>	

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

Name and Telephone Number	Address	Who are you representing?
<p><i>MICHAEL S. SWERLING</i></p> <p>Telephone: <i>215-841-6841</i></p>	<p><i>to PECO ENERGY</i></p> <p><i>2301 MARKET ST / S23-1</i></p> <p><i>PO BOX 8699</i></p> <p><i>PHILA</i></p> <p style="font-size: 8px;">State: <i>PA</i> Zip: <i>19101</i></p> <p>E-mail Address:</p>	<p><i>PECO</i></p> <p>Fax Number:</p>
<p>Telephone:</p>	<p>E-mail Address:</p>	<p>Fax Number:</p>
<p>Telephone:</p>	<p>E-mail Address:</p>	<p>Fax Number:</p>
<p>Telephone:</p>	<p>E-mail Address:</p>	<p>Fax Number:</p>

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.

Legal Department

Exelon Business Services Company
2301 Market Street/5231
P.O. Box 8699
Philadelphia, PA 19101-8699

Telephone 215 841 5544
Fax 215 568 3389
www.exeloncorp.com

Business Services
Company

ORIGINAL

Direct Dial: 215 841 6841

February 19, 2007

RECEIVED

FEB 19 2007

James McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: **Donna Mahan v. Peco Energy Company**
PUC Docket No. F-02097738 F-02016859

**DOCUMENT
FOLDER**

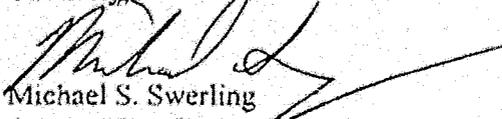
Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.24(b), PECO Energy Company certifies that the parties in the above referenced complaint have reached an accord.

By copy of this letter, I am alerting the Complainant of its right to object to the closing of this matter 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.

Sincerely,


Michael S. Swerling
Counsel for PECO Energy Company

MSS/zr

Enc.

Cc: Ms. Donna Mahan
Administrative Law Judge Herbert Smolen
PUC Scheduling

6

RECEIVED

FEB 19 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DONNA MAHAN

COMPLAINANT

v.

PECO ENERGY COMPANY

RESPONDENT

DOCUMENT
FOLDER

DOCKET NO. F-02016859

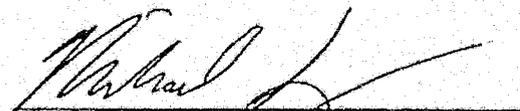
ORIGINAL

CERTIFICATE OF SATISFACTION

I, Michael S. Swerling, Esquire, representing PECO Energy Company ("PECO") in this matter, hereby certify that the issues raised in the Formal Complaint filed by Complainant with the Pennsylvania Public Utility Commission and docketed at Complaint Docket No. ~~F-02097738~~ has been satisfied.
 F-02016859

This Certificate of Satisfaction is provided pursuant to 52 Pa. Code §5.24(b). Unless Complainant files an objection to this Certificate within ten (10) days of its filing, the Formal Complaint shall be withdrawn and the Commission's file closed.

DOCKETED
FEB 23 2007



Michael S. Swerling
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Michael.Swerling@exeloncorp.com

Date: February 19, 2007

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DONNA MAHAN

COMPLAINANT

v.

PECO ENERGY COMPANY

RESPONDENT

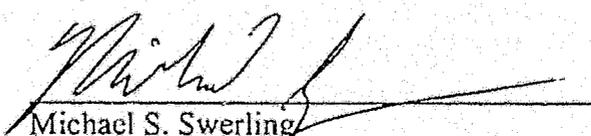
DOCKET NO. F-02016859

CERTIFICATE OF SERVICE

I, Michael S. Swerling, hereby certify that I have this day served a true and correct copy of the foregoing document upon the interested parties and in the manner indicated below.

Service by first class mail:

Ms. Donna Mahan
3766 Morrell Avenue, Apt. A
Philadelphia, PA 19114



Michael S. Swerling
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
Michael.Swerling@exeloncorp.com

Dated: February 19, 2007

RECEIVED

FEB 19 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: February 22, 2007
SUBJECT: F-02016859
Donna Mahan v. PECO Energy Company
TO: Wanda Zeiders
Docket Management
FROM: Janean Spiegel, ALJ Support Staff
Office of Administrative Law Judge

DOCUMENT
FOLDER

On February 22, 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 Herbert Smolen
Beth Plantz
Case File

DOCKETED
FEB 28 2007