

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

In the Matter of:

CYNTHIA GOBLE

Complainant

vs.

PECO ENERGY COMPANY

Requests payment arrangements

Initial Hearing

Respondent

ORIGINAL

Docket No. F-02058616

DOCKETED

NOV 22 2006

Pages 1 through 7

DOCUMENT
FOLDER

State Office Building
Hearing Room 1
1400 Spring Garden Street
Philadelphia, Pennsylvania

Wednesday, November 15, 2006

Met, pursuant to notice, at 1:28 p.m.

BEFORE:

CYNTHIA W. FORDHAM, Administrative Law Judge

APPEARANCES:

MICHAEL SWERLING, Esquire
PECO Energy Company
2301 Market Street
Philadelphia, Pennsylvania 19101
(For the Respondent)

G. M.

SECRETARY GENERAL

NOV 22 11:09:32

Commonwealth Reporting Company, Inc.

700 Lisburn Road
Camp Hill, Pennsylvania 17011

(717) 761-7150

1-800-334-1063

KJR

28

C O N T E N T S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESSES

DIRECT

CROSS

REDIRECT

RECROSS

(None)

--

--

--

--

FORM 3

E X H I B I T S

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NUMBER

FOR IDENTIFICATION

IN EVIDENCE

(None)

--

--

Any reproduction of this transcript
is prohibited without authorization
by the certifying reporter.

P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE CYNTHIA W. FORDHAM:

1
2
3 Good afternoon. I'm Administrative Law Judge Cynthia
4 Williams Fordham and this is the time and place for a
5 hearing in the matter of Cynthia Goble versus PECO Energy
6 Company at Docket No. F-02058616. I note for the record
7 the appearance of Michael S. Swerling, Esquire for PECO
8 Energy Company and the complainant is not present. Let me
9 give a brief history of the proceeding thus far and then
10 I'll allow Mr. Swerling to explain what he knows about the
11 proposed settlement.

12 By hearing notice dated July 21st, 2006, this
13 case was scheduled for a call of the docket hearing to be
14 held on August 30th of 2006. The complainant requested a
15 continuance because she had a medical appointment at the
16 same time. The continuance was granted after the
17 respondent's attorney did not have an objection to the
18 continuance.

19 By hearing notice dated September 21st, 2006,
20 the hearing was rescheduled to today November 15th, 2006 at
21 1:30 p.m. I sent a second prehearing order to the parties
22 dated September 28th of 2006. In that document it
23 explained that continuances should be requested at least
24 five days in advance.

25 During the morning proceeding, Mr. Swerling

1 indicated that he had corresponded -- strike that. During
2 the morning proceeding, Mr. Swerling and Ms. Ferrier
3 indicated that the complainant had counsel and they were
4 not sure that that counsel would appear. When I went back
5 to the office, I did see a fax from a Jeffrey S. Pearson,
6 J-E-F-F-R-Y, S, Pearson, P-E-A-R-S-O-N, and Associates, PC.
7 In that document Mr. Pearson indicated that he had just
8 been retained to represent the complainant and he was
9 unable to attend because he had a prior court commitment
10 for the same date and time in the United States Bankruptcy
11 Court and respectfully requested a short continuance of
12 this matter. This was received by fax in my office at 8:50
13 a.m. As I indicated, I saw it approximately 10 o'clock
14 today. Subsequently, I drafted a response
15 to Mr. Pearson with a cc to the complainant and
16 Mr. Swerling indicating that this was the second request
17 for a continuance and that I did not receive a notice of
18 appearance from Mr. Pearson. Since it was the second
19 request and the request was made less than five hours
20 before the scheduled hearing, I denied the request and I
21 indicated that the complainant could appear without
22 counsel.

23 Subsequently, I received a second
24 correspondence from Mr. Pearson. It was addressed to
25 Mr. Swerling indicating that the settlement offer would be

1 accepted and that no one would be appearing on behalf of
2 the complainant today and requesting that necessary closing
3 documents be sent to his attention and also notifying --
4 indicated that he was notifying me that the matter had been
5 settled. Mr. Swerling?

6 MR. SWERLING: Your Honor, we never -- I was
7 never able to actually talk in a live conversation with
8 Mr. Pearson, but in light of his letter saying that he
9 would agree to a settlement, I drafted up a settlement
10 letter and faxed it over to him in satisfaction and I guess
11 in light of that, we'll send it out. If Mr. Pearson has a
12 problem with it, I'm assuming he'll contact me. I'll let
13 him know that he can withdraw it within ten days but if
14 not, then I guess it will stand and it will be settled.

15 JUDGE FORDHAM: Okay. I would just note for
16 the record that Ms. Ferrier is here and she was ready to
17 testify. If the settlement doesn't go through, then we'll
18 deal with at that time, but we thought it was better to put
19 this information on the record that they were willing to go
20 through with the settlement and in light of the fact that
21 the request for a continuance was denied, that the
22 complainant chose not to appear.

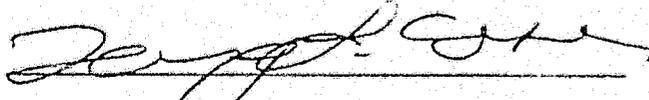
23 (Whereupon, at 1:30 p.m., the hearing
24 was adjourned.)
25

C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.

COMMONWEALTH REPORTING COMPANY, INC.

By:


Tammy L. Cohen

RECEIVED: 22 FEB 9:32
SECRETARY'S BUREAU

20002

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25