

ORIGINAL

Page 1
2007 OCT 15 AM 07:07
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

* * * * *

KAREN DRAKE

DOCKET NO. C-20077785

vs.

MCI COMMUNICATIONS

DOCKETED
OCT 15 2007

Initial Hearing
Pages 1 through 10

**DOCUMENT
FOLDER**

State Office Building
1400 Spring Garden Street
Philadelphia, Pennsylvania 19130
Monday, October 1st, 2007
Commencing at 10:45 a.m.

Before:

Marlane R. Chestnut, Administrative Law Judge

APPEARANCES:

(Via Telephone)
Amy Baer, Esquire
100 North 10th Street
Harrisburg, Pennsylvania 17107
* * * Counsel for MCI

(Via Telephone)
Karen Drake
6238 Clearview Street
Philadelphia, Pennsylvania 19138

* * * * *

PRECISION REPORTING, INC.
230 South Broad Street, 11th Floor
Philadelphia, Pennsylvania 19102
(215) 731-9847
1-800-528-3060

1 - - -
2 P R O C E E D I N G S
3 - - -

4 JUDGE CHESTNUT: This is the
5 hearing scheduled at Docket C-20077785, Karen
6 Drake versus MCI Communications Services,
7 Inc. For the record, let me state that I am
8 Administrative Law Judge Marlane R. Chestnut.
9 I will note the following appearances for the
10 record. Karen Drake, representing herself.
11 Her address is listed as 6238 Clearview Street,
12 Philadelphia, PA 19138; is that correct?

13 THE COMPLAINANT: Yes, that is
14 correct, Judge.

15 JUDGE CHESTNUT: And your phone number
16 is (215) 842-2341?

17 THE COMPLAINANT: Yes, Judge.

18 JUDGE CHESTNUT: Ms. Baer, you're
19 at 100 North 10th Street, Harrisburg, PA
20 17101. Telephone number (717) 236-1300; is
21 that correct?

22 MS. BAER: That is correct, Your Honor.

23 JUDGE CHESTNUT: Of course, you're
24 representing MCI?

1 MS. BAER: Yes, Your Honor.

2 JUDGE CHESTNUT: Now, by cover
3 letter dated September 24th, 2007, I received
4 a large notebook of proposed exhibits, Exhibits
5 1 through 5, from you, Ms. Baer; is that
6 correct?

7 MS. BAER: That is correct, Your
8 Honor.

9 JUDGE CHESTNUT: Now, Ms. Drake,
10 I didn't receive anything from you; is that
11 correct?

12 THE COMPLAINANT: I don't know. I
13 didn't send anything.

14 JUDGE CHESTNUT: Did you send me any
15 exhibits after the Complaint? Did you file
16 anything after you did the Complaint?

17 THE COMPLAINANT: No, I wasn't
18 aware. I just did this, to file with the
19 Utility Commission and the Utility
20 Commission would follow up.

21 JUDGE CHESTNUT: All right, I wanted
22 to make sure that if you did send me anything
23 I did get it.

24 THE COMPLAINANT: Oh, okay. No, I

1 wasn't told to do that.

2 JUDGE CHESTNUT: Well, you were told
3 that you could file exhibits in the
4 pre-hearing order that I sent out, as well
5 as the hearing notice told you the process
6 to do that.

7 THE COMPLAINANT: Okay. That's me
8 not understanding. But that's okay. Thank
9 you.

10 JUDGE CHESTNUT: This is your
11 hearing. This is your opportunity. So
12 hopefully it won't be a problem. Let me
13 state as a procedural matter that the
14 relevant facts stated in the new matter
15 that was filed by the Respondent, MCI, are
16 deemed admitted pursuant to 52 PA Code
17 Section 5.63, Subsection 8.

18 Ms. Drake, what this means is, that
19 since you did not file a response to the
20 company's new matter in your answer to their
21 Complaint, the facts in that are deemed
22 admitted, just like any facts that they
23 do not respond to in your Complaint would
24 have been deemed admitted. Okay?

1 THE COMPLAINANT: Okay.

2 JUDGE CHESTNUT: Ms. Drake, what I'm
3 going to do is I'm going to let you and Ms.
4 Baer and her witnesses discuss this matter
5 amongst yourselves off the record. I'll
6 remove myself and see if you can resolve
7 this without the necessity of a hearing. When
8 you do that you can often, frankly, get a
9 much better result than if you had proceeded
10 to litigate this, because you do have the
11 burden of proof, and reading your Complaint and
12 the Answer it seems like perhaps some of your
13 concerns have already been addressed. I'm sure
14 that Ms. Baer will see if --

15 THE COMPLAINANT: Well, I --

16 JUDGE CHESTNUT: Please don't interrupt
17 me.

18 THE COMPLAINANT: I'm sorry.

19 JUDGE CHESTNUT: Okay. I'm going
20 to give you the opportunity to talk directly
21 to Ms. Baer and see if you can work this
22 out. Do you understand that?

23 THE COMPLAINANT: Yes.

24 JUDGE CHESTNUT: I won't be here.

1 This will be off the record. Okay?

2 THE COMPLAINANT: Yeah.

3 JUDGE CHESTNUT: Is that okay with
4 you, Ms. Baer?

5 MS. BAER: That is, Your Honor.
6 Thank you.

7 JUDGE CHESTNUT: Ms. Drake, please
8 try and be reasonable in reviewing any offer
9 the company makes, and Ms. Baer, I would
10 ask that you're reasonable in dealing with
11 this customer also. I'm sure I can count on
12 you to do that. What I want you to do then is
13 I will put this on mute. I will remove myself.
14 When you have reached the end of your
15 discussion, just speak up and let the court
16 reporter know and she'll come and get me.
17 Okay?

18 THE COMPLAINANT: Oh, okay.

19 JUDGE CHESTNUT: Do you understand,
20 Ms. Baer?

21 MS. BAER: Yes, I do. Thank you,
22 Your Honor.

23 JUDGE CHESTNUT: Okay. I'll leave
24 now so that you can talk.

1 and Ms. Drake I'll tell you now. You will
2 have an opportunity to object to the filing
3 of the Certificate of Satisfaction within 10
4 days of filing that.

5 JUDGE CHESTNUT: Ms. Drake, what I
6 actually wanted her to explain to you is,
7 you understand that we will not proceed with
8 the hearing, then?

9 THE COMPLAINANT: Yes, I do, Judge.

10 JUDGE CHESTNUT: And you do
11 agree with the settlement?

12 THE COMPLAINANT: Yes, I do.

13 JUDGE CHESTNUT: Then you'll get a
14 letter from the Commission, after the
15 Certificate letter that, will tell you that
16 your docket number is being closed. I'm
17 really glad that you were able to resolve
18 it.

19 THE COMPLAINANT: I am also, Your
20 Honor.

21 JUDGE CHESTNUT: Good. Ms. Baer,
22 make sure you fax me a copy of your
23 Certificate of Satisfaction, please.

24 MS. BAER: I will, Your Honor.

1 JUDGE CHESTNUT: You have the
2 number?

3 MS. BAER: I do, yes.

4 JUDGE CHESTNUT: Okay. When I get
5 that we'll process it and hopefully it
6 will be taken care of. Anything further from
7 you, Ms. Drake?

8 THE COMPLAINANT: Uh, no, Judge
9 Chestnut. I'm sorry I had to take up your
10 time like this. I'm glad to have done
11 business with Ms. Baer.

12 JUDGE CHESTNUT: Oh, I'm glad
13 to hear that. Ms. Baer, anything further from
14 you?

15 MS. BAER: No, Your Honor.

16 JUDGE CHESTNUT: Okay. This hearing
17 is adjourned.

18 - - -
19 (Whereupon, the hearing concluded at 10:47
20 a.m.)

21 - - -

22

23

24

* C E R T I F I C A T I O N

2007 OCT 15 AM 9:08
SECRETARY'S BUREAU

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

I, Nancy Battle, hereby certify that
the proceedings and evidence noted are contained
fully and accurately in the notes taken by me on the
deposition of the above matter, and that this is a
correct transcript of the same.

Nancy Battle

NANCY BATTLE
Shorthand Reporter

- - -

(The foregoing certification of this
transcript does not apply to any reproduction of the
same by any means, unless under the direct control
and/or supervision of the certifying reporter.)

- - -