

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Daniel Clune d/b/a Subway Drexel Hill

v.

PECO Energy Company

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C-20065804

PREHEARING ORDER

DOCUMENT
FOLDER

An Initial Hearing in this case is scheduled for an available hearing room in the Philadelphia State Office Building on Monday, July 10, 2006, at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. You must 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 Pennsylvania Public Utility Commission's ("Commission" or "PUC") current service list of the parties to this proceeding is enclosed with this Order.

2. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and 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 hearing dates 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 Street, Philadelphia, PA 19130. Changes are granted only in rare situations where good cause exists.

3. **YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN THE HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

4. The hearing is a formal proceeding and will be conducted in accordance with the Pennsylvania Public Utility Commission's Rules of Practice and Procedure.

5. If you intend to introduce any exhibits into evidence at the hearing, you must supply an original and one copy for the court reporter, a copy for me, and one copy for each other party. Proposed exhibits should be properly pre-marked for identification purposes.

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 THE 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.

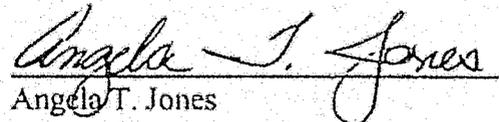
9. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa. Code § 5.331(b) provides, in relevant part, that "[a] party shall initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa.

Code § 5.322 provides, in relevant part, that "parties are encouraged to exchange information on an informal basis." 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 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. Mr. Clune is cautioned that the Commission cannot award damages as part of a claim. A claim to award damages must be sought in a different forum. The Commission can fine a utility for violation of the PUC's regulations.

Date: June 2, 2006


Angela T. Jones
Administrative Law Judge

OALJ Hearing Report

Please check those blocks which apply

Docket No.:	C-20065804		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Case Name:	Daniel Clune d/b/a Subway Drexel Hill v. PECO	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Energy Company		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:	July 10, 2006	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Angela T. Jones	DATE:	7-10-06	
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
<p style="font-size: 2em; font-weight: bold;">RECEIVED</p> <p>JUL 10 2006</p> <p>PHILADELPHIA COMMISSION SECRETARY'S BUREAU</p>		REMARKS:	PECO MOVED TO DISMISS FOR LACK OF PROSECUTION. COMPLAINT A NO SHOW.	

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

Name and Telephone Number	Address	Who are you representing?	
<p style="font-size: 1.5em;">Lisa Lutz, Esq</p> <p>Telephone: 215-841-6841</p>	<p>2301 Market St.</p>	<p style="font-size: 1.5em;">PECO Energy</p> <p>Fax Number: 215-568-3389</p>	
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City Philadelphia</td> <td style="width: 17%;">State PA</td> <td style="width: 50%;">Zip 19101</td> </tr> </table>		City Philadelphia
City Philadelphia	State PA	Zip 19101	

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

llp

Jessie Ashman

Reporter's Signature

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