

PLEASE DOCKET

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

2006 MAR 27 AM 10: 53

PA P.U.C.
SECRETARY'S BUREAU

Guy T. Smith

v.

PECO Energy Company

DOCKETED

APR 03 2006

C-20065764

**DOCUMENT
FOLDER**PREHEARING ORDER

An Initial Telephonic Hearing in this case is scheduled for Monday, April 10, 2006 at 2:00 p.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. **Commission policy promotes settlements. 52 Pa.Code §5.231(a). The utility shall contact the customer at least one week before the scheduled hearing to talk over a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.**
2. **If you intend to present any documents or exhibits for my consideration, you must send one copy to the other party and three (3) copies to me at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.**
3. **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 five (5) business days before the hearing.**
4. **In accordance with the Initial Decision of the Chief Administrative Law Judge issued March 7, 2006, the evidence presented at hearing shall be limited to the issue of**

PECO Energy Company's (PECO) alleged refusal to accept medical certificates on Mr. Smith's (Complainant) account.

5. Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that PECO has violated the Public Utility Code, a Commission regulation or Commission order so that the customer is entitled to the relief requested in the complaint.

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. 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.

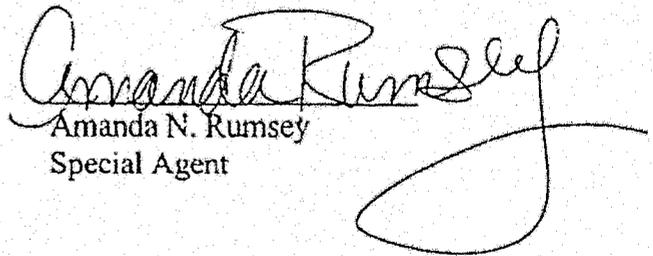
8. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must be submitted in writing no later than five (5) business days prior to the hearing. 52 Pa.Code §1.15(b). Requests for changes of hearing dates must be sent to me and all parties of record. The correct address is: Special Agent Amanda N. Rumsey, P.O. Box 3265, Harrisburg, PA 17105-3265. Changes are granted only in rare situations where good cause exists.

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

10. 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] participant 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 limitation on discovery (52 Pa. Code §5.361) and sanctions for abuse of the discovery process (52 Pa. Code §5.372).

11. **ALTHOUGH THE 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.**

Date: March 22, 2006


Amanda N. Rumsey
Special Agent

Act 294

2006 MAR 30 PM 1:12
F.A.P.U.C.
SECRETARY'S BUREAU

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Case Identification:

C-20065764; Guy T. Smith v. ECO
Energy Company

DOCUMENT
FOLDER

Initial Decision By:

ALJ Veronica A. Smith

Deadline for Return to OSA:

March 29, 2006

This decision has not been reviewed by OSA.

2006 MAR 28 AM 9:15
OFFICE OF SPECIAL
ASSISTANTS

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DOCKETED
MAR 31 2006

* * * * *

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

Dwight J. Hillard

Commissioner

MAR 27, 2006

Date

Act 294

Case Identification:

C-20065764; Guy T. Smith v. PECO Energy Company

Initial Decision By:

ALJ Veronica A. Smith

Deadline for Return to OSA:

March 29, 2006

This decision has not been reviewed by OSA.

* * * * *

I want full Commission review of this decision.

2006 MAR 24 AM 3:47
OFFICE OF SPECIAL ASSISTANTS

RECEIVED

Commissioner

Date

I do not want full Commission review of this decision.

James H. Cawley
Commissioner

3/23/06
Date

Act 294

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C-20065764; Guy T. Smith v. PECO Energy Company

Initial Decision By:

ALJ Veronica A. Smith

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March 29, 2006

This decision has not been reviewed by OSA.

RECEIVED
2006 MAR 29 PM 3:09
OFFICE OF SPECIAL ASSISTANTS

* * * * *

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

Kim Fitzgerald

Commissioner

3-29-06

Date

Act 294

Case Identification:

C-20065764; Guy T. Smith v. PECO Energy Company

Initial Decision By:

ALJ Veronica A. Smith

Deadline for Return to OSA:

March 29, 2006

This decision has not been reviewed by OSA.

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RECEIVED
2006 MAR 23 AM 4:18
OFFICE OF SPECIAL ASSISTANTS

I want full Commission review of this decision.

Commissioner

Date

I do not want full Commission review of this decision.

Veronica A. Smith

Commissioner

3/20/06

Date

Legal Department

Exelon Business Services Company
2301 Market Street / 523-1
PO Box 8699
Philadelphia, PA 19101-8699

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

Business Services
Company

PLEASE DO NOT REPLY

Direct Dial: 215 841 6841

April 4, 2006

VIA FEDEX

Special Agent Amanda Rumsey
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17102

RE: **Guy T. Smith v. PECO Energy Company**
Docket No. C-20065764
Hearing Date: Monday, April 10, 2006

APR - 6 2006
PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

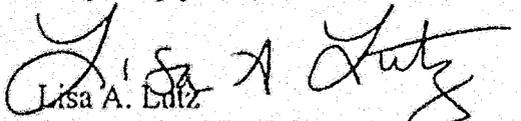
BTL

Dear Special Agent Rumsey:

Enclosed are PECO Energy Company's Exhibits which it plans to use at the above-referenced hearing. By copy of this letter, I am sending a copy of these documents to the Complainant.

Please call my direct dial number if you have any questions regarding this case.

Very truly yours,


Lisa A. Lutz
Counsel for PECO Energy Company

LAL/zr

Enc.

cc: Guy T. Smith (Via FedEx)
A. Costello

DOCUMENT
FOLDER

05 APR - 5 11:19
PA PUC

Chapter 56 Hearing Report

Please Check Those Blocks Which Apply

| | | | | |
|----------------|-----------------------------------|-------------------------|--------------------------------------|-------------------------------------|
| Docket No.: | C-20065764 | | YES | NO |
| Case Name: | Guy T Smith v PECO Energy Company | Prehearing Held: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | | Hearing Held: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | Testimony Taped: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | | Transcript Due: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Location: | Harrisburg | Hearing Concluded: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Date: | April 10, 2006 | Further Hearing Needed: | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | | Estimated Add'l Days: | | |
| Special Agent: | SA Amanda N. Rumsey | RECORD CLOSED: | <input type="checkbox"/> | <input type="checkbox"/> |
| | | DATE: | | |
| | | Briefs to be Filed: | <input type="checkbox"/> | <input type="checkbox"/> |
| | | DATE: | | |
| | | Bench Decision: | <input type="checkbox"/> | <input type="checkbox"/> |
| | | REMARKS: | <i>Complainant failed to appear.</i> | |

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APR 14 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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

| Name and Telephone Number | Address | Who are you representing? | | | | | | |
|--------------------------------|--|---------------------------|-------|-------|-----|--------------|-----------|--------------|
| <i>Lisa Kutz, Esq.</i> | <i>2801 Market St, 523-1 P.O. Box 8099</i> | <i>PECO</i> | | | | | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 0.8em;">City</td> <td style="font-size: 0.8em;">State</td> <td style="font-size: 0.8em;">Zip</td> </tr> <tr> <td style="text-align: center;"><i>Phila</i></td> <td style="text-align: center;"><i>PA</i></td> <td style="text-align: center;"><i>19101</i></td> </tr> </table> | | City | State | Zip | <i>Phila</i> | <i>PA</i> | <i>19101</i> |
| City | State | Zip | | | | | | |
| <i>Phila</i> | <i>PA</i> | <i>19101</i> | | | | | | |
| Telephone: <i>215-841-6841</i> | E-mail Address: | Fax Number: | | | | | | |
| | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="font-size: 0.8em;">City</td> <td style="font-size: 0.8em;">State</td> <td style="font-size: 0.8em;">Zip</td> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table> | City | State | Zip | | | | |
| City | State | Zip | | | | | | |
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| Telephone: | E-mail Address: | Fax Number: | | | | | | |
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| City | State | Zip | | | | | | |
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| Telephone: | E-mail Address: | Fax Number: | | | | | | |

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

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