

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Brad Rounds |
v. |
Pennsylvania Electric |
Company |
Telephonic Hearing

Docket No.: C-20065760

Pages 1 - 9

DOCUMENT
FOLDER

Pennsylvania Public Utility
Commission
400 North Street
Harrisburg, PA 17101

Monday, March 27, 2006
Commencing at 10:10 a.m.

BEFORE:

KANDACE F. MELILLO, Administrative Law Judge

APPEARANCES:

RECEIVED

Brad Rounds, Pro Se
For the Complainant

APR - 5 2006

MATTHEW A. TOTINO, Esquire
Ryan, Russell, Ogden & Seltzer, LLP
800 North Third Street
Suite 101
Harrisburg, PA 17102
For the Respondent

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

REPORTER: AIMEE L. ADAMS

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APR 7 2006

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WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

NONE PRESENT

P R O C E E D I N G S

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JUDGE KANDACE F. MELILLO:

This is the time and place for an initial telephone hearing in the formal complaint of Brad Rounds versus Pennsylvania Electric Company, also known as Penelec. The Docket Number is C-20065760, and it involves the billing dispute filed with the Commission on January 12, 2006. Penelec filed an answer on or about February 6, 2006, and an amended answer on February 7, 2006. I am Administrative Law Judge Kandace F. Melillo, assigned by the Commission to preside in this matter. I note the appearance this morning of Matthew A. Totino, Esquire, on behalf of Pennsylvania Electric Company. Good morning, Mr. Totino.

ATTORNEY TOTINO:

Good morning.

JUDGE MELILLO:

I also endeavored to contact the Complainant for this hearing. I first contacted the Complainant at the telephone number listed in his complaint, that number being 440-265-9346. I received a message that that number was not in service. I then inquired of Mr. Totino whether Penelec had another

1 contact number for Mr. Rounds. I received a number of
2 area code 814-438-7472 as being a prior contact
3 number. I tried that number. I let the phone ring
4 several times, then I did get a voice mail, which said
5 that the parties weren't available and to leave a
6 message. I left a message saying I would call back in
7 ten minutes for this hearing. I then called back in
8 ten minutes and a gentleman answered the phone at that
9 time. However, he said that Mr. Rounds did not live
10 there and he was not aware of whom Mr. Rounds was. So
11 therefore, I conclude that Mr. Rounds has not appeared
12 for this hearing. We will continue in his absence.
13 The parties were notified of the hearing via telephone
14 hearing notice dated February 14, 2006, and by a pre-
15 hearing order dated February 15, 2006. These
16 documents noted the consequences of failure to appear,
17 which is that a party may lose the case. Also, the
18 documents specify that the parties must notify me of
19 any change in the telephone contact number prior to
20 the hearing. I received no notice of any changes.
21 The telephone hearing notice dated February 14, 2006,
22 and the pre-hearing order dated February 15, 2006, was
23 sent to the Complainant at the address listed in this
24 complaint, and neither document was returned by the
25 U.S. Postal Service as undeliverable. Complainant did

1 not request or receive a continuance of this case. No
2 continuance has been granted, and I have received no
3 word that Complainant has withdrawn or settled the
4 complaint. Complainant's failure to excuse
5 --- failure to appear is inexcusable, and I will
6 proceed in his absence. The hearing, while being held
7 by telephone, is being transcribed. There is a Court
8 Reporter present. So I ask all of you to speak
9 clearly, slowly and loudly. Mr. Totino is Counsel for
10 Penelec. You do not have the burden of proof, and you
11 do not have to present any evidence today. Do you
12 wish to make a motion for my consideration?

13 ATTORNEY TOTINO:

14 I do, Your Honor. I wish to make a
15 motion to dismiss for failure to prosecute under
16 Section 332(a) of the Public Utility Code.

17 JUDGE MELILLO:

18 All right. Very well. I will take your
19 motion under consideration and issue a decision. My
20 decision is due within 90 days of the receipt of
21 transcript and the close of the record. A copy will
22 be sent to all parties. Is there anything further for
23 my consideration today?

24 ATTORNEY TOTINO:

25 No, Your Honor.

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JUDGE MELILLO:

Very well. Thank you very much for your attendance, and thank your witnesses. This hearing will now be adjourned. Thank you.

ATTORNEY TOTINO:

Thank you.

JUDGE MELILLO:

Oh, wait a minute --- hold on. The Court Reporter wanted to note something.

Court Reporter:

Do you want a copy of the transcript?

JUDGE MELILLO:

Mr. Totino, are you still there?

ATTORNEY TOTINO:

Yes. She asked if we wanted a copy ---

JUDGE MELILLO:

Yes, she did.

ATTORNEY TOTINO:

--- of the transcript?

JUDGE MELILLO:

Yes, she asked if you wanted a copy.

ATTORNEY TOTINO:

No, I don't think that will be necessary.

JUDGE MELILLO:

All right. Very well.

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HEARING CONCLUDED AT 10:14 A.M.

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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.

Aimee Adams

Court Reporter

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