

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Charles F. Delehanty

v.

MXEnergy, Inc.

DOCKETED
JUL 23 2007

C-20077773

PREHEARING ORDER

DOCUMENT
FOLDER

An initial telephonic hearing in this case is scheduled for Thursday, August 9, 2007, at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. If you intend to present any documents or exhibits for my consideration, you must send one (1) copy to the other party and three (3) copies to me one week before the hearing. Be sure that you 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 Commission's current service list of the parties to this proceeding is enclosed with this Order.

2. 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 one (1) week before the hearing.

3. A request for a change of the scheduled hearing date must be submitted in writing no later than five (5) days before the hearing. 52 Pa. Code §1.15(b). Requests for changes of initial hearings must be sent to the undersigned Administrative Law Judge, with copies to all parties of record. The correct address is: Pennsylvania Public Utility Commission, Office of Administrative Law Judge, 1103 Pittsburgh State Office Building, 300 Liberty Avenue,

Pittsburgh, PA 15222-1210. Only the undersigned Administrative Law Judge or Office of Administrative Law Judge Scheduling Unit may grant a request for a change of an initial hearing. Such changes are granted only in rare situations where sufficient cause exists. Should any party have any questions regarding this procedure, you may contact me at 412-565-3550.

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

5. **ALTHOUGH THIS 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.**

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 represent you. However, if you are a partnership, limited liability company, corporation, trust, association or governmental agency or subdivision, you must have an attorney represent you in this proceeding. Unless you are an attorney, you may not represent someone else.

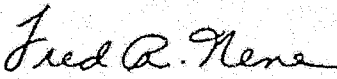
7. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainant is entitled to the relief requested in the complaint.

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." 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 limitations on discovery (52 Pa. Code §5.361) and sanctions for abuse of the discovery process (52 Pa. Code §§5.371 & 5.372).

10. It is the Commission's policy 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.

Date: July 16, 2007



Fred R. Nene
Administrative Law Judge



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
1103 Pittsburgh State Office Building, 300 Liberty Avenue
Pittsburgh, PA 15222

Tel: 412-565-3550
Fax: 412-565-5692

IN REPLY PLEASE
REFER TO OUR FILE

August 3, 2007

DOCUMENT
FOLDER

Charles F. Delehanty
350 North Balph Avenue, 1st Floor
Pittsburgh, PA 15202

RE: Charles F. Delehanty v. MXEnergy, Inc.
Docket No. C-20077773

Dear Mr. Delehanty:

I am in receipt of your letter faxed on August 2, 2007.

Your request to continue the August 9, 2007 hearing in this matter is denied.

If you wish to object to the Respondent's proposed exhibits, you may do so if and when they are identified at the hearing.

Very truly yours,

Fred R. Nene
Administrative Law Judge

FRN:aje

cc: Edmund J. Berger, Esq., (w/enclosure)
Berger Law Firm, PC
2104 Market Street
Camp Hill, PA 17011

✓ Secretary (w/enclosure)

2007 AUG -6 11 08:50

SECRETARY

BTL

Charles F Delehanty

Thursday, August 02, 2007

F A C S I M I L E

2007 AUG -5 AM 8:50

SECRETARY'S BUREAU

To: Hon. Fred R. Nene
PA Public Utility Commission
Administrative Law Judge
1103 Pittsburgh State Office Bldg.
Pittsburgh, PA 15222

Re: C-20077773

Fax: 412-565-5692

Number of pages including this one: 2

Time: 7:30 PM EDT

Dear Judge Nene;

This is sent via facsimile per advice of Sandy of the your office.

It is sent to ask for a continuance of the case to permit time to file objections to information received today from Mr. Berger, and for Mr. Berger to respond, if he so deems, and time for you to rule on the objections prior to the hearing. The telephone hearing is scheduled for 10 AM EDT next Thursday, August 9, 2007.

Mr. Berger's letter, dated July 31, 2007, was not received until around 12:45 PM this day. Due to previous engagements, I could not immediately review, in detail, the information. But, I know that I will at least object, per 52 Pa. Code §5.401((b),(2),(ii), to admissibility of some of the exhibits the letter transmitted.

The objections will be prepared by close of business tomorrow, Friday, and in the mail Saturday, the 4th.

Respectfully submitted,

Charles F Delehanty
COMPLAINANT

Cc: Copy faxed to Mr. Edmund J Berger, Berger Law Firm, P. C. at 1-717-920-8901

Attachment: Certificate of Service

350 N Balph Avenue, 1st Fl., Pittsburgh, PA 15202, Tel/fax: 412-734-4448

CERTIFICATE OF SERVICE

In the case of PUC docket no C-20077773, Charles Delehanty versus MXENERGY, Inc.

I hereby certify that I have this day served, via facsimile, a true copy of the foregoing document upon the parties listed below in accordance with requirements of §1.54 (relating to service by a party.).

Edmund J Berger

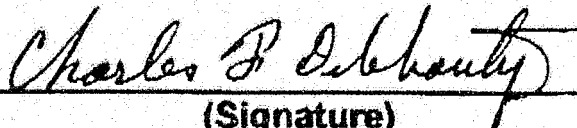
Berger Law Firm, P. C.

2104 Market Street

Camp Hill, PA 17011

Fax: 1-717-920-8901

Dated this 2nd day of August, 2007



(Signature)

Complainant

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20077773		YES	NO
	Charles F. Delehanty	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	v.	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	MXEnergy, Inc.	Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Pittsburgh	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	August 9, 2007			
ALJ:	Fred R. Nene	RECORD CLOSED:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
Reporting Firm:	Commonwealth Reporting Company	Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">AUG 24 2007</p> <p style="text-align: center;">PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU</p>		REMARKS:	<i>Record will be closed by order on receipt of transcript.</i>	

DOCUMENT FOLDER

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

Name and Telephone Number	Address			Who are you representing?
Charles F. Delehanty	350 North Balph Avenue <i>APT 1F</i>			Self
	City	State	Zip	
	Pittsburgh	PA	15202	
Telephone: 412-734-4448	E-mail Address:			Fax Number:
Edmund J. Berger, Esq.	Berger Law Firm PC 2104 Market Street			MXEnergy, Inc.
	City	State	Zip	
	Camp Hill	PA	17011	
Telephone 717-920-8900	E-mail Address:			Fax Number:
	City	State	Zip	
Telephone:	E-mail Address:			Fax Number:

BTL

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

Karen F. Cross
Reporter's Signature

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

MEMORANDUM

COMMONWEALTH OF PENNSYLVANIA
PA Public Utility Commission

DATE: August 10, 2007

SUBJECT: Charles F. Delehanty v.
MXEnergy, Inc.
Docket No. C-20077773

TO: James J. McNulty, Secretary
PA Public Utility Commission

FROM: ALJ Fred R. Nene *FRN/aw*
Office of Administrative Law Judge, Pittsburgh

Please file the enclosed one-page piece of correspondence from the Complainant in the above-captioned case. Thank you.

FRN:seo

Enclosure

DOCUMENT
FOLDER

2007 JUL 13 PM 0:53
SECRETARY'S BUREAU

BTL

Charles F Delehanty

Thursday, August 10, 2007

To: Hon. Fred R. Nene
PA Public Utility Commission
Administrative Law Judge
1103 Pittsburgh State Office Bldg.
Pittsburgh, PA 15222

Re: PUC Docket no C-20077773

Dear Judge Nene;

Computer is broke so print this. I withdraw
the complaint against MXenergy. A check
for the \$68,18 Columbia Gas of PA is owed
is sent to them today.

Thank you for your consideration in
this matter.

DOCUMENT
FOLDER

DOCKETED
AUG 13 2007

RECEIVED

AUG 13 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Respectfully submitted,

Charles F Delehanty
Charles F Delehanty

Complainant

cc: Edmund J. Berger, BERGER LAW FIRM, P.C.

350 N Balph Avenue, 1st Fl., Pittsburgh, PA 15202, Tel/fax: 412-734-4448

RECEIVED

AUG 10 2007

Pittsburgh Office of A.L.J.
Public Utility Commission

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: August 14, 2007

SUBJECT: C-20077773
Charles F. Delehanty v. MXEnergy, Inc.

TO: Wanda Zeiders
Docket Management

FROM: Ona Lester, ALJ Support Staff
Office of Administrative Law Judge

On August 10, 2007, a Petition for leave to Withdraw was filed in the above-captioned proceeding. If no objection is filed to this petition within 20 days of the filing, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Fred R. Nene
Beth Plantz
Case File

DOCKETED
AUG 30 2007

DOCUMENT
FOLDER

BTL

Charles F Delehanty

Thursday, August 10, 2007

To: Hon. Fred R. Nene
PA Public Utility Commission
Administrative Law Judge
1103 Pittsburgh State Office Bldg.
Pittsburgh, PA 15222

Re: PUC Docket no C-20077773

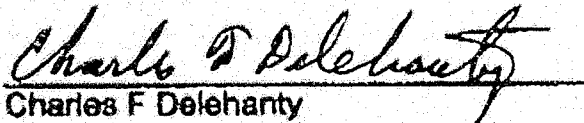
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is sent to them today.

Thank you for your consideration in
this matter.

RECEIVED
OFFICE OF C.A.L.J.
07 AUG 10 AM 9:50
PA PUC

Respectfully submitted,


Charles F Delehanty

Complainant

cc: Edmund J. Berger, Berger Law Firm, P.C.

350 N Balph Avenue, 1st Fl., Pittsburgh, PA 15202, Tel/fax: 412-734-4448

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGE
1103 STATE OFFICE BUILDING
300 LIBERTY AVENUE
PITTSBURGH, PA 15222-1210

FAX
(412) 565-5692

TELEPHONE
(412) 565-3550

FAX TRANSMITTAL

TO:

Ona Lester

COMPANY:

PUC Scheduling

PHONE NUMBER:

FROM:

ALJ Nene (Pgh)

TOTAL NO. OF PAGES: 2
(including this Sheet)

DATE: 8-10-09

COMMENTS: Delehanty v. MX Energy, Inc. C-20077773
See e-mail. This is a withdrawal letter.

RECEIVED
OFFICE OF O.A.L.J.
07 AUG 10 AM 9:50
PA PUC



Lester, Ona

From: Nene, Fred
Sent: Friday, August 10, 2007 9:48 AM
To: Lester, Ona
Cc: Williams, Christine
Subject: Charles F. Delehanty v. MXEnergy< Inc. C-20077773

Ona:

A hearing was held yesterday in this matter. Following the hearing I received a call from the Complainant indicating that he wished to withdraw his complaint. I received a letter of withdrawal from Mr. Delehanty today which I am faxing you a copy and will send the original by regular mail to the Secretary's office. Please process the matter as a withdrawal. Thank you.

Fred Nene



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

September 14, 2007

C-20077773

CHARLES F. DELEHANTY
350 NORTH BALPH AVENUE APT 1
PITTSBURGH PA 15202

CHARLES F. DELEHANTY
v.
MXENERGY COM INC

DOCKETED
SEP 12 2007

TO WHOM IT MAY CONCERN:

Please be advised that the Commission has marked closed the above-entitled proceeding.

Very truly yours,

James J. McNulty
Secretary

cc: All parties of Record

nvl

BTL

**DOCUMENT
FOLDER**