

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

3175 JFK Associates, L.P.

v.

PECO Energy Company

**DOCKETED**  
APR 25 2007

C-20065806

PREHEARING ORDER

**DOCUMENT  
FOLDER**

An Initial Hearing in this case is scheduled for Wednesday, June 13, 2007 at 10:00 a.m. in an available hearing room in the Philadelphia State Office Building. You must be available in the hearing room when your case is called by the presiding Administrative Law Judge. You should arrive at the hearing room no later than 9:45 a.m. and wait in the hearing room until the Administrative Law Judge calls your case. If the customer is not present and prepared to go forward with the case when it is called, the case will be dismissed by the Administrative Law Judge.

The parties are hereby directed to comply with the following requirements:

1. 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. My correct address is:

1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215-560-2105  
Fax: 215-560-3133

Changes are granted only in rare situations where good cause exists.

SECRETARY'S BUREAU

2007 APR 25 PM 1:05

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2. **Commission policy promotes settlements.** 52 Pa. Code §5.231(a). The utility will 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.

3. If you intend to present any documents or exhibits for my consideration, you must bring four (4) copies to the hearing. Proposed exhibits should be properly pre-marked for identification.

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

5. 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, limited liability company, 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).

6. 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 the Administrative Law Judge 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.

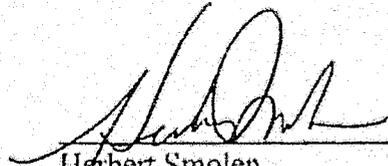
7. Be aware that there often is a delay in my receiving documents filed in Harrisburg. Therefore, serve me directly with any documents that you file in this proceeding.

8. The Complainant is responsible for payment of current undisputed bills for service pending the resolution of this complaint. 52 Pa. Code §56.181. Failure to make payments may result in the termination of utility service.

9. **THE COMPLAINT WILL BE DISMISSED IF THE CUSTOMER FAILS TO PARTICIPATE IN THE HEARING AND PRESENT EVIDENCE IN SUPPORT OF THE COMPLAINT.**

10. The complainant bears the burden of proof and must demonstrate by a preponderance of the evidence that respondent violated its tariff, the Public Utility Code or a Commission order or regulation, and that he/she is entitled to the relief requested in the Complaint.

Date: April 20, 2007

  
Herbert Smolen  
Administrative Law Judge

SERVICE LIST

3175 JFK Associates LP  
c/o Philadelphia Management and Companies  
1411 Walnut Street, 3<sup>rd</sup> Floor  
Philadelphia, PA 19102

Ethan N. Halberstadt, Esquire  
Halberstadt Curley LLC  
1100 E. Hector Street, Suite 425  
Conshohocken, PA 19428

Michael Swerling, Esquire  
Ward L. Smith, Esquire  
PECO Energy Company  
2301 Market Street/S23-1  
P.O. Box 8699  
Philadelphia, PA 19101-8699



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Office of Administrative Law Judge  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
June 1, 2007

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20065806

(SEE ATTACHED LIST)

3175 JFK Associates, L.P. v. PECO Energy Company

Service/Reliability Issues

Hearing Cancellation/Reschedule/Judge Change Notice

This is to inform you that the Initial Hearing on the above-captioned case previously scheduled for June 13, 2007, has been canceled.

This is to inform you that the Administrative Law Judge in the above captioned case has been changed from Administrative Law Judge Herbert Smolen to Administrative Law Judge Marlane R. Chestnut.

The hearing has been rescheduled as follows:

Type: Initial Hearing  
Date: Monday, July 23, 2007  
Time: 10:00 a.m.  
Location: In an available hearing room  
13th Floor  
Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, PA 19130

DOCUMENT  
FOLDER

**DOCKETED**  
JUN 5 2007

Presiding: Administrative Law Judge Marlane R. Chestnut  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130  
Telephone: 215-560-2105  
Fax: 215-560-3133

Please mark your records accordingly.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717-787-1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988

pc: Judge Chestnut  
Stacy Nolan, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File

C-20065806 3175 JFK ASSOCIATES, L.P. v. PECO ENERGY COMPANY

3175 JFK ASSOCIATES LP  
C/O PHILADELPHIA MANAGEMENT AND COMPANIES  
1411 WALNUT STREET  
3RD FLOOR  
PHILADELPHIA PA 19102

ETHAN N HALBERSTADT ESQUIRE  
HALBERSTADT CURLEY LLC  
1100 E HECTOR STREET  
SUITE 425  
CONSHOHOCKEN PA 19428  
610-834-8819

MICHAEL SWERLING ESQUIRE  
WARD L SMITH ESQUIRE  
PECO ENERGY COMPANY  
2301 MARKET STREET/S23-1  
PO BOX 8699  
PHILADELPHIA PA 19101-8699  
215-841-6841

# OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	C-20065806		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
Case Name:	3175 JFK Associates, L.P. v. PECO Energy	Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Company		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Hearing Concluded: *	<input type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	June 13, 2007			
		RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ:	Herbert Smolen	DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
<div style="font-size: 2em; font-weight: bold; margin: 0;">RECEIVED</div> <div style="font-size: 1.2em; margin: 5px 0;">JUL 3 2007</div> <div style="font-size: 0.8em; margin: 5px 0;">PA PUBLIC UTILITY COMMISSION</div> <div style="font-size: 0.8em; margin: 0;">PLEASE RETURN TO BUREAU</div>		REMARKS:	* HEARING CONT'D TO 7/22/07 AND TRANSFERRED TO ALJ CHRYSTUS	

PA PUBLIC UTILITY COMMISSION  
 PLEASE RETURN TO BUREAU  
 Complete information may result in delay of processing.

Name and Telephone Number	Address	Who are you representing?			
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City	State	Zip			
Telephone:	E-mail Address:	Fax Number:			

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

\_\_\_\_\_  
 Reporter's Signature

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