

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Frank C. DeSimone, Jr.

v.

Duquesne Light Company

:
:
:
:
:

C-20077487

DOCUMENT
FOLDER

PREHEARING ORDER

DOCKETED
JUN 5 2007

An initial telephonic hearing in this case is scheduled for Monday, June 25, 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. All copies must be received at least five days before the hearing. This includes a copy of a Protection from Abuse (PFA) Order if you marked the "yes" response on the Complaint form that asks if you are a victim under a PFA. 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.

Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222. Only the undersigned Administrative Law Judge or OALJ Scheduling Staff may grant a request for a change of an initial hearing. Such changes are granted only in rare situations where sufficient cause exists. Requests for changes of subsequent hearings, if any, should also be served directly on me.

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.

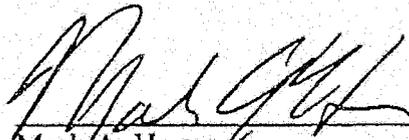
7. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainant is entitled to the relief requested in the complaint.

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. 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.

Date: May 31, 2007



Mark A. Hoyer
Administrative Law Judge

Frank C. Desimone, Jr.	Prehearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v.	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Duquesne Light Company	Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location: Pittsburgh	Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Date: June 25, 2007	Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ: Mark A. Hoyer	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reporting Firm: Commonwealth Reporting Company	Estimated Add'l Days:		
	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	DATE:	6/25/07	
	Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
	DATE:		
	Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>

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JUL " 3 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

REMARKS: *Oral withdrawal of formal complaint by Complainant on the record. No objections. Will wait for transcript to process this withdrawal.*

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

Name and Telephone Number	Address	Who are you representing?
Frank C. Desimone, Jr.	4070 Mount Royal Boulevard City: Allison Park State: PA Zip: 15101	Self
Telephone: 412-487-2562	E-mail Address:	Fax Number:
Regina M. Sestak, Esq.	Duquesne Light Company 411 Seventh Avenue, 8-2 City: Pittsburgh State: PA Zip: 15219	Duquesne Light Company
Telephone: 412-393-1546	E-mail Address:	Fax Number:
	City: State: Zip:	DOCUMENT FOLDER
Telephone:	E-mail Address:	
		Fax Number:

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

Carly A. Stull
Reporter's Signature

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



Duquesne Light

Our Energy... Your Power

Legal Department
411 Seventh Avenue, 8-2
Pittsburgh, PA 15219

ORIGINAL

Tel 412-393-6505
Fax 412-393-1418
kkubiak@duq'ight.com

Krycia Kubiak
Assistant General Counsel

August 10, 2007

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED
2007 AUG 13 AM 10:37
SECRETARY'S OFFICE

RE: Frank C. Desimone v. Duquesne Light Company
Docket No. C-20077487

Dear Secretary McNulty:

Enclosed please find an original and three copies of Duquesne Light Company's Notice of Withdrawal of Appearance and Entry of Appearance. A copy of this document has been served upon Complainant in accordance with Commission regulations.

**DOCUMENT
FOLDER**

Sincerely,

Krycia Kubiak
Assistant General Counsel
Duquesne Light Company

enes

c: Frank C. Desimone (w/enclosure)
Administrative Law Judge Mark A. Hoyer (w/enclosure)

ORIGINAL

RECEIVED
2007 AUG 13 AM 10:37

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

FRANK C. DESIMONE, JR.,)
)
 Complainant,)
)
 v.)
)
 DUQUESNE LIGHT COMPANY,)
)
 Respondent.)

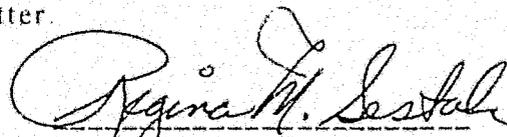
Docket No. C-20077487

NOTICE OF WITHDRAWAL OF APPEARANCE AND
ENTRY OF APPEARANCE

TO THE HONORABLE COMMISSION:

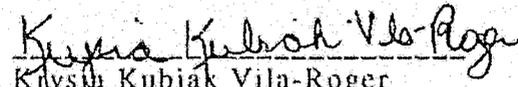
Please withdraw my appearance on behalf of Respondent, Duquesne
Light Company, in the above-captioned matter.

DOCUMENT
FOLDER


Regina M. Sestak
Pa. I.D. #23632

Please enter my appearance on behalf of Respondent, Duquesne Light
Company, in the above-captioned matter.

DOCKETED
AUG 14 2007


Klysiu Kubiak Vila-Roger
Pa. I.D. # 90619
Duquesne Light Company
411 Seventh Avenue, 8-2
Pittsburgh, PA 15219
Telephone: (412) 393-6505
FAX (412) 393-1418

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: October 5, 2007
SUBJECT: C-20077487
Frank C. Desimone v. Duquesne Light Company
TO: Wanda Zeiders
Docket Management
FROM: Ona Lester, ALJ Support Staff
Office of Administrative Law Judge

**DOCUMENT
FOLDER**

On September 27, 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 Mark A. Hoyer
Beth Plantz
Case File

DOCKETED
OCT 23 2007

COMMONWEALTH OF PENNSYLVANIA

Pennsylvania Public Utility Commission

INTEROFFICE MEMORANDUM

TO: ONA LESTER
 OALJ SCHEDULING STAFF

FROM: MARK A. HOYER
 ADMINISTRATIVE LAW JUDGE

SUBJECT: FRANK C. DESIMONE, JR. V. DUQUESNE LIGHT COMPANY
 DOCKET NO. C-20077487

DATE: SEPTEMBER 27, 2007

CC: BETH PLANTZ, CHRIS WILLIAMS, ARLENE EUBANKS

DOCUMENT FOLDER

I presided over an initial telephonic hearing in the above-captioned case on Tuesday, June 25, 2007 at 10:00 a.m. Complainant verbally withdrew his formal complaint on the record at the hearing. Counsel for the Respondent did not object to Complainant's motion to withdraw on the record at the hearing. A copy of the relevant transcript pages including the request for withdraw are being sent along with this memorandum (I. pp 5-6). The transcript was received in Pittsburgh on September 20th.

Please process this matter pursuant to 52 Pa. Code §5.94. Kindly ask the Secretary for the Commission to send the appropriate 20-day notice to the parties and thereafter, mark the docket for this case as closed.

As always, if you have any questions or if I can be of any service to you, please feel free to contact me. I thank you for your time and attention to this matter.

Enclosure

PA PUC

2:03

1 and you can have your discussions with attorney Sestak and
 2 her witnesses and when you're finished, attorney Sestak, if
 3 you would please be so kind as to let the Court Reporter know
 4 so that she can leave the hearing room and get me from my
 5 office.

6 At this time we are going to take a recess and for
 7 the Record. The time is now 10:09. Good luck with your
 8 discussions and I am leaving the hearing room now.

9 MR. DESIMONE: All right. Thank you, Your
 10 Honor.

DOCKETED (Thereupon, a recess was taken).
 11 OCT 23 2007

12 JUDGE HOYER: This is Judge Hoyer. Let's just
 13 go back on the Record. All right. The time is now 10:40.
 14 I have reentered the hearing room. We took a recess for the
 15 parties to discuss this dispute to see if they might perhaps
 16 be able to resolve.

17 Attorney Sestak, were the parties, in fact, able to
 18 resolve the dispute here today?

19 MS. SESTAK: Your Honor, we have had some
 20 lengthy discussions and Mr. DeSimone has indicated a
 21 willingness to withdraw his complaint.

22 **DOCUMENT** JUDGE HOYER: Okay. Mr. DeSimone.

23 **FOLDER** MR. DESIMONE: Yes, Your Honor.

24 JUDGE HOYER: Is that true; have you decided
 25 to officially withdraw the formal complaint that you filed?

1 MR. DESIMONE: Yes, I will withdraw the
2 complaint.

3 JUDGE HOYER: You understand that by
4 withdrawing this complaint it will effectively end this
5 matter?

6 MR. DESIMONE: Yes, I do.

7 JUDGE HOYER: Attorney Sestak, is there any
8 objection to the withdrawal of the formal complaint here?

9 MS. SESTAK: No, Your Honor.

10 JUDGE HOYER: Do you care to make any
11 statements on the Record with respect to the withdrawal?

12 MS. SESTAK: No, Your Honor.

13 JUDGE HOYER: All right. I'll just inform the
14 parties what will occur now is this will be processed, this
15 oral withdrawal will be processed administratively. When I
16 receive a copy of the transcript, I will copy the page
17 containing the withdrawal and send it to our scheduling
18 staff, a 20-day letter will be issued, but as far as the
19 parties are concerned, since there is no objection to the
20 withdrawal, this should effectively end this.

21 We're going to adjourn this matter and I thank you
22 all for participating in today's hearing. Have a good day.

23 MR. DESIMONE: Thank you, Your Honor.

24 MS. SESTAK: Thank you go.

25 JUDGE HOYER: Good-bye.



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

IN REPLY PLEASE
REFER TO OUR FILE

November 7, 2007

C-20077487

FRANK C. DESIMONE, JR.
4070 MOUNT ROYAL BLVD
ALLISON PARK PA 15101

FRANK C. DESIMONE, JR.
v.
DUQUESNE LIGHT COMPANY

DOCUMENT
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DOCKETED
NOV - 7 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

BA