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WITNESS INDEX

WITNESSES

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EXHIBIT INDEX

NUMBER FOR IDENTIFICATION IN EVIDENCE

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P R O C E E D I N G S

ADMINISTRATIVE LAW JUDGE MARK HOYER: Today's date is June 25th, 2007. The time is now 10:05. This is the time and place for an initial telephonic hearing on the complaint of Frank C. Desimone, Jr., versus the Duquesne Light Company. The Docket No. for this proceeding is C-20077487. My name is Mark Hoyer. I am an Administrative Law Judge with the Pennsylvania Public Utility Commission in the Pittsburgh office. I am conducting this telephonic hearing from Hearing Room No. 2 in the Pittsburgh State Office Building, the offices of Administrative Law Judge on the 11th Floor.

On the line here today is the Complainant, Frank Desimone. And, Mr. Desimone, you are representing yourself here today; is that correct?

MR. DESIMONE: That's correct.

JUDGE HOYER: Representing the Duquesne Light Company here today is attorney Regina Sestak and, attorney Sestak, you indicated that in the event that we do proceed into a hearing you have two witnesses that you intend to call today; correct?

MS. SESTAK: Yes, Your Honor.

JUDGE HOYER: I received a mailing from you, attorney Sestak, a cover letter with Exhibits 14. I received three copies of those. Did you receive a mailing, Mr.

1 Desimone from attorney Sestak?

2 MR. DESIMONE: Yes, I did, Your Honor.

3 JUDGE HOYER: Okay. Before we actually begin  
4 the hearing and I explain the procedure, I thought I'd ask  
5 the parties if they would like an opportunity here to discuss  
6 this matter informally off the Record to see if they might be  
7 able to resolve it among themselves and I should say for your  
8 benefit, Mr. Desimone, if you choose to have discussions with  
9 attorney Sestak and her witnesses off the Record, I will not  
10 be present in the hearing room for those discussions. We  
11 will not be tape recording those discussions or taking a  
12 stenographic record.

13 would you like an opportunity, Mr. Desimone ,o  
14 discuss this dispute with attorney Sestak here today to see  
15 if you might be able to resolve it?

16 MR. DESIMONE: Yeah, I think that would be  
17 fine by me. I'm just -- this whole thing just basically is  
18 voicing my opinion in filing the complaint. I never really  
19 intended this to go into a lawsuit, to be quite honest with  
20 you.

21 JUDGE HOYER: Okay. well, perhaps you can  
22 discuss it with her and we may have some sort of a  
23 resolution.

24 what's going to occur now, Mr. DeSimone, I'm going to  
25 be leaving the hearing room here and we'll go off the Record

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.

11 (Thereupon, a recess was taken).

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 JUDGE HOYER: Okay. Mr. DeSimone.

23 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.

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MR. DESIMONE: Good-bye.

(Thereupon, at 10:42 o'clock, the Hearing was adjourned).

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.

COMMONWEALTH REPORTING COMPANY, INC.

By:   
Cathy R. Mull

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