

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Anthony Crivelli

v.

Pennsylvania Electric Company

DOCKETED

MAY 22 2007

C-20077470

PREHEARING ORDER**DOCUMENT
FOLDER**

An initial telephonic hearing in this case is scheduled for Monday, July 16, 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 prior to the hearing. 52 Pa. Code §1.15(b). Requests for changes of initial hearings must be sent to the undersigned Administrative Law Judge, 1103 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.

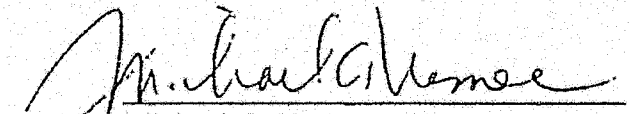
7. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the Complainant is entitled to the relief requested in the complaint.

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 17, 2007


Michael A. Nemec
Administrative Law Judge

RYAN, RUSSELL, OGDEN & SELTZER
A PROFESSIONAL CORPORATION

SUITE 101
800 NORTH THIRD STREET
HARRISBURG, PENNSYLVANIA 17102-2025

TELEPHONE 717-236-7714
FACSIMILE 717-236-7816
WWW.RYANRUSSELL.COM

May 29, 2007

DOCUMENT
FOLDER

WYOMISSING OFFICE
SUITE 210
1150 BERKSHIRE BOULEVARD
WYOMISSING, PENNSYLVANIA
19610-1208
TELEPHONE 610-372-4761
FACSIMILE 610-372-4177

Via Hand Delivery

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

ORIGINAL

Re: Anthony Crivelli v. Pennsylvania Electric Company
Docket No. C-20077470

A. Crivelli Ford Mercury v. Pennsylvania Electric Company
Docket No. C-20077647

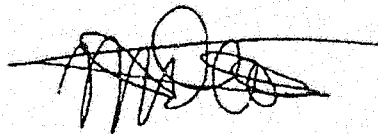
Dear Secretary McNulty:

Enclosed please find an original and three (3) copies of the Motion to Consolidate Proceedings on behalf of Pennsylvania Electric Company in the above-referenced matters. These documents have also been served on the parties of record as shown in the Certificate of Service.

If you have any questions, please contact me.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER P.C.



Matthew A. Totino

Enclosures
MAT:lsm

c: As per Certificate of Service

2007 MAY 29 PM 3:59
SECRETARY'S OFFICE

191

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

ANTHONY CRIVELLI

v.

PENNSYLVANIA ELECTRIC COMPANY:

Docket No. C-20077470

A. CRIVELLI FORD MERCURY

v.

PENNSYLVANIA ELECTRIC COMPANY:

Docket No. C-20077647

**MOTION OF PENNSYLVANIA ELECTRIC
COMPANY TO CONSOLIDATE PROCEEDINGS**

AND NOW, Pennsylvania Electric Company ("Penelec"), by and through its attorneys, Matthew A. Totino, John F. Povilaitis and Ryan, Russell, Ogden & Seltzer hereby files, pursuant to this Commission's regulations at 52 Pa. Code § 5.81, the following Motion to Consolidate Proceedings, and in connection therewith states as follows:

1. Complainant is a non-residential or commercial customer of Penelec with two metered accounts at Crivelli Ford Mercury, Rt. 8, Reno, Pennsylvania 16343 ("Service Location"). One meter serves a commercial structure at the Service Location ("Commercial Structure Account") with Account No. 100069242228 and another meter serves a commercial sign at the Service Location with Account No. 100007471558 ("Sign Account").

2. On or about March 19, 2007, Mr. Crivelli filed a Formal Complaint against Penelec at Docket No. C-20077470. In the Complaint, Mr. Crivelli alleges that Penelec improperly established a separately metered and billed electric account for the commercial sign at the Service Location.

3. On March 29, 2007, the Complaint was served on Penelec via First Class Mail.

4. On or about April 23, 2007, Penelec filed an Answer and New Matter denying the material allegations in the Complaint.

5. A hearing notice was subsequently issued scheduling a telephonic hearing on Monday, July 16, 2007 at 10:00 a.m. before Administrative Law Judge Michael A. Nemec.

6. On or about March 23, 2007, Mr. Crivelli filed a Formal Complaint against Penelec on behalf of Crivelli Ford Mercury at Docket No. C-20077647. In the Complaint, Mr. Crivelli alleges that the bills rendered at the Commercial Structure Account are too high.

7. On May 4, 2007, the Complaint was served on Penelec via First Class Mail.

8. Penelec has filed an Answer and New Matter simultaneously with this Motion denying the material allegations in the Complaint.

9. Penelec believes that it is appropriate for this Commission to consolidate the above-referenced Complaints for hearing and decision.

10. The regulations at 52 Pa. Code § 5.81 allow this Commission or the presiding officer to order the consolidation of proceedings "involving a common question of law or fact." The pleadings filed by the parties in the above-referenced

proceedings contain common issues of law and fact which, in order to further judicial economy and conservation of resources, justify consolidation.

11. Consolidation is appropriate for several reasons. First, both Complaints concern the same Service Location and involve the same parties: Anthony Crivelli on behalf of an automobile dealership and Penelec. In addition, both Complaints involve the same general issue (the adequacy and lawfulness of Penelec's billing) and the same ultimate question of law: that is, whether Penelec has provided adequate and reasonable service under the Public Utility Code and applicable law.

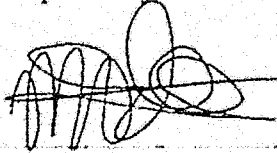
12. This Commission has significant discretion in deciding a Motion to Consolidate Proceedings. Consolidation of these proceedings will avoid the possible need for two separate Administrative Law Judges and two separate hearings to address the adequacy and lawfulness of billing for the two accounts at the Service Location. Thus, consolidation promotes basic principles of judicial economy by avoiding the possibility of needless duplication of litigation and by allowing all parties involved to conserve resources by presenting their evidence at one hearing.

13. Penelec recognizes that a hearing date is currently scheduled for the Complaint at Docket No. C-20077470. However, Penelec does not object to a continuance of the hearing for whatever time period may be necessary to accommodate the relief sought in this Motion. A continuance of the hearing would also allow Mr. Crivelli to arrange for legal representation, given that Complainant is a commercial customer, is required by law to obtain representation to pursue his Complaints and has yet to inform Penelec of the identity of such representation.

14. For the foregoing reasons, Penelec urges this Commission to consolidate the above-referenced proceedings before one Administrative Law Judge for hearing and recommended decision in accordance with Section 5.81 of the Pennsylvania Code, 52 Pa. Code § 5.81.

WHEREFORE, Pennsylvania Electric Company hereby requests that this Commission grant the foregoing Motion to Consolidate Proceedings.

Respectfully submitted,



Dated: May 29, 2007

Matthew A. Totino
RYAN, RUSSELL, OGDEN & SELTZER P.C.
800 North Third Street, Suite 101
Harrisburg, Pennsylvania 17102-2025
(717) 236-7714

Attorneys for
Pennsylvania Electric Company

2007 MAY 29 PM 3:59
SEC. OF STATE

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ANTHONY CRIVELLI :
 :
 :
 v. :
 :
 PENNSYLVANIA ELECTRIC COMPANY: :
 :

Docket No. C-20077470

SEC. 129
2007 MAY 29 Fri 3:59

A. CRIVELLI FORD MERCURY :
 :
 :
 v. :
 :
 PENNSYLVANIA ELECTRIC COMPANY: :
 :

Docket No. C-20077647

CERTIFICATE OF SERVICE

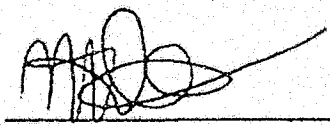
I hereby certify that I have this day served a true copy of the Motion to Consolidate Proceedings of Pennsylvania Electric Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by First Class Mail, postage prepaid, addressed as follows:

Anthony Crivelli
Rt. 8
Reno, Pennsylvania 16343

A. Crivelli Ford Mercury
1053 Allegheny Blvd.
Franklin, Pennsylvania 16323

Dated: May 29, 2007



Matthew A. Totino
RYAN, RUSSELL, OGDEN & SELTZER P.C.
800 North Third Street, Suite 101
Harrisburg, Pennsylvania 17102-2025
(717) 236-7714

Attorneys for
Pennsylvania Electric Company

ORIGINAL

**RYAN, RUSSELL, OGDEN & SELTZER
A PROFESSIONAL CORPORATION**

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800 NORTH THIRD STREET
HARRISBURG PENNSYLVANIA 17102-2025

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WWW.RYANRUSSELL.COM

June 8, 2007

WYOMISSING OFFICE
SUITE 210
1150 BERKSHIRE BOULEVARD
WYOMISSING PENNSYLVANIA
19610-1208
TELEPHONE 610-372-1761
FACSIMILE 610-372-4177

**DOCUMENT
FOLDER**

**DOCUMENT
FOLDER**

Via Hand Delivery
James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Re: Anthony Crivelli v. Pennsylvania Electric Company
Docket No. C-20077470

A. Crivelli Ford Mercury v. Pennsylvania Electric Company
Docket No. C-20077647

2007 JUN -8 PM 3:41
SECRETARY'S CLERK AB


Dear Secretary McNulty:

Enclosed please find an original and three (3) copies of the Amended Motion to Consolidate Proceedings on behalf of Pennsylvania Electric Company in the above-referenced matters. The original Motion has been amended to reflect that the two complaints do not address the same Service Location. These documents have also been served on the parties of record as shown in the Certificate of Service.

If you have any questions, please contact me.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER P.C.



Matthew A. Totino

Enclosures

c: As per Certificate of Service
ALJ Michael A. Nemeo

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

2007 JUN -8 P11 3:41
SECURITY DIVISION

ANTHONY CRIVELLI

v.

Docket No. C-20077470

PENNSYLVANIA ELECTRIC COMPANY:

A. CRIVELLI FORD MERCURY

v.

Docket No. C-20077647

PENNSYLVANIA ELECTRIC COMPANY:

**AMENDED MOTION OF PENNSYLVANIA ELECTRIC
COMPANY TO CONSOLIDATE PROCEEDINGS**

AND NOW, Pennsylvania Electric Company ("Penelec"), by and through its attorneys, Matthew A. Totino, John F. Povilaitis and Ryan, Russell, Ogden & Seltzer hereby files, pursuant to this Commission's regulations at 52 Pa. Code §§ 5.81 and 5.91, the following Amended Motion to Consolidate Proceedings, and in connection therewith states as follows:

1. Complainant is a non-residential or commercial customer of Penelec with an electric account at A. Crivelli Ford Mercury at 1053 Allegheny Boulevard, Franklin, Pennsylvania 16323 (Account No. 100069242228) and two metered accounts at another automobile dealership located at Rt. 8, Reno, Pennsylvania 16343; one meter serves a commercial structure and another meter serves a commercial sign at the service location with Account No. 100007471558 ("Sign Account").

2. On or about March 19, 2007, Mr. Crivelli filed a Formal Complaint against Penelec at Docket No. C-20077470. In the Complaint, Mr. Crivelli alleges that Penelec improperly established a separately metered and billed Sign Account.

3. On March 29, 2007, the Complaint was served on Penelec via First Class Mail.

4. On or about April 23, 2007, Penelec filed an Answer and New Matter denying the material allegations in the Complaint.

5. A hearing notice was subsequently issued scheduling a telephonic hearing on Monday, July 16, 2007 at 10:00 a.m. before Administrative Law Judge Michael A. Nemec.

6. On or about March 23, 2007, Mr. Crivelli filed a Formal Complaint against Penelec on behalf of Crivelli Ford Mercury at Docket No. C-20077647. The Complaint is essentially a "high bill" complaint.

7. On May 4, 2007, the Complaint was served on Penelec via First Class Mail.

8. Penelec filed an Answer and New Matter simultaneously with its Motion to Consolidate denying the material allegations in the Complaint.

9. Penelec believes that it is appropriate for this Commission to consolidate the above-referenced Complaints for hearing and decision.

10. The regulations at 52 Pa. Code § 5.81 allow this Commission or the presiding officer to order the consolidation of proceedings "involving a common question of law or fact." The pleadings filed by the parties in the above-referenced proceedings contain common issues of law and fact which, in order to further judicial economy and conservation of resources, justify consolidation.

11. Consolidation is appropriate for several reasons. First, both Complaints involve the same parties: Anthony Crivelli on behalf of two automobile dealerships and Penelec. In addition, both Complaints involve the same general issue (the adequacy and lawfulness of Penelec's billing) and the same ultimate question of law: that is, whether Penelec has provided adequate and reasonable service under the Public Utility Code and applicable law.

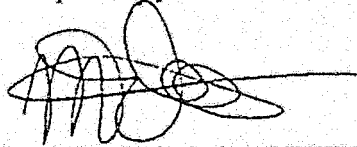
12. This Commission has significant discretion in deciding a Motion to Consolidate Proceedings. Consolidation of these proceedings will avoid the possible need for two separate Administrative Law Judges and two separate hearings to address the adequacy and lawfulness of billing for two accounts at Mr. Crivelli's automobile dealerships. Thus, consolidation promotes basic principles of judicial economy by avoiding the possibility of needless duplication of litigation and by allowing all parties involved to conserve resources by presenting their evidence at one hearing.

13. Penelec recognizes that a hearing date is currently scheduled for the Complaint at Docket No. C-20077470. However, Penelec does not object to a continuance of the hearing for whatever time period may be necessary to accommodate the relief sought in this Motion. A continuance of the hearing would also allow Mr. Crivelli to arrange for legal representation, given that Complainant is a commercial customer, is required by law to obtain representation to pursue his Complaints and has yet to inform Penelec of the identity of such representation.

14. For the foregoing reasons, Penelec urges this Commission to consolidate the above-referenced proceedings before one Administrative Law Judge for hearing and recommended decision in accordance with Section 5.81 of the Pennsylvania Code, 52 Pa. Code § 5.81.

WHEREFORE, Pennsylvania Electric Company hereby requests that this Commission grant the foregoing Motion to Consolidate Proceedings.

Respectfully submitted,



Dated: June 8, 2007

Matthew A. Totino
RYAN, RUSSELL, OGDEN & SELTZER P.C.
800 North Third Street, Suite 101
Harrisburg, Pennsylvania 17102-2025
(717) 236-7714

Attorneys for
Pennsylvania Electric Company

RYAN, RUSSELL, OGDEN & SELTZER
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WYOMISSING, PENNSYLVANIA
19610-1208
TELEPHONE 610-372-4761
FACSIMILE 610-372-4177

June 20, 2007

Via Hand Delivery

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

ORIGINAL

SECRET
JUN 20 11:10:37

Re: Anthony Crivelli v. Pennsylvania Electric Company
Docket No. C-20077470

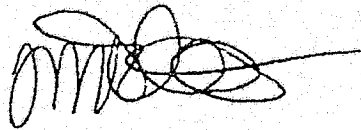
Dear Secretary McNulty:

Enclosed please find an original and three (3) copies of the Certificate of Satisfaction on behalf of Pennsylvania Electric Company in the above-referenced matter. These documents have also been served on the parties of record as shown in the Certificate of Service.

If you have any questions, please contact me.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER P.C.



Matthew A. Totino

DOCUMENT
FOLDER

Enclosures

c: As per Certificate of Service
The Honorable Michael A. Nemeec, ALJ

BA

45

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ANTHONY CRIVELLI :
 :
 v. : Docket No. C-20077470
 :
 PENNSYLVANIA ELECTRIC COMPANY: :
 :

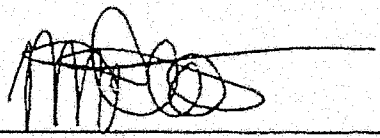
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Certificate of Satisfaction of Pennsylvania Electric Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by First Class Mail, postage prepaid, addressed as follows:

Anthony Crivelli
Rt. 8
Reno, Pennsylvania 16343

Dated: June 20, 2007



Matthew A. Totino
RYAN, RUSSELL, OGDEN & SELTZER P.C.
800 North Third Street, Suite 101
Harrisburg, Pennsylvania 17102-2025
(717) 236-7714

Attorneys for
Pennsylvania Electric Company

2007 JUN 20 11:10:37

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ANTHONY CRIVELLI

v.

Docket No. C-20077470

PENNSYLVANIA ELECTRIC COMPANY:

2007 JUN 20 11:16:37

CERTIFICATE OF SATISFACTION OF COMPLAINT

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, Pennsylvania Electric Company ("Penelec"), by and through its counsel, Matthew A. Totino and Ryan, Russell, Ogden & Seltzer P.C., hereby files this Certificate of Satisfaction in the above-captioned action pursuant to Section 5.24 of the Pennsylvania Public Utility Commission's regulations, 52 Pa. Code § 5.24, and in support thereof, states as follows:

1. Complainant Anthony Crivelli filed a Formal Complaint against Penelec at the above docket.
2. On or about March 29, 2007, the Complaint was served on Penelec via First Class Mail.
3. On or about April 23, 2007, Penelec filed an Answer and New Matter denying the material allegations in the Complaint.
4. Penelec reports that the parties entered into settlement discussions and have successfully achieved a mutually satisfactory resolution to the case. Hence, all issues raised in the Formal Complaint have been resolved, and Complainant has indicated that he is satisfied and will not pursue the Complaint further.
5. The Complainant has authorized Penelec to file this Certificate of Satisfaction.

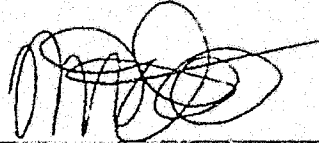
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DOCKETED
JUN 22 2007

6. By a copy of this Certificate, Penelec is providing notice to Complainant of his right to object in writing within 10 days of the filing of this Certificate.

WHEREFORE, the parties to the above-captioned action respectfully request that this action be marked as satisfied and that the case be closed.

Respectfully submitted,



Dated: June 20, 2007

Matthew A. Totino
RYAN, RUSSELL, OGDEN & SELTZER P.C.
800 North Third Street, Suite 101
Harrisburg, Pennsylvania 17102-2025
(717) 236-7714

Attorneys for
Pennsylvania Electric Company

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: June 21, 2007

SUBJECT: C-20077470
Anthony Crivelli v. Pennsylvania Electric Company

TO: Wanda Zeiders
Docket Management

FROM: Janean Spiegel, ALJ Support Staff
Office of Administrative Law Judge

On June 20, 2007, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 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 Michael A. Nemeo
Beth Plantz
Case File

DOCUMENT
FOLDER

DOCKETED
JUN 22 2007

BA



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

IN REPLY PLEASE
REFER TO OUR FILE

August 10, 2007

C-20077470

ANTHONY CRIVELLI
RT. 8
RENO PA 16343

DOCKETED
AUG 10 2007

ANTHONY CRIVELLI
v.
PENNSYLVANIA ELECTRIC COMPANY

**DOCUMENT
FOLDER**

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