

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Michael Burke

v.

Philadelphia Gas Works

DOCKETED
MAY 14 2007

C-20077503

PREHEARING ORDER

DOCUMENT
FOLDER

An initial telephonic hearing in this case is scheduled for Wednesday, June 27, 2007 at 10:00 a.m. 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 documents 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. My address appears in numbered paragraph 3 below.

2. If you or any proposed witness will be at a telephone number that is different from 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 or subsequent hearings must be sent to the Administrative Law Judge, with copies to all parties of record. The correct address is: Administrative Law Judge Ky Van Nguyen, Pennsylvania Public Utility Commission, 1302 Philadelphia State Office Building,

1400 West Spring Garden Street, Philadelphia, PA 19130. Such changes are granted only in rare situations where good cause exists.

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. Under 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, 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. Any attorney representing a party in this proceeding must enter an appearance in accordance with the Commission regulations at 52 Pa. Code §§1.24-.25.

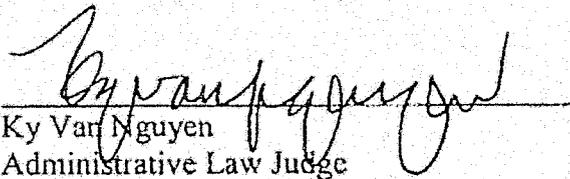
7. The customer-complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the respondent has violated the Public Utility Code or a Pennsylvania Public Utility Commission regulation or order so that the complainant is entitled to the relief requested 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] participant shall endeavor to initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa. Code §5.322 provides, in relevant part, that "participants 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-.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 (1) 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 9, 2007


Ky Van Nguyen
Administrative Law Judge

OALJ Hearing Report

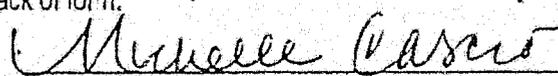
Please check Those Blocks Which Apply

Docket No.:	C-20077503		YES	NO
		Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
Case Name:	Michael Burke v. Philadelphia Gas Works	Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Estimated Add'l Days:		
Date:	June 27, 2007			
		RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ALJ:	Ky Van Nguyen	DATE:	June 27, 07	
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Sargents Court Reporting	DATE:		
<div style="font-size: 2em; font-weight: bold; transform: rotate(-15deg);">DOCUMENT RECEIVED</div> <div style="font-size: 1.5em; font-weight: bold; transform: rotate(-15deg);">FOLDER</div> <div style="font-size: 1.2em; font-weight: bold; transform: rotate(-15deg);">JUL 17 2007</div> <div style="font-size: 1em; font-weight: bold; transform: rotate(-15deg);">PA PUBLIC UTILITY COMMISSION SECRETARY'S BUREAU</div>		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:		

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

Name and Telephone Number	Address	Who are you representing?
Michael Burke (215) 848-3530	City: _____ State: _____ Zip: _____	Absent
Telephone: _____	E-mail Address: _____	Fax Number: _____
Lanato A. Farinas, Esquire	City: _____ State: _____ Zip: _____	PGW
Telephone: _____	E-mail Address: _____	Fax Number: _____
	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.