

BTL¹

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

----- X
 :
Timothy W. Bishop v. West Penn Power Company: Docket No.
 Billing dispute. : C-20016634
 :
 Initial telephonic hearing. :
 :
 ----- X

Pages 1 through 8 State Office Building
 300 Liberty Avenue
 Pittsburgh, Pennsylvania 15222

Friday, May 24, 2002

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

ROBERT P. MEEHAN, Administrative Law Judge

APPEARANCES:

JAMES T. BOGGS, Esquire
 800 Cabin Hill Drive
 Greensburg, Pennsylvania 15601-1689
 (For the Respondent)

J.M.

PA P.U.C.
SECRETARY'S BUREAU

2002 JUN -7 AM 9:45

RECEIVED

ORIGINAL

DOCKETED

JUN 08 2002

DOCUMENT
FOLDER

Commonwealth Reporting Company, Inc.
 700 Lisburn Road
 Camp Hill, Pennsylvania 17011

WITNESS INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

None.)

FORM 2

EXHIBIT INDEX

NUMBERS

FOR IDENTIFICATION IN EVIDENCE

(None.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Any reproduction of this transcript is prohibited without authorization by the certifying reporter.

P R O C E E D I N G S

1
2 ADMINISTRATIVE LAW JUDGE ROBERT P. MEEHAN: We will
3 open the record. This is the date set by the Pennsylvania
4 Public Utility Commission for a telephonic hearing on the
5 complaint of Timothy Bishop against West Penn Power Company
6 at Docket Number C-20016634. I am Robert Meehan, the
7 Administrative Law Judge assigned by the Commission to
8 preside over the matter and render an initial decision.

9 Earlier this week Mr. Bishop contacted our office and
10 gave a phone number to use to contact him for today's
11 hearing. I will now attempt to contact him at area code
12 412, 207-4852.

13 (Judge dialing phone number.)

14 RECORDED MESSAGE: You have reached 412-207-4852.
15 At the beep, please leave a message.

16 JUDGE MEEHAN: Good morning. This is Judge Meehan
17 with the Public Utility Commission calling for Timothy
18 Bishop. My number is 412-565-3550. It is approximately
19 10:03 a.m. on Friday, May 24th. Please return my call by
20 10:15 a.m. Thank you.

21 Now I will try Mr. Boggs and let him know what
22 occurred. Well, maybe before we do that, I will try Mr.
23 Bishop at the number listed on the formal complaint forms
24 and on the Commission's hearing notice as his home
25 telephone number, which is area code 412, 207-4868.

1 (Judge dialing phone number.)

2 RECORDED MESSAGE: Please leave a message after the
3 tone.

4 JUDGE MEEHAN: Good morning, this is Judge Meehan
5 with the Public Utility Commission calling for Timothy
6 Bishop. I have tried reaching him at 412-207-4852 and had
7 to leave a message there. It is approximately 10:05 on
8 Friday, May 24. My number is 412-565-3550. Please return
9 the call by 10:15. Thank you.

10 Well, now I will call Mr. Boggs, and that number is
11 area code 724-838-6080.

12 (Judge dialing phone number.)

13 MR. BOGGS: James Boggs.

14 JUDGE MEEHAN: Good morning. Judge Meehan calling.

15 MR. BOGGS: Good morning, Your Honor.

16 JUDGE MEEHAN: I wanted to let you know I have made
17 two attempts to contact Mr. Bishop.

18 MR. BOGGS: Okay.

19 JUDGE MEEHAN: He had called, or someone claiming to
20 be Timothy Bishop called our office on May 20 around 3:15
21 in the afternoon to make sure we had a phone number to call
22 for today's hearing, which was 412-207-4852. I did call
23 that number and received a recorded message to leave a
24 message. I left my name, who I was with, telephone number
25 and requested that he return the call by 10:15.

1 MR. BOGGS: Okay.

2 JUDGE MEEHAN: I then decided to reach him at the
3 number he gave as his home telephone number, which was the
4 number on the hearing notice, 412-207-4868. I also
5 received a record announcement to leave a message, which I
6 then repeated.

7 At this point, I have not been able to make contact
8 with him and so I guess we will wait until about 10:15 to
9 see if I receive a response to either call.

10 MR. BOGGS: Very well. We are prepared and ready to
11 proceed if he should call you back.

12 JUDGE MEEHAN: All right.

13 MR. BOGGS: Thank you very much, Your Honor.

14 JUDGE MEEHAN: We are off the record now until
15 10:15.

16 (Recess.)

17 JUDGE MEEHAN: Let's go back on the record. I will
18 now call Mr. Boggs.

19 (Judge dialing phone number.)

20 MR. BOGGS: James Boggs.

21 JUDGE MEEHAN: Good morning; Judge Meehan again. I
22 have not received a response to either of the messages I
23 left at the phone numbers I had for Mr. Bishop, so at this
24 point, he has not appeared for the hearing.

25 MR. BOGGS: Okay. I have a motion if Your Honor is

1 willing to entertain it.

2 JUDGE MEEHAN: All right, Mr. Boggs.

3 MR. BOGGS: I would move that the PUC dismiss Mr.
4 Bishop's complaint for his failure to appear and prosecute,
5 and actually I would also move that the complaint be
6 dismissed for reasons such as for failure to state a claim
7 for which relief could be granted.

8 The relief that Mr. Bishop has requested has already
9 been carried out, and furthermore, most of the allegations
10 that he makes are against his landlord, not the company.

11 JUDGE MEEHAN: Well, the Commission procedure is
12 that when a person fails to appear at a duly noticed
13 hearing, the complaint is to be dismissed and dismissed
14 with prejudice. That motion will be granted, and you will
15 shortly be in receipt of an initial decision which will
16 confirm that ruling today.

17 MR. BOGGS: Very well.

18 JUDGE MEEHAN: Thank you for being available.

19 MR. BOGGS: Thank you, Your Honor.

20 JUDGE MEEHAN: The hearing is now adjourned.

21 (Whereupon, at 10:20 a.m., the hearing was
22 adjourned.)

23

24

25

C E R T I F I C A T E

I hereby certify, as the stenographic reporter, that the foregoing proceedings were reported 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: Barbara A. Spin
Barbara A. Spin

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORM 2