

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joseph & Lorraine Carr

v

North Heidelberg Sewer Company

:
: Docket Number
:
: C-20055491
:

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PREHEARING ORDER

On January 3, 2006, I was assigned to preside over this case. The purpose of this order is to bring to the attention of all parties certain procedural rules, observance of which will serve to "secure the just, speedy and inexpensive determination" of this proceeding. 1 Pa Code §1.2(a) The parties are directed to comply with the following requirements:

1. Proceedings before the Commission are governed by, inter alia, 52 Pa. Code §1.15, which provides:

§1.15. Extensions of time.

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or the presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Commission or the presiding officer. Only for good cause shown, will requests for continuance be considered. The requests should be submitted at least 5 days prior to the hearing date. (Emphasis added.)

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In accordance with the foregoing, absent a timely request for continuance for good cause (i.e., no later than 5 days before the scheduled hearing on February 16, 2006), all parties to this proceeding shall be prepared to participate in the scheduled hearing.

2. Unless you are a corporation, it is not required that you be represented by an attorney, although you may choose to be represented by an attorney. **If you are a corporation, you must be represented by an attorney.**

3. If you wish to offer into evidence at the hearing material in the form of documents (letters, bills, canceled checks and the like), you must bring with you the required number of copies (an original and two copies for the Commission, one copy for every other party in the case, and a copy for yourself) 52 Pa. Code §5.409.

4. Please be aware that there often is a delay in my receiving documents filed in Harrisburg. Therefore, serve me directly with any documents you file in this proceeding.

5. Finally, I would also like to bring to your attention 52 Pa. Code §5.331(b) which provides, inter alia, that "[p]articipants shall endeavor to initiate discovery as early in the proceedings as reasonably possible," and 52 Pa. Code §5.322 which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements which require the presiding officer's participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572.

6. The parties are encouraged to informally discuss any of the matters involved in this case prior to the scheduled hearing.

ORDER

The parties shall comply with procedural rules and regulations discussed herein.

Date:

Jan. 10, 2006

Charles F. Rainey, Jr.
CHARLES F. RAINEY, JR.
Administrative Law Judge



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February 7, 2006

James P. Melia

Hon. Charles Rainey
Administrative Law Judge
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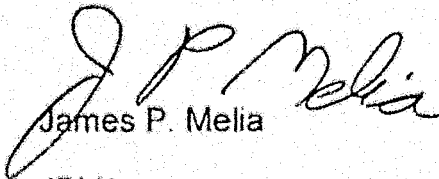
Re: Joseph and Loraine Carr v. North Heidelberg Sewer Company
Docket No. C-20055491

Dear Judge Rainey:

At your suggestion, I have spoken to Mr. Carr, complainant in this proceeding, who has agreed to a 30-day continuance of the hearing as well as my request for any future hearing to be conducted telephonically. I will be filing an Answer to the above complaint nunc pro tunc and would appreciate your consideration of my request for continuance to allow us to prepare a proper answer.

If you have any questions, please contact me.

Very truly yours,


James P. Melia

JPM/cem

cc: Joseph Carr
David Morganti
James J. McNulty, Secretary

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