

PLEASE DOCKET

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Ernest & Madeline Tymes

v.

PECO Energy Company

F-02021797

**DOCUMENT
FOLDER**

PREHEARING ORDER

DOCKETED
APR 06 2006

An initial telephonic hearing in this case is scheduled for Tuesday, May 9, 2006 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 in the case. A copy of the current service list is attached to 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 initial telephonic hearing date must be submitted in writing no later than five (5) days prior to hearing. 52 Pa. Code §1.15(b). Requests for changes of initial hearings must be sent to me with copies to all parties of record. The correct address is 1302 State Office Building, 1400 W. Spring Garden Street, Philadelphia, PA 19130. 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 with copies to all parties.

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. ADMISSIONS CONTAINED IN THE PLEADINGS MAY BE OFFERED AT THE HEARING.

6. Pursuant to 52 Pa. Code §§1.21 and 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.

7. The Complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the Complainant is entitled to the relief requested in the Complaint.

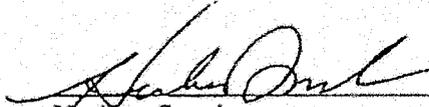
8. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You should submit your written application for subpoenas sufficiently in advance of the hearing so that the other parties will have the requisite ten days' notice to answer or object, and so that 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 "[p]articipants 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 & 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: March 28, 2006



Herbert Smolen
Administrative Law Judge

Legal Department

Exelon Business Services Company
2301 Market Street 523 1
PO Box 8699
Philadelphia, PA 19101-8699

Telephone 215 841 5544
Fax 215 568 3389
www.exeloncorp.com

Direct Dial 215 841 6841

May 8, 2006

James McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, Second Floor
Harrisburg, PA 17120

ORIGINAL

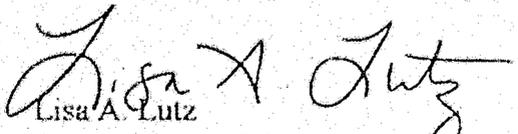
RE: Ernest & Madeline Tymes v. PECO Energy Company
Pa. PUC Docket No.: F-02021797
FILING OF CERTIFICATE OF SATISFACTION

Dear Secretary McNulty:

Enclosed for filing with the Commission are the original and three (3) copies of a Certificate of Satisfaction in connection with the above-referenced case. This Certificate indicates that PECO Energy Company and the Complainants have resolved the issues raised in the Formal Complaint. Unless the Complainants file an objection to the enclosed Certificate of Satisfaction within ten (10) days, the Formal Complaint should be withdrawn and the Commission's file closed.

If you have any questions with regard to this filing, please contact me at 215.841.6841. Thank you.

Sincerely,


Lisa A. Lutz
Counsel for PECO Energy Company

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LAL/zr

cc: Ernest & Madeline Tymes
Administrative Law Judge Herbert Smolen
Sue Licon

RJP

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ERNEST & MADELINE TYMES

COMPLAINANTS

v.

PECO ENERGY COMPANY

RESPONDENT

DOCKET NO. F-02021797

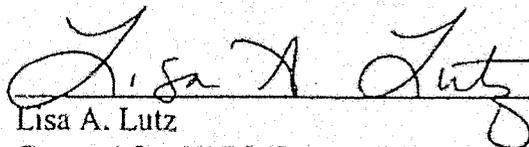
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CERTIFICATE OF SATISFACTION

I, Lisa A. Lutz, Esquire, representing PECO Energy Company ("PECO") in this matter, hereby certify that the issues raised in the Formal Complaint filed by Complainants with the Pennsylvania Public Utility Commission and docketed at Complaint Docket No.F-02021797 have been satisfied.

This Certificate of Satisfaction is provided pursuant to 52 Pa. Code §5.24(b). Unless Complainants file an objection to this Certificate within ten (10) days of its filing, the Formal Complaint shall be withdrawn and the Commission's filed closed.

DOCKETED
MAY 12 2006



Lisa A. Lutz
Counsel for PECO Energy Company
2301 Market Street, S23-1
P.O. Box 8699
Philadelphia, PA 19101-8699
(215) 841-6841
lisa.lutz@excloncorp.com

Date: May 8, 2006

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.:	F-02021797		YES	NO
Case Name:	Ernest & Madeline Tymes v. PECO Energy	Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
Company:		Hearing Held:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Location:	Philadelphia, PA	Hearing Concluded:	<input type="checkbox"/>	<input type="checkbox"/>
Date:	May 9, 2006	Further Hearing Needed:	<input type="checkbox"/>	<input type="checkbox"/>
ALJ:	Herbert Smolen	Estimated Add'l Days:		
Reporting Firm:	Sargents Court Reporting	RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
<p>RECEIVED</p> <p>MAY 12 2006</p> <p>PHILADELPHIA COMMISSION</p>		<p>DOCUMENT</p> <p>FOLDER</p>	<p>REMARKS: <i>* HEARING CANCELLED</i></p> <p style="margin-left: 20px;"><i>CERT/SOTIS FILED</i></p>	

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

Name and Telephone Number	Address	Who are you representing?			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> </table>	City	State	Zip	
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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.

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: May 12, 2006
SUBJECT: F-02021797 Ernet & Madeline Tymes v. PECO Energy Company
TO: Wanda Zeiders
Docket Management
FROM: Susan Licon, ALJ Support Staff
Office of Administrative Law Judge

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On May 10, 2006, a Certificate of Satisfaction was filed in the above-captioned proceeding. If no objection is filed to this certificate within 10 days of service, 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 Herbert Smolen
Beth Plantz
Case File

DOCKETED
MAY 17 2006

RJ