

AA.00156:00000 (40/40)

RECEIVED

ORIGINAL

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

COMMONWEALTH OF PENNSYLVANIA

2006 NOV 13 AM 9:14 PUBLIC UTILITY COMMISSION

VANESSA HARPER
SECRETARY'S BUREAU

:
: Docket # : F-02091120

vs.

PECO ENERGY COMPANY

Telephonic Hearing
Pages 1 through 6

Herbert Smollen's Office
State Office Building
1400 W. Spring Garden Street
Philadelphia, PA 19130
Thursday, October 26, 2006
Commencing at 9:59 a.m.

DOCUMENT
FOLDER

Before:

Herbert Smollen, Administrative Law Judge

APPEARANCES:

Michael S. Swerling, Esquire
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, Pennsylvania 19101

DOCKETED
NOV 14 2006

* * *

PRECISION REPORTING, INC.
230 South Broad Street - 11th Floor
Philadelphia, PA 19102
(215) 731-9847
1-800-528-3060

3

1 * * *

2 PROCEEDINGS

3 * * *

4 THE COURT: This is the matter of
5 Vanessa Harper versus PECO Energy Company in
6 Docket F-02091120. My name is Herbert
7 Smollen, Administrative Law Judge assigned
8 by the Commission to hear the evidence in
9 this case and to render an initial decision
10 in writing in due course.

11 Let the record show that this is a
12 telephonic hearing, and that on the
13 telephone we have the counsel for PECO
14 Energy Company, the respondent, namely
15 Michael Swerling, Esquire.

16 Mr. Swerling, would you acknowledge
17 your presence.

18 MR. SWERLING: Yes, Your Honor.
19 Attorney Mike Swerling here representing
20 PECO Energy.

21 THE COURT: And do you have a witness
22 available to proceed?

23 MR. SWERLING: Your Honor, I have
24 witness Anthony Costello.

1 THE COURT: All right. Let the record
2 further show that the Administrative Law
3 Judge placed a telephone call to the
4 complainant, Vanessa Harper, at the
5 telephone number set forth in the complaint
6 and the hearing notice.

7 Let the record further show that the
8 call was answered by an automated operator
9 indicating that the telephone number had
10 been disconnected. Thereafter, the
11 telephone call was terminated and the
12 foregoing facts were placed upon the
13 record.

14 Mr. Swerling, anything that you want
15 to say now about this case?

16 MR. SWERLING: Yes, Your Honor. At
17 this time I would ask if we could dismiss
18 the case with prejudice for failure to
19 prosecute.

20 THE COURT: I'll take your motion
21 under advisement and deal with it in the
22 initial decision. Anything further?

23 MR. SWERLING: No, that's it, Your
24 Honor.

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

THE COURT: Thank you very much for
appearing and participating. The hearing is
adjourned.

MR. SWERLING: Thank you.

* * *

(Whereupon, the hearing adjourned
at 10:01 a.m.)

* * *

INDEX TO WITNESSES

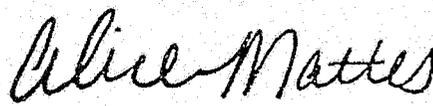
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Anthony Costello	-	-	-	-

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

C E R T I F I C A T I O N

I, Alice Mattes, a Court Reporter and Notary Public, do hereby certify the foregoing to be a true and accurate transcript of the proceedings in this matter, as transcribed from the stenographic notes taken by me.



Alice Mattes
Court Reporter
Notary Public

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)