

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Vanessa Harper

v.

PECO Energy Company

DOCKETED
JAN 02 2007

F-02091120

SECRETARIAT'S CLERK

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PREHEARING ORDER

An initial telephonic hearing in this case is scheduled for Thursday, October 26, 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.

BTL

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.

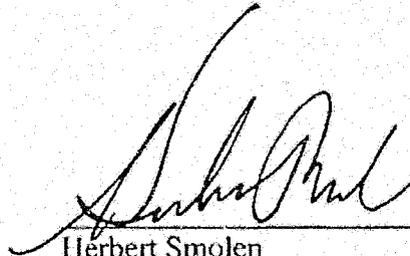
8. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You should submit your written application for subpoenas sufficiently in advance of the hearing so that the other parties will have the requisite ten days' notice to answer or object,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



Herbert Smolen
Administrative Law Judge

OALJ Hearing Report

Please Check Those Blocks Which Apply

Docket No.	F-02091120		YES	NO
Case Name:	Vanessa Harper v. PECO Energy Company	Prehearing Held:	<input type="checkbox"/>	<input type="checkbox"/>
		Hearing Held:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Testimony Taken:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		Hearing Concluded:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location	Philadelphia, PA	Further Hearing Needed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Date	October 26, 2006	Estimated Add'l Days:		
ALJ:	Herbert Smolen	RECORD CLOSED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Reporting Firm:	Precision Reporting	DATE:	10-26-06	
		Briefs to be Filed:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
REMARKS <i>* COMPLAINANT FAILED TO APPEAR BY TELEPHONE - TELEPHONE DISCONNECTED</i>				

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

Name and Telephone Number	Address	Who are you representing?			
<i>MICHAEL S. SWERLING</i>	<i>2301 MARKET ST PO BOX 8699</i>	<i>PECO</i>			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">City <i>PHILA</i></td> <td style="width: 33%; text-align: center;">State <i>PA</i></td> <td style="width: 33%; text-align: center;">Zip <i>19131</i></td> </tr> </table>	City <i>PHILA</i>	State <i>PA</i>	Zip <i>19131</i>	
City <i>PHILA</i>	State <i>PA</i>	Zip <i>19131</i>			
Telephone: <i>215-841-6841</i>	E-mail Address:	Fax Number:			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;">City</td> <td style="width: 33%; text-align: center;">State</td> <td style="width: 33%; text-align: center;">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.

elf

Alice Miller
Reporter's Signature

Note: Completion of this form does not constitute an entry of appearance, see 52 Pa. Code §§1.24 and 1.25.