

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Kathy Needham
v.
PECO Energy Company
Initial Hearing

Docket No.: F-02017628

Pages: 1 - 7

State Office Building
1400 Spring Garden Street
Philadelphia, PA

**DOCUMENT
FOLDER**

Tuesday, April 25, 2006
Commencing at 1:53 p.m.

BEFORE:

Cynthia W. Fordham, Administrative Law Judge

APPEARANCES:

None Present
For the Complainant

Lisa Lutz, Esquire
2301 Market Street
Philadelphia, PA 19101
For the Respondent

ORIGINAL

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MAY 04 2006

PUBLIC UTILITY COMMISSION
SECRETARY BUREAU

REPORTER: Susan Koons

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DOCKETED
MAY 22 2006

FILED
MAY 2 2006

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WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

None

P R O C E E D I N G S

JUDGE CYNTHIA W. FORDHAM;

Good afternoon. I'm Administrative Law Judge Cynthia Williams Fordham and this is the second hearing and we'll call the docket this afternoon on April 25th, 2006. This case is Kathy Needham versus PECO Energy Company at Docket Number F-02017628. I note for the record the appearance of Lisa Lutz, Esquire, for PECO Energy Company.

It is now 1:55. We had another case previously that ended about a couple minutes ago and Ms. Needham has not appeared. Ms. Needham has neither contacted the Commission to indicate that she would not be available for today's hearing or requested a continuance.

The initial hearing notice in this matter was sent on March 7th of 2006. It was sent to Ms. Needham at 2047 Heather Road, Folcroft, F-O-L-C-R-O-F-T, Pennsylvania 19032. It was also sent to Ms. Lutz. Subsequently, I sent out a pre-hearing order to the parties indicating the time, date and location of today's hearing.

In addition, I indicated that this case would be dismissed if the customer failed to

1 participate in the hearing and present evidence in
2 support of the complaint. As I indicated, it is now
3 almost 2:00. The Complainants were asked to appear in
4 the hearing room no later than 1:15 and wait until the
5 case was called and Ms. Needham has not appeared.
6 Therefore, we will go forward with the hearing in this
7 matter.

8 Ms. Lutz, I believe you also had problems
9 reaching the Complainant?

10 ATTORNEY LUTZ:

11 Yes, Your Honor. PECO has made several
12 attempts. There was one telephone exchange where she
13 left a message, but she did not directly respond with
14 the PECO representative. PECO made telephone attempts
15 on March 16th, 2006, and another one on April 24th of
16 2006. There was also a letter sent to Ms. Needham on
17 March 21st, 2006. And none of these attempts were
18 successful.

19 JUDGE:

20 Thank you. I would entertain a motion at
21 this time.

22 ATTORNEY LUTZ:

23 Thank you, Your Honor. At this time I
24 would like to make a motion to dismiss for failure to
25 prosecute.

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JUDGE:

The motion to dismiss is granted. I will write a decision closing the case granting the motion to dismiss. The decision will be sent to both parties, and if either party objects, exceptions can be filed and the Commission will review it. If there are no exceptions filed my decision will become final by operation of law. Thank you very much.

* * * * *

HEARING CONCLUDED AT 1:57 A.M.

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C E R T I F I C A T E

I hereby certify, as the
stenographic reporter, that the foregoing
proceedings were taken stenographically 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.

Susan Koons

Court Reporter

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