

777117-5 11 9: 33  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Matthew Fréy, J. EAU

v.

PECO Energy Company - Gas

:  
:  
:  
:  
:

Docket No. F-1023091

PREHEARING ORDER

An initial hearing in this case is scheduled for April 10, 2002 at 10:00 a.m. Accordingly, the parties are hereby directed to comply with the following requirements:

1. You must 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. For your convenience, a copy of the Commission's current service list of the parties to this proceeding is enclosed with this Order. If you intend to present any documents or exhibits at the hearing, you must bring with you the required number of copies (the original and one copy for the Commission, one copy for me, and one copy for every other party in the case). Documents should be properly pre-marked for identification.

2. A request for a change of the scheduled hearing date must be submitted to me, in writing, no later than five (5) days prior to the hearing. 52 Pa. Code §1.15(b). Such changes are granted only in rare situations where good cause exists.

3. **YOU MAY LOSE THIS CASE IF YOU DO NOT TAKE PART IN THIS HEARING AND PRESENT EVIDENCE ON THE ISSUES RAISED.**

DOCUMENT  
FOLDER

DOCKETED  
MAR 07 2002

4. THIS HEARING IS A FORMAL PROCEEDING AND WILL BE CONDUCTED IN ACCORDANCE WITH THE COMMISSION'S RULES OF PRACTICE AND PROCEDURE.

5 Pursuant to 52 Pa. Code §§1.21 & 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.

6. The complainant bears the burden of proof in this proceeding and must show by a preponderance of the evidence that the respondent has violated the Public Utility Code or a regulation or an Order of this Commission so that the complainant is entitled to the relief requested in the Complaint.

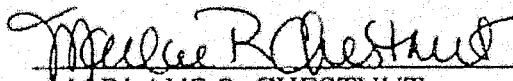
7. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa. Code §5.421. You must submit your written application to me sufficiently in advance of the hearing date so the other parties will have the required ten (10) days' notice to answer or object, and so you will have enough time to receive the subpoena and serve it.

8. 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 "[a] participant 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).

9. 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 1, 2002

  
MARLANE R. CHESTNUT  
Administrative Law Judge

Matthew Frey v. PECO Energy Company - Gas  
Docket Number F-01023091

SERVICE LIST

Matthew Frey  
102 N. New Street, Apt. 1  
West Chester, PA 19380

Henri P. Marcial, Esquire  
PECO Energy Company  
2301 Market Street  
P.O. Box 8699  
Philadelphia, PA 19101-8699

Exelon Business Services Company  
Legal Department  
2301 Market Street/23-1  
PO Box 8699  
Philadelphia, PA 19101-8699

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

Business Services  
Company

DOCUMENT  
FOLDER

Direct Dial: 215 841 5974

10 April, 2002

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

DOCKETED  
APR 15 2002

Re: Matthew Frey v. PECO Energy Company  
Pa. PUC Docket No. F-01023091

Dear Secretary McNulty:

Pursuant to 52 Pa. Code §5.24(b), PECO Energy Company certifies that the above referenced Complaint has been withdrawn and discontinued and Complainant acknowledges that the Complaint has been withdrawn and discontinued.

By copy of this letter, I am alerting the Complainant of his/her right to object to the closing of this matter in writing to the Public Utility Commission within ten (10) days of the date of this letter.

If additional information is needed about this matter, please contact me at my direct-dial number above. Thank you for your assistance.

Sincerely,



Henri P. Marcial  
Assistant General Counsel

HPM/zr

cc: Matthew Frey  
Administrative Law Judge Marlane R. Chestnut  
Renee Tarpley

RECEIVED

APR 10 2002

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**ALJ Hearing Report**

Please Check The Blocks Which Apply

Docket No.:	F-G1023091		YES	NO
Case Name:	Matthew Frey 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 type="checkbox"/>
		Transcript Due:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Location:	Philadelphia, PA	Hearing Concluded:	<input type="checkbox"/>	<input type="checkbox"/>
		Further Hearing Needed:	<input type="checkbox"/>	<input type="checkbox"/>
Date:	April 10, 2002	Estimated Add'l Days:		
ALJ:	Marlane R. Chestnut	RECORD CLOSED:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
Reporting Firm:	Commonwealth Reporting	Briefs to be Filed:	<input type="checkbox"/>	<input type="checkbox"/>
		DATE:		
		Bench Decision:	<input type="checkbox"/>	<input type="checkbox"/>
		REMARKS:		
		Parties settled at hearing		

DOCUMENT  
COPIED

RECEIVED

2002 APR 26 AM 9:37:47

SECRETARY'S BUREAU

APR 29 2002

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

Name and Telephone Number	Address	Who are you representing?
Matthew Frey	102 N. New St Apt. 1 City: West Chester State: PA Zip: 19380	Matthew Frey
Telephone: 610-429-1669	E-mail Address:	Fax Number 610-918-1861
Henri Marcial, Esq.	2301 Market St. S23-1 City: Phila. State: PA Zip: 19103	PECO Energy Co.
Telephone (215) 841-5974	E-mail Address: henri.marcial@exel-corp.com	Fax Number (215) 568-3389
	City State Zip	
Telephone:	E-mail Address:	Fax Number:

Check this box if additional parties or attendees appear on back of form

*Matthew Frey*  
\_\_\_\_\_  
Reporter's Signature

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

KJR

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

DATE: April 12, 2002

SUBJECT: Certification of Satisfaction Filed  
F-01023091 Matthew Frey v. PECO Energy Company

TO: Wanda Zeiders  
Docket Management

FROM: Susan Licon, Scheduling Officer  
Office of Administrative Law Judge

On April 10, 2002, a Certificate of Satisfaction was filed in the above-captioned proceeding by Henri P. Marcial, Esquire. 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 Marlane R. Chestnut  
Beth Plantz  
Case File

DOCUMENT  
FOLDER

DOCKETED

APR 16 2002