

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Ed Himmelwright	:	
	:	
v.	:	C-2017-2586926
	:	
West Penn Power Company	:	

PREHEARING ORDER

The Commission has scheduled an initial telephonic hearing in this case for Thursday, April 27, 2017 at 10:00 a.m. **The parties must call the toll free number shown on the hearing notice to participate in the telephonic hearing. Failure to call the toll free number and participate in the telephonic hearing shall constitute a failure to appear. If a party fails to participate in the hearing, the hearing will proceed without that party and a decision may be entered against that party. 52 Pa.Code § 5.245.**

The parties shall comply with the following requirements:

1. A request for a change of hearing date must state whether the other parties agree or disagree with a change to the date, and shall be submitted in writing no later than five (5) days prior to the hearing. 52 Pa.Code § 1.15(b). Requests for changes of hearing dates must be sent to all of the parties of record as well as to the Office of Administrative Law Judge at:

Benjamin J. Myers
Administrative Law Judge
P.O. Box 3265
Harrisburg, Pa. 17105-3265
Telephone: (717) 787-1399
Fax: (717) 787-0481

Changes are granted only in rare situations where good cause exists.

2. **Commission policy promotes settlements. 52 Pa.Code § 5.231(a).** The utility will contact the customer at least one week before the scheduled hearing to discuss possible settlement of this case. Even if the parties are unable to settle this case, they may still resolve many questions or issues during their discussions. If the parties reach an agreement, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

3. If a party intends to present any documents or exhibits for consideration at the hearing, the party must send one (1) copy of those documents to each of the other parties and three (3) copies of the documents to the Administrative Law Judge at the address above so that the documents are received at least five (5) days before the date of hearing. This includes a copy of a Protection from Abuse (PFA) Order if you marked the “yes” response on the Complaint form that asked if you are a victim under a PFA. A party should properly pre-mark exhibits for identification purposes.

4. If the complaint relates to a request for a payment agreement of a utility bill, the customer should be prepared to testify about the total gross monthly income of the household. A household includes all adults living at the service address and benefiting from the utility service. The “total gross monthly household income” includes but is not limited to the following:

- (a) salaries, wages, tips or other compensation;
- (b) pension, retirement or social security benefits;
- (c) Supplemental Security Income (SSI);
- (d) unemployment compensation benefits;
- (e) workers’ compensation benefits;
- (f) alimony;
- (g) child support;
- (h) public assistance; and
- (i) any other source(s) of income.

5. The utility should prepare and submit the following documents at least five business days before the hearing:

- (a) an account statement, showing the history of the account for a minimum of 24 months or the entire history of the account, whichever is less;
- (b) a copy of the most recent BCS decision, if any;

- (c) a brief summary of any payment arrangement(s) made between the utility and the customer.

6. Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal proceeding and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

7. Pursuant to 52 Pa.Code §§ 1.21 & 1.22, you may represent yourself if you are an individual. You may also be represented by an attorney licensed to practice law in the Commonwealth of Pennsylvania, or is admitted Pro Hac Vice from another state. If you are a partnership, corporation, trust, association, or governmental agency or subdivision, you **must** be represented by an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted Pro Hac Vice. Unless you are an attorney, you may not represent someone else. Attorneys shall enter their appearance in accordance with the provisions of 52 Pa.Code § 1.24(b).

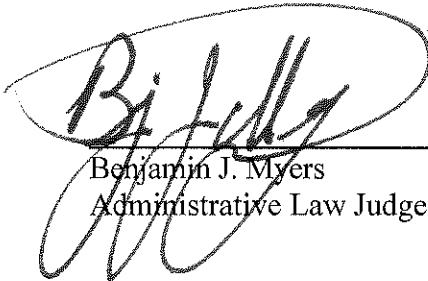
8. If you intend to subpoena witnesses for the hearing, you should review the procedures established in 52 Pa.Code § 5.421. You must submit your written application to the Administrative Law Judge sufficiently in advance of the hearing date so that the other parties will have the required ten (10) days'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

9. IF A PARTY FAILS TO PARTICIPATE IN THE HEARING, THE HEARING WILL PROCEED WITHOUT THAT PARTY AND A DECISION MAY BE ENTERED AGAINST THAT PARTY.

10. The Complainant bears the burden of proof and must demonstrate by a preponderance of the evidence that they are entitled to the relief requested in the complaint.

11. If you, or anyone you plan to call as a witness on your behalf, has a limited ability to speak or understand English or are deaf or hearing-impaired, a qualified interpreter can be provided upon your request. If you need an interpreter, please contact the scheduling office for the Office of Administrative Law Judge at (717) 787-1399 at least ten (10) days before the hearing to make your request. The AT&T Relay Service number for persons who are deaf or hearing-impaired is 1-800-654-5988.

Date: March 24, 2017



Benjamin J. Myers
Administrative Law Judge

C-2017-2586926 - ED HIMMELWRIGHT v. WEST PENN POWER COMPANY

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