**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Michael G. Deegan : C-2018-3004165

Charles E. Spindler: C-2018-3004179

Cherie Roddy : C-2018-3004201

Joyce Fedusa and Thomas Fedusa : C-2018-3004342

Nancy R. Nail : C-2018-3004346

Melvin Bines : C-2018-3004354

Norma D. Fritz and James Leach : C-2018-3004411

James Hollenbaugh : C-2018-3004524

:

v. :

:

Knox Energy Cooperative Association, Inc. :

**PREHEARING CONFERENCE ORDER**

Eight complainants have filed formal complaints against Knox Energy Cooperative Association, Inc. (Knox) in response to notification they received from Knox that the company would cease providing gas service to them, effective October 31, 2018. On September 28, 2018, Knox filed answers to all of the complaints as well as preliminary objections. Knox has also filed a motion for consolidation of the complaints.

Knox’s preliminary objections seek dismissal of the complaints on the grounds that Knox is not a public utility regulated by the Public Utility Commission. According to Knox, the Commission does not have jurisdiction to resolve the allegations raised in the complaints.

A prehearing conference will be scheduled to permit the complainants to respond to the preliminary objections and Knox’s motion for consolidation. The parties should be prepared to discuss the application, if any, of the Commission’s decision in *Laffey v. Knox Energy Cooperative Association, Inc.,* Docket C-2015-2462487 (Opinion and Order entered September 3, 2015). Finally, the parties should also be prepared to discuss possible resolution of the complaints. No testimony or evidence will be taken at this conference.

THEREFORE,

IT IS ORDERED:

1. That an initial telephonic prehearing conference in this case is scheduled for Wednesday, October 17, at 10:00 a.m. To participate in the prehearing conference, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name and then the telephone system will connect you to the prehearing conference. If you have any witnesses you want to have present during the hearing, you must provide them with the telephone number and PIN number.

Toll-free Bridge Number: 1-855-750-1027

PIN Number: 341525

**You must call into the hearing on the scheduled day and time. If you fail to do so, your case will be dismissed. You will not be called by the Administrative Law Judge.**

2. A request for a change of the scheduled hearing date must state the agreement or opposition of other parties, and must 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 me and all parties of record. The correct address is:

Pennsylvania Public Utility Commission

Office of Administrative Law Judge

Piatt Place, Suite 220

301 Fifth Avenue

Pittsburgh, PA 15222

Telephone: (412) 565-3550

Fax: (412) 565-5692

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

1. **Commission policy promotes settlements. 52 Pa.Code § 5.231(a). The utility will contact the customer at least one (1) week before the conference to talk about a possible settlement of this case.** Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached, a formal hearing will not be necessary and the scheduled hearing will be cancelled.
2. Pursuant to 52 Pa.Code §§ 1.21 & 1.22, you may represent yourself, if you are an individual, or you may have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you. However, if you are a partnership, limited liability company, corporation, trust, association, or governmental agency or subdivision, you must have an attorney licensed to practice law in the Commonwealth of Pennsylvania, or admitted *Pro Hac Vice*, represent you in this proceeding. Unless you are an attorney, you may not represent someone else. Attorneys shall insure that their appearance is entered in accordance with the provisions of 52 Pa.Code § 1.24(b).
3. 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] party shall initiate discovery as early in the proceedings as reasonably possible.” Additionally, 52 Pa.Code § 5.322 provides, in relevant part, that “parties 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).
4. 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. 66 Pa.C.S. § 332(a).
5. **YOU MAY LOSE THIS CASE, IF YOU DO NOT TAKE PART IN THIS PREHEARING CONFERENCE. 52 Pa.Code § 5.245.**
6. Although the prehearing conference is being conducted telephonically for the convenience of the parties, it is still a formal legal proceeding and will be conducted in accordance with the Commission’s Rules of Practice and Procedure. 52 Pa.Code §§ 1.1, *et seq*.
7. If you, or anyone you plan to call as a witness on your behalf, have 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 want an interpreter, please contact the

Scheduling Office at least ten (10) days before the scheduled Prehearing Conference or Hearing to make your request.

Scheduling Office: (717) 787-1399

AT&T Relay Service number for persons who are deaf or hearing-impaired:

1‑800‑654‑5988.

Date: October 4, 2018 /s/

Mary D. Long

Administrative Law Judge

**C-2018-3004411 - JAMES LEACH v. KNOX ENERGY COOPERATIVE ASSOCIATION INCORPORATED***Revised 10/4/18*

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