

16 May 2019
Jeffery A. Watson
PA PUC
Piatt Place, Suite 220
301 5th St
Pittsburgh PA
15222

C-2018-3003158

RECEIVED

Re: Interim order closing the hearing record.

MAY 18 2019

Mr Watson,

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

This note is in response to a note from you dated 7 May 2019 and titled "Initial decision".

I am appealing the order that C-2018-3003158 is closed.

Pages 1 through 6 contain a lot of excerpts from previous documents which, for the most part, restate information contained in previous documents.

You made statements on page 2 that the complainant did not provide names and addresses of expert witnesses and written summaries of expected witnesses. There are no expert witnesses, therefore no names, addresses, or summary of testimony to provide. In retrospect, I should not have assumed that if you were not provided a list, a list did not exist and therefore.

On pages 4, 5 and 6 you discuss a prehearing conference. A letter, from the complainant, was sent to your office that stated, in part, that I would not be participating in the conference call. Again, in retrospect, I should have been more explanatory.

The prehearing conference was scheduled outside of the requirements of your document of 15 October 2018 and as you were reminded in a letter from the complainant dated 18 March 2019, the scheduled prehearing was illegally scheduled. You farther state that your assistant left a message on the telephone of the complainant reminding him of the prehearing conference. That message was received late that afternoon.

The prehearing conference was unilaterally scheduled by your office using a process that was banned by you in a letter dated 15 October 2018.

The letter, under the title "Prehearing Conference" states;

Any Party may request a prehearing conference or settlement conference, in writing, after conferring with the opposing Party and requesting consent to the scheduling of such a conference.

The letter of 15 October 2018 also states, under the title "Modification";

Any of the provisions of this interim order may be modified by an interim order entered into the record upon motion and good cause shown by a Party in interest.

I am not aware of an interim order modifying the Prehearing Conference rules as stated on page 6 of your 15 October 2018 letter.

The prehearing conference scheduled for 26 March 2019 was improperly scheduled, therefore the Motion to Dismiss, filed by respondent, is not ripe for disposition and must be denied.

A handwritten signature in black ink, appearing to read "Eldon R Kibler". The signature is written in a cursive, somewhat stylized font.

Eldon R Kibler

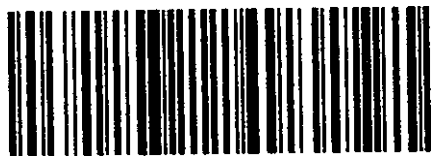
All copies are wet ink signed.

cc; Secretary Chiavetta



Eldon Kibler
 420 Snyder Rd
 Reading PA 19605-9244

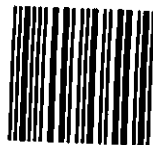
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