

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Amanda Polk Herr	:	
	:	C-2021-3028202
v.	:	
	:	
West Penn Power Company	:	

PREHEARING ORDER FOR TELEPHONE HEARING

AND NOW, this 26th day of October, 2021, it is hereby ORDERED:

- 1. DATE AND TIME OF HEARING.** An initial telephonic hearing will be held in this case on:

Wednesday, December 1, 2021, beginning at 10:00 a.m.

To participate in the hearing, 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, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

Toll-free Bridge Telephone Number: 1-866-566-0649
PIN Number: 83345259

FAILURE TO APPEAR: You may lose the case if you do not take part in this hearing and present evidence on the issues raised. Your case may be dismissed “with prejudice” which means that you will be barred from filing another complaint raising the same claim(s) and issue(s) presented in the dismissed complaint.

- 2. CONTINUANCES.** You may request a continuance of the hearing if you have a good

reason. Continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should include:

- (1) The case name, case number, and hearing date;
- (2) The reason you are requesting a continuance; and
- (3) State whether the other party(s) agrees to the request (or if you do not know).

You must submit the motion to me at:

Administrative Law Judge Mary D. Long
Email address: malong@pa.gov

You must submit the motion to the other party(s) at their email address.

3. PRESENTING EXHIBITS. If you intend to present any documents or exhibits at the hearing, you must email one (1) copy to the Presiding Officer at malong@pa.gov and one (1) copy each must be sent to every other party. All copies must be received at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes.

Note that attachments to your Complaint or Answer are not admitted into the record unless submitted separately. Please be sure to have all pre-served exhibits with you at the time of the hearing. This hearing may be your only opportunity to present evidence in support of your complaint.

4. FILING AND SERVING DOCUMENTS DURING COVID-19

FILING WITH THE PUC.

COVID-19. Currently the PUC’s buildings are open for business; however, some operational restraints occasioned by the pandemic remain. Therefore, ALL Parties to proceedings pending are encouraged to EITHER open and use an e-Filing account through the Commission’s website at www.puc.pa.gov OR to ensure timely arrival, submit the filing by overnight delivery as explained below.

E-FILING. The PUC offers a free e-Filing Subscription Service. This service allows a user to file documents electronically and receive an automatic email notification whenever a document is added, removed, or changed on the PUC website in a specific case. For information and to subscribe to this service, visit the PUC's website at:

<https://www.puc.pa.gov/filing-resources/efiling/>

PAPER FILING. If you do not have the capability to open and use an e-Filing account, you may file paper documents with the Secretary of the Commission. Filing of paper documents must be sent by overnight delivery to:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

It is important that you retain the tracking information as proof of submission. Emailed or faxed submissions filings to the Commission are not acceptable.

CONFIDENTIAL MATERIAL. If a filing contains confidential or proprietary material, the filing should be submitted by overnight delivery to ensure arrival. Large filings containing confidential or proprietary material may also be submitted through the Commission's Share Point File system. These filings should be followed by a hard copy with a flash drive or CD for the Commission's file. Filers should contact the Secretary's Bureau in advance to set up a Share Point File before submitting the filing.

SERVING OTHER PARTIES. When you file documents with the PUC, you must also serve a copy on the other party. During COVID-19, you can serve a copy by e-Service or e-mail. [For your convenience, a copy of the PUC's current service list of all parties to this proceeding is enclosed with this Order].

SERVING THE PRESIDING OFFICER. Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. You must email one (1) copy to malong@pa.gov. If you send me any correspondence or document, you must also send a copy of that correspondence or document to every other party.

5. DOMESTIC VIOLENCE VICTIM. If you are a domestic violence victim and you want to be considered for protections that may be available to domestic violence victims, you must submit a copy of your Protection from Abuse (PFA) Order or other Court Order issued by a Pennsylvania court, which provides evidence that you are a domestic violence victim. You should mark this Order as “CONFIDENTIAL.” In the case of these Orders, we will take precautions to ensure that your address is not made public.

6. REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*.¹ And, unless you are an attorney, you may not represent someone else.

7. BURDEN OF PROOF. The Complainant (the one filing the Complaint) bears the burden of proof and must present evidence sufficient to demonstrate that the utility has violated the Public Utility Code, or a regulation or order of the PUC.²

8. CONTACT INFORMATION. If your e-mail address or telephone number changes during the course of the proceeding, you must immediately update OALJ by calling 412-565-3550.

9. ACCOMMODATION. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Please call the PUC scheduling office at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearing, we will have an interpreter present. Please call the scheduling office at the PUC at least ten (10) business days prior to your hearing to submit your request.

¹ 52 Pa. Code §§ 1.21 & 1.22.

² 66 Pa.C.S. §332(a).

Scheduling Office: (717) 787-1399

The AT&T Relay Service number for persons who are deaf or hearing-impaired is:
1-800-654-5988.

10. SETTLEMENT. The PUC’s policy is to encourage settlements.³ The utility shall contact the Complainant at least one week before the scheduled hearing to talk over 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 on all the issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

11. PAYMENT ARRANGEMENT CASES. If you have requested a payment arrangement, Chapter 14 of the Public Utility Code will be applied.⁴ You must 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) the “before taxes or other deductions” pay from 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; and (g) any other source(s) of income.

The utility must prepare and submit the following documents at least five (5) 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 Bureau of Consumers Services (BCS) decision, if any; and (c) a brief summary of any payment arrangement(s) made between the utility and the customer.

The customer must make monthly payments for current usage on or before the billing due date while this complaint is pending. Failure to make payments may result in the utility terminating your service.

12. BILLING COMPLAINT. If you are claiming that there are incorrect charges on your

³ 52 Pa. Code § 5.231(a).

⁴ 66 Pa.C.S. §§ 1401-1419.

utility bill, then you must be prepared to provide the dates that are important and an explanation about any amounts or charges that you believe are not correct.

13. VIOLATIONS. A finding of a violation of a PUC Order, regulation or statute may result in the imposition of a civil penalty consistent with 66 Pa. C.S. § 3301 or other provision of the Public Utility Code.

14. [OTHER SPECIAL INSTRUCTIONS OPTIONAL]

15. HEARING PROCEDURES. Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the PUC's Rules of Practice and Procedure at 52 Pa Code Chapters 1, 3, and 5.

Please be sure to participate from a location, and using a phone, where background noise will be minimized, and the reception is clear.

16. FURTHER INFORMATION. A guide to participating in a Formal Complaint proceeding is available on the PUC's website at: <https://www.puc.pa.gov/complaints/formal-complaints>

_____/s/
Mary D. Long
Administrative Law Judge

C-2021-3028202 - AMANDA POLKA HERR v. WEST PENN POWER COMPANY

AMANDA POLKA HERR



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Accepts eService

(Representing West Penn Power Co.)