

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

|                                    |   |                |
|------------------------------------|---|----------------|
| Frank Bankowski                    | : |                |
|                                    | : |                |
| v.                                 | : | C-2024-3049217 |
|                                    | : |                |
| Comcast Phone of Pennsylvania, LLC | : |                |

**INTERIM ORDER  
ESTABLISHING INITIAL LITIGATION SCHEDULE AND CANCELLING INITIAL  
HEARING**

The Parties shall hereby comply with the following initial litigation schedule:

Litigation Schedule

1. **ON OR BEFORE August 19, 2024**, any Party wishing to present factual testimony of any person other than Complainant must provide to the other Party in writing, the name and business address of that person and a written summary of the expected testimony of that person. If no fact witnesses will be called to testify, the Parties shall provide a writing indicating this fact.
2. **ON OR BEFORE August 19, 2024**, any Party wishing to present expert testimony (including but not limited to medical, technical, etc.) must provide to the other Party in writing, the name and business address of that expert and a written summary of the expected testimony of that expert. If no expert witnesses will be called to testify, the Parties shall provide a writing indicating this fact.
3. **ON OR BEFORE September 20, 2024**, the Parties shall conclude discovery in this proceeding.

4. **ON OR BEFORE October 18, 2024**, the Parties shall file any dispositive motions in this proceeding. All dispositive motions and /or briefs accompanying such motions shall also be provided to the undersigned Presiding Officer in written and electronic form. The electronic form shall be submitted to the undersigned Presiding Officer in WORD format. In addition, any such dispositive motions shall include proposed findings of fact, conclusions of law or proposed ordering paragraphs. The motions and/or accompanying briefs shall include a discussion of the legal argument of the parties as well as any legal authority and citations to support such argument or discussion.
5. **ON OR BEFORE October 28, 2024**, each Party shall submit a status report advising the undersigned presiding officer of the status of this proceeding and whether a hearing is necessary, as well as the date in November of 2024 regarding when the Parties and their witnesses are available for a hearing, the estimated length of the hearing and whether the Parties are requesting that the hearing be conducted by telephone or in person.
6. That the evidentiary hearing scheduled for **August 29, 2024** is cancelled.

#### Commission Rules and Procedures

This matter is a formal proceeding and will be conducted in accordance with the Commission's Rules of Practice and Procedure.

Complainants bear the burden of proof and must demonstrate by a preponderance of the evidence that Respondent violated its tariff, the Public Utility Code or a Commission order or regulation, and that they are entitled to the relief requested in the Complaint.

**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 twenty (20) days before the scheduled 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.

### Representation

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).

If you are an individual and wish to be represented by an attorney, you should promptly retain an attorney without delay. A request to continue the hearing in this proceeding or to extend a deadline in order to obtain legal counsel may be denied by the Presiding Officer.

### Service

Service of documents and pleadings shall be made in accordance with the Commission's Rules of Practice and Procedure. *Pro se* Complainants should be served by hard copy unless otherwise agreed to between the Parties.

Service of documents and pleadings upon the undersigned Presiding Officer shall be made in accordance with the Commission's Rules of Practice and Procedure. The undersigned Presiding Officer shall also be served with an email transmission of all briefs, discovery motions and dispositive motions filed in this proceeding, followed not later than the next business day with a hard copy of the same material via First-Class Mail postage prepaid. All such briefs, discovery motions and dispositive motions filed in this proceeding and submitted to the undersigned Presiding Officer in electronic form shall be submitted in WORD format. The

Parties shall serve the undersigned Presiding Officer directly with any documents filed in this proceeding, other than discovery requests identified herein. A copy of any document or correspondence sent to the undersigned Presiding Officer must also be sent to all other Parties in the case.

Parties without internet capabilities shall not be required to serve such documents electronically.

#### Email and Fax Transmissions

The Parties may agree to accept email and facsimile transmission of documents. The Presiding Officer will not accept email transmissions without prior authorization. Email communications received that are inconsistent with these instructions may not be considered by the undersigned Presiding Officer. The Presiding Officer will not accept facsimile transmissions greater than ten pages in length without prior authorization. If the Parties have any questions, they may call the office of the Presiding Officer at (412) 565-3550.

#### Discovery

The Parties shall engage in informal discovery whenever and wherever possible in an attempt to resolve any discovery disputes amicably. 52 Pa.Code § 5.322. If this process fails, the Parties have recourse to the Commission's procedures for formal discovery, as herein modified. 52 Pa.Code § 5.321, *et seq.* The Parties must not send the undersigned Presiding Officer any discovery requests, responses or material or cover letters, unless attached to a motion to compel. All motions to compel must contain a certification of the Party, or from counsel if represented, regarding the informal discovery undertaken and their efforts to resolve their discovery disputes informally. If a motion to compel fails to contain such certification, the Presiding Officer will contact the Parties and direct them to pursue informal discovery.

### Settlement and Stipulations

The Parties are reminded it is the Commission's policy to encourage settlements. 52 Pa.Code § 5.231(a). The Parties are strongly urged to seriously explore this possibility. The Settlement Judge Procedure is also available upon consent of the Parties.

If settlement is not feasible, the Parties are encouraged to stipulate to any matters they reasonably can in order to expedite this proceeding, lessen the burden of time and expenses in litigation on all Parties and conserve administrative hearing resources. 52 Pa.Code § 5.232 and 5.234. All stipulations entered into by the Parties must be reduced to writing, signed by the Parties to be bound thereby, and accepted into the record during the hearings in this case or prior to the hearing by interim order. An exception to this requirement may occur when circumstances of time and expediency warrant. If so, an oral presentation of a stipulation may be permissible, if accepted and as directed by the Presiding Officer.

### Request For Protective Order

The Commission's regulations (52 Pa.Code § 5.423) specifically provide for the protection of "confidential" information in order to ensure that adequate procedural safeguards are put in place to make certain that sensitive information is not improperly disclosed to the public. In the event that any Party is desirous of entering into an agreement with regard to a protective order or wishes that a protective order be entered by the undersigned Presiding Officer, the Parties shall confer and discuss a possible agreement or protective order to address the disclosure and use of the discovery materials and other sensitive information in this proceeding. In the event the Parties are unable to reach an agreement, any Party may request the entry of a protective order consistent with the Commission's rules and regulations.

### Subpoenas

Any Party intending to subpoena a witness for the hearing is directed to review the procedures established in 52 Pa.Code § 5.421. Such Party shall submit its written application

to the Presiding Officer 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.

### Evidence

If you intend to attempt to introduce any material of any kind, including any documents or exhibits into evidence or have a witness refer to any material of any kind, document or proposed exhibit, you must bring at least five (5) copies to the in-person hearing. These are the original and one copy for the Commission's records, one copy for the Presiding Officer and one copy for every other Party. Proposed exhibits should be properly pre-marked for identification. If the hearing is conducted by telephone, any such material or proposed exhibit or evidence shall be submitted to Counsel for Respondent and to the undersigned Presiding Officer, by providing two (2) copies of each such proposed exhibit to the undersigned Presiding Officer, and one (1) copy to every other Party in this case, or to legal counsel if the Party is represented. Unless modified by a subsequent order entered in this proceeding, such documents or materials must be received by me and every other Party or legal counsel, if represented, at least seven (7) days prior to the hearing.

If you intend to attempt to introduce any CD, DVD, video or audio tape or similar material into evidence or have a witness refer to any such material, you must have an official transcript made of the purported material and provide three (3) copies of each such item, material or proposed exhibit and at least three (3) copies of the official transcript of each such item, material or proposed exhibit, which clearly and fully identifies the name, address, telephone number and qualifications of the official reporter who made the transcript, to the undersigned Presiding Officer, and one (1) copy to every other Party in this case, or to legal counsel if the Party is represented. Such documents or materials and transcripts must be received by me and every other Party or legal counsel, if represented, at least fourteen (14) days prior to the hearing.

In addition, the Party sponsoring or proposing to use such CD, DVD, video or audio tape or similar material must make satisfactory arrangements with the opposing Party and

the office of the undersigned Presiding Officer as to how a video or audio tape or other such material will be presented into evidence at the hearing, at least fourteen (14) days prior to the hearing. The Parties are advised that the Pittsburgh Commission hearing rooms are not equipped with computers or audio-visual equipment and it is the responsibility of the Party offering their proposed evidence to make appropriate arrangements to properly present their evidence at the hearing in this proceeding. The Parties are encouraged to cooperate in an effort to resolve any procedural matters prior to the hearing. The failure to make such appropriate arrangements as set forth above, may result in the refusal of any request to use such materials at the hearing or to introduce any such materials or proposed evidence at the hearing in this proceeding.

Prehearing Conference

Any Party may request a prehearing conference, a settlement conference, or an expedited litigation hearing schedule and hearing date in writing, with a copy of the request to be proved to the opposing party and the undersigned Presiding Officer. In addition, the undersigned presiding officer may schedule a prehearing conference or conferences as appropriate.

Modification

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

Date: July 23, 2024

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/s/  
Jeffrey A. Watson  
Administrative Law Judge

**C-2024-3049217 - FRANK BANKOWSKI v. COMCAST PHONE OF PENNA. LLC**

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