

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Richard Mercaldo	:	
	:	
v.	:	C-2024-3051564
	:	
Securus Technologies, LLC.	:	

PREHEARING ORDER FOR TELEPHONIC HEARING 2

AND NOW this 10th day of January 2025, it is hereby ORDERED:

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

DATE:	Wednesday, February 26, 2025
TIME:	beginning at 10:00 a.m.

At the above date and time, the Presiding Officer will contact the parties as follows:

Richard Mercaldo	570.644.7890 ext. 2382
William Lesser Esquire	212.453.3808

2. FAILURE TO APPEAR: You must attend the hearing and present evidence on the issues raised in the pleadings. 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.

3. SETTLEMENT. The PUC’s policy is to encourage settlements.¹ The utility shall contact the Complainant **at least a week in advance of the 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.

4. 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 serve a written request to me and every other party (a “motion”) at least five (5) days before the hearing. Your motion should be served pursuant to paragraph 5 below. 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. If you do not know whether the other party(ies) agrees to the request, state that you do not know.

5. PRESENTING EXHIBITS. If you intend to present any documents or exhibits at the hearing, you must email one (1) copy to me at alphonarno@pa.gov, and one (1) copy each must be served to every other party pursuant to paragraph 6B below. All copies must be received at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes. **Do not include account numbers or any other personally identifiable information (PII) such as social security numbers, in your documents or exhibits. It is the parties’ responsibility to redact any PII contained within a document or exhibit before submitting it into the record.** Do not file your proposed documents or exhibits with the Secretary’s Bureau. However, you should file a Certificate of Service with the Secretary’s Bureau indicating you sent the proposed documents or exhibits to every other party.

¹ 52 Pa. Code § 5.231(a).

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.

6. FILING AND SERVING DOCUMENTS. When you file a document, you must provide the original to the PUC *and* serve a copy to the other party or parties. Instructions on how to file with the PUC and serve other parties are provided below.

A. FILING DOCUMENTS

(1) **E-FILING.** To file with the PUC, 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/>

(2) **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 may be hand delivered or sent to:

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

(3) **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.

B. SERVING DOCUMENTS

(1) **SERVING OTHER PARTIES.** When you file documents with the PUC, you must also serve a copy on the other party or parties. You may serve a copy by U.S. First-Class Mail or by hand. You may also serve a copy by eService or email, if the other party has agreed to electronic service. For your convenience, a copy of the PUC's current service list of all parties to this proceeding is enclosed with this Order.

(2) **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 me at alphonarno@pa.gov. **If you do not have access to email, you must serve me by mail, addressed to:**

Alphonso Arnold III
Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, 4th Floor
Philadelphia, PA 19107

If you send me any correspondence or document, you must also send a copy of that correspondence or document to every other party.

7. 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.

8. 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 by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*.² And, unless you are an attorney, you may not represent someone else.

9. 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.³

10. 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.

Scheduling Office: (717) 787-1399
The AT&T Relay Service number for persons who are deaf or hearing-impaired is:
1-800-654-5988.

11. CONTACT INFORMATION. If your e-mail address or telephone number changes during the course of the proceeding, you must immediately update the Office of Administrative Law Judge by calling 717-787-1399.

12. 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

² 52 Pa. Code §§ 1.21 & 1.22.

³ 66 Pa.C.S. § 332(a).

⁴ 66 Pa.C.S. §§ 1401-1419.

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.

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

14. VIOLATIONS. A finding of a violation of a PUC Order, regulation, or statute, by the public utility may result in the imposition of a civil penalty on the public utility company, consistent with 66 Pa.C.S. § 3301 or other provisions of the Public Utility Code.

15. HEARING PROCEDURES. The hearing will be conducted in accordance with the PUC’s Rules of Practice and Procedure at 52 Pa. Code Chapters 1, 3, and 5.

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>

Date: January 10, 2025

_____/s/_____
Alphonso Arnold III
Administrative Law Judge

C-2024-3051564 - RICHARD MERCALDO v. SECURUS TECHNOLOGIES LLC

Smart Communications PADOCA
RICHARD MERCALDO ED 4296
SCI COAL TOWNSHIP
PO BOX 33028
ST. PETERSBURG FL 33733
Served via USPS First-Class mail on January 10, 2025

WILLIAM LESSER ESQUIRE
COZEN O'CONNOR
3 WTC 175 GREENWICH STREET
55TH FLOOR
NEW YORK NY 10007
212.453.3808
wlesser@cozen.com
Accepts Eservice
(*Counsel for Securus Technologies, LLC*)
Served on January 10, 2025 via Eservice