**BEFORE THE**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Alice Ann Belmonte-Gates :

 :

 v. : F-2012-2332583

 :

PECO Energy Company :

Alice Ann Belmonte-Gates :

 :

 v. : F-2012-2332589

Pennsylvania-American Water Company :

**INITIAL DECISION**

Before

Joel H. Cheskis

Administrative Law Judge

HISTORY OF THE PROCEEDING

On October 19, 2012, Alice Ann Belmonte-Gates filed two formal Complaints with the Pennsylvania Public Utility Commission (Commission). In section 2 of the Complaint form asking for “Full Name of the Utility Company (Respondent):” Ms. Gates wrote “Ms. Heather Green” on one Complaint and left that section blank on the other Complaint. In section 3 of the Complaint form asking for “Type of Utility (check one),” Ms. Gates checked every utility type except for steam heat on both Complaints. Attached to both Complaints were what appears to be, if not in fact are, identical two-page, single-spaced attachments that are intended to explain Ms. Gates’ Complaints. The Commission’s Secretary’s Bureau served the Complaint identifying “Ms. Heather Green” as the Respondent on PECO Energy Company (PECO), at docket number F-2012-2332583, and served the Complaint that had Section 2 blank on the Pennsylvania American Water Company (PAWC) at docket number F-2012-2332589. Previously, Ms. Gates filed informal complaints with the Commission’s Bureau of Consumer Services involving PECO and PAWC, case numbers 3026921 and 3026947.

Both PECO and PAWC filed Preliminary Objections in response to the respective Complaints served on them. In its Preliminary Objections, PAWC argued that Ms. Gates is requesting relief awarded by federal courts to which the Commission lacks subject matter jurisdiction. PAWC also argued that Ms. Gates’ Complaint is insufficiently specific and that the Company does not have sufficient notice as to the nature of the allegations against it and cannot, therefore, adequately respond. Similarly, in its Preliminary Objection, PECO argued that Ms. Gates did not provide sufficient information in her Complaint to permit the Company to provide a meaningful response or address Ms. Gates’ concerns. PECO further averred that it conducted an independent investigation to determine the issues Ms. Gates is alleging but was still unable to respond to the Complaint.

By separate Motion Judge Assignment Notices dated November 21, 2012, Ms. Gates and PAWC were informed that I was assigned as the Presiding Officer in the matter involving the Complaint served on PAWC and responsible for resolving any issues which may arise during the preliminary phase of that proceeding and Ms. Gates and PECO were informed that Administrative Law Judge Kandace F. Melillo was assigned as the Presiding Officer in the matter involving the Complaint served on PECO and responsible for resolving any issues which may arise during the preliminary phase of that proceeding. On November 27, 2012, both ALJ Melillo and I received a six-page, single-spaced document with a one page attachment. Both documents had listed at the top the docket numbers for both Complaints. Both documents appear to be identical with identical attachments and presumably were Ms. Gates’ Answers to the Preliminary Objections filed by PECO and PAWC.

By Order dated December 4, 2012, the Complaint against PECO and the Complaint against PAWC were consolidated pursuant to Section 5.81 of the Commission’s rules governing consolidation of proceedings due to the common issues of fact between the two Complaints and the determination that consolidation would avoid unnecessary costs or delay.

By Order dated December 10, 2012, the Preliminary Objections filed by PECO and PAWC were granted and Ms. Gates was directed to file and serve an Amended Complaint within thirty days raising a well pleaded material fact over which the Commission has jurisdiction. Furthermore, upon timely filing and service of the Amended Complaint, PECO and PAWC were directed to file and serve a timely responsive pleading.

On December 17, 2012, Ms. Gates filed an Amended Complaint in the consolidated proceeding. Ms. Gates’ Amended Complaint comprised a twenty page, single-spaced document detailing numerous issues of which she is complaining about. As discussed further below, Ms. Gates’ Amended Complaint included unclear and verbose statements regarding issues such as “Breach of Contract,” “malfeasance of banks,” “Orphans Court,” “Title 18 of the PA Crimes Code” and “Tax Fraud Scheme,” all of which were alleged on only the first page.

On December 21, 2012, PECO filed another Preliminary Objection. The Preliminary Objection contained a Notice to Plead. In its Preliminary Objection, PECO stated that Ms. Gates’ Amended Complaint should be dismissed for failure to state a claim upon which relief can be granted and for violating the December 10, 2012 Order directing Ms. Gates to file a more specific Amended Complaint. PECO argued that Ms. Gates’ Amended Complaint should be dismissed because it did not conform to Section 5.22(a)(5) of the Commission’s regulations which requires formal complaints to set forth a clear and concise statement of the act or omission being complained of. PECO added that a complaint should be specific enough to allow the respondent to understand the allegations against it so it can prepare a coherent response. PECO averred that Ms. Gates’ Amended Complaint contains gibberish which makes no mention of the Company or anything the Company has done wrong. PECO requested that Ms. Gates’ Complaint be dismissed with prejudice pursuant to Section 5.101(3) regarding preliminary objections.

 On December 27, 2012, the Commission issued a Telephonic Hearing Notice scheduling an Initial Telephonic Hearing for Tuesday, February 26, 2013, at 10:00 a.m. and assigning me as the Presiding Officer.

On January 3, 2013, PAWC filed two Preliminary Objections. The Preliminary Objections contained a Notice to Plead. In its Preliminary Objections, PAWC argued that Ms. Gates’ Amended Complaint should be dismissed based on Sections 5.101(a)(1) and (a)(3) of the Commission’s regulations that pertain to lack of Commission jurisdiction and insufficient specificity of a pleading. PAWC noted that Ms. Gates has not raised any clear remedy being sought and that subject matter jurisdiction cannot be conferred where none exists. PAWC also noted that Ms. Gates has failed to set forth any specific facts of wrongdoing against PAWC in her Amended Complaint and that it is not even clear that the Complaint pertains to PAWC. PAWC concluded its Preliminary Objections by requesting that the Commission dismiss the Amended Complaint with prejudice.

 Ms. Gates’ Answers to the Preliminary Objections filed by PECO and PAWC were due no later than January 16, 2013. 52 Pa. Code §§ 5.101(f)(1), 1.12(a), 1.56(a)(1) and (b). Ms. Gates did not file an answer to either Preliminary Objection.

 The Preliminary Objections filed by PAWC and PECO are ready to be ruled upon. For the reasons discussed below, the Preliminary Objections will be granted and Ms. Gates’ Amended Complaint will be dismissed.

FINDINGS OF FACT

1. The complainant in this proceeding is Alice Ann Belmonte-Gates.
2. The respondents in this proceeding are the Pennsylvania American Water Company and PECO Energy Company.
3. On October 19, 2012, Ms. Gates filed two Complaints with the Public Utility Commission.
4. On one Complaint, Ms. Gates wrote “Ms. Heather Green” in Section 2 of the Complaint form asking for “Full Name of the Utility Company (Respondent).”
5. On her other Complaint, Ms. Gates left blank Section 2 of the Complaint form asking for “Full Name of the Utility Company (Respondent).”
6. In section 3 of the Complaint form asking for the “Type of Utility (check one),” Ms. Gates checked every utility type except for steam heat on both Complaints.
7. Attached to both Complaints was a single-spaced, two-page typed attachment that appeared to be, if not in fact are, identical statements purporting to explain Ms. Gates’ Complaints.
8. On November 12, 2012, PECO Energy Company filed a Preliminary Objection in response to the Complaint it was served with, noting that Ms. Gates’ Complaint should be dismissed because the Complaint is not plead with sufficient specificity.
9. On November 16, 2012, the Pennsylvania American Water Company filed Preliminary Objections in response to the Complaint it was served with, noting that Ms. Gates’ Complaint should be dismissed because the Commission has no jurisdiction over the issues raised in the Complaint and that the Complaint is plead with insufficient specificity.
10. On December 4, 2012, an Order consolidating the two Complaints was issued noting that there are common questions of fact between the two Complaints and that consolidation will avoid unnecessary delay or cost.
11. On December 10, 2012, the Preliminary Objections filed by PAWC and PECO were granted and Ms. Gates was directed to file and serve an Amended Complaint within thirty days raising an issue over which the Commission has jurisdiction.
12. On December 17, 2012, Ms. Gates filed an Amended Complaint.
13. On December 21, 2012, PECO filed a Preliminary Objection stating that Ms. Gates’ Amended Complaint should be dismissed for failure to state a claim upon which relief can be granted and failure to set forth a clear and concise statement of the act or omission being complained of.
14. On January 3, 2013, PAWC filed two Preliminary Objections arguing that Ms. Gates’ Amended Complaint should be dismissed for lack of jurisdiction and insufficient specificity.
15. Ms. Gates did not file an Answer to either PAWC’s Preliminary Objection or PECO’s Preliminary Objections.

DISCUSSION

The Commission’s Rules of Administrative Practice and Procedure, 52 Pa. Code Chapters 1, 3 and 5, provide for the filing of Preliminary Objections. 52 Pa. Code § 5.101. Commission Preliminary Objection practice is comparable to Pennsylvania civil practice respecting the filing of preliminary objections. Equitable Small Transportation Intervenors v. Equitable Gas Company*,* 1994 Pa PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994) (Equitable). The Preliminary Objections filed by PECO and PAWC averred that Ms. Gates’ Complaint is legally insufficient, fails to state a claim over which the Commission has jurisdiction and is not clear and concise. The Commission’s Rules provide, in relevant part:

(a) *Grounds.* Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon and be limited to the following:

1. Lack of Commission jurisdiction or improper service of the pleading initiating the proceeding.
2. Failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter.
3. Insufficient specificity of a pleading.
4. Legal insufficiency of a pleading.
5. Lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action.
6. Pendency of a prior proceeding or agreement for alternative dispute resolution.

52 Pa. Code § 5.101(a)(1)-(6).

For purposes of disposing of Preliminary Objections, the Commission must accept as true all well pleaded, material facts of the nonmoving party, as well as every reasonable inference from those facts. County of Allegheny v. Commonwealth of Pennsylvania, 490 A.2d 402 (Pa. 1985); Commonwealth of Pennsylvania v. Bell Telephone Co. of Pa., 551 A.2d 602 (Pa. Cmwlth. 1988). The Commission must view the complaint in this case in the light most favorable to the Complainant and should dismiss the complaint only if it appears that the Complainant would not be entitled to relief under any circumstances as a matter of law. Equitable, *supra*; *see also*, Interstate Traveler Services, Inc. v. Commonwealth, Department of Environmental Resources, 406 A.2d 1020 (Pa. 1979).

In civil practice, a Preliminary Objection based on legal insufficiency is referred to as a demurrer. Preliminary Objections in the form of a demurrer will be sustained only in cases which are free and clear of doubt and where dismissal is clearly warranted by the record. Community Life Support Systems, Inc., *et al*. v. Commonwealth of Pennsylvania, 689 A.2d 1014, 1017 (Pa. Cmwlth 1997) (Community Life). Any doubt must be resolved in favor of overruling a demurrer. Id.; *see also*, Powell v. Drumheller, 621 A.2d 1197, 1199 (1993) (Powell) (scope of review of a challenge to the sustaining of preliminary objections in the nature of a demurrer is whether on the facts averred, the law states with certainty that no recovery is possible).

 In this case, Ms. Gates has failed to raise in her original Complaints a well pleaded material fact over which the Commission has jurisdiction. As a result, Ms. Gates was given an opportunity to file an Amended Complaint. As discussed further below, Ms. Gates’ Amended Complaint again fails to raise any issue over which the Commission has jurisdiction, even when accepting as true all well pleaded material facts, as well as every reasonable inference from those facts, and viewing the Amended Complaint in the light most favorable to Ms. Gates. It is clear and free from doubt that Ms. Gates would not be entitled to relief under any circumstances as a matter of law. Ms. Gates’ Amended Complaint will therefore be dismissed.

 Similar to her original Complaints, Ms. Gates’ Amended Complaint, which is addressed to “Judge Murphy,” is unclear and not concise. The first paragraph of Ms. Gates’ Amended Complaint, for example, states, verbatim:

Private Complaints Breach of Contracts Cause of Actions Alexander –V- United States Perlman –V- United States the privilege holder has weighed its chances of success of appeal of the Seriousness of the Sanctions –V- this Malfeasance of banks … Goldman Sacs; Merrill & Lynch; J.P. Morgan Stanley; Lehman Brothers; Bear Sterns; First Trust; PNC; Citizens; Wells Fargo since 1985; Deutsche; Mellon; Provident .. TD… Fannie Mae & Freddie Mac… HSBC… in over “88” Countries…

The Amended Complaint is replete with unclear and verbose statements, such as:

My issues of this Entire: Civil; Federal 1% Abuse and Discrimination by attacks and assaults to me of this complete “Tax Fraud Scheme” “Perlman Exception” – “Writ of Certiorari” Contempt … where Sanctions; Summons; Warrants were never filed regarding this Malfeasance of the Banks as so processed of due process Twice by Fraud; Abuse and Conflicts with Merits to abuse me and the Facts that to date I am still being denied Legal Access full representation involving this Commonwealth Fraud and Abuse to me that this abuse stems From involving Senate; Congress and State Representative s Abuses also and the Attorney’ Generals 64 of them of the Quasi Rem Jurisdictions; Quantum Culpabilities of the “Errors of Laws” Ratifications of States and Non Separation of Church and States of the American Constitution particularly the Social Security Office this Any Payee Representative Fraud and the “1917 Act” and the Millers; Law Firms and Unions Abuses to me of my Assets as is others abuses of False Claims of this Bi Partisan Abuse to all my Human; Parental; Equal; Employable Civil Federal Rights of Legal Access to LIVE & MOVE FREELY from these Dual abuses of that of the ACLU and the NAACP “Under Color of Law” to Reproduce my Entire Record Under Sub section 402b of the United States Supreme Court Code UNDER COLOR OF LAW; ….

This paragraph continues for another half page of single-spaced typing in the same unclear and verbose manner.

 Furthermore, the ensuing three pages are entitled “in the Court of Common Pleas of Montgomery County, CIVIL ACTION LAW, ACTION OF EJECTMENT” and contain equally unclear and verbose statements which concluded “CC: Amended Complaint.” Finally, the remaining nine pages are unclear and verbose as well.

 In their Preliminary Objections, PECO and PAWC argue that Ms. Gates’ Amended Complaint should be dismissed because Ms. Gates has failed to state a claim over which relief can be granted and because the Amended Complaint does not conform to the Commission regulations requiring formal complaints to set forth clear and concise statements of fact and relief sought. PECO and PAWC are correct. Ms. Gates has failed in her Amended Complaint to correct the deficiencies that were contained in her original Complaints.

 First, as noted in the Order Granting Preliminary Objections and Directing Complainant to File a More Specific Pleading, dated December 10, 2012 (December 10th Order), Commission regulations require that a formal complaint set forth a clear and concise statement of the act or omission being complained of as well as a clear and concise statement of the relief sought. 52 Pa. Code §§ 5.22(a)(5) and (6). The purpose of requiring a complaint to be specific is to insure that the respondent’s right and ability to answer and defend the complaint will not be unduly impaired by a vague pleading. *See*, Landau v. Western Pennsylvania National Bank, 445 Pa. 217, 282 A.2d 335 (1971); Paz v. Commonwealth, Dept of Corrections, 135 Pa. Commw. 162, 580 A.2d 452 (1990).

 In this case, PAWC and PECO would not have the ability to answer Ms. Gates’ Amended Complaint or prepare a defense given its unclear and verbose nature. This is true especially in light of PECO’s contention that it conducted its own investigation prior to filing its Preliminary Objections and was still unable to determine the matter with which Ms. Gates complains. As noted in the December 10th Order, it is not even clear from a plain reading of Ms. Gates’ original Complaints and her Amended Complaint that PECO and PAWC are the correct respondents. While PECO and PAWC could conduct discovery to elicit details of her Complaint sufficient to allow the Companies to answer the Amended Complaint and prepare a defense, in this case, it is clear that such actions would not be helpful. Even after being given a chance to amend her complaint and being made fully aware of the Commission’s requirements for sufficient specificity of a complaint, it is not clear what discovery the Companies could serve that would allow them to answer the Amended Complaint and prepare a defense. Ms. Gates has failed to satisfy the requirements of Section 5.22(a)(5) and (6), *supra*, and therefore her Amended Complaint will be dismissed.

 Second, PAWC argued in it is Preliminary Objection that Ms. Gates’ Amended Complaint should be dismissed because of the lack of Commission jurisdiction over the issues she raised. Ms. Gates’ Amended Complaint is long and detailed. It raises issues such as breach of contract, banking, criminal code, Uniform Commercial Code, ERISSA, insurance, separation of church and state, social security, federal civil rights and many other issues, none of which the Commission has jurisdiction over.

As noted in the December 10th Order, it is well settled that the Commission may not exceed its jurisdiction and must act within it. City of Pittsburgh v. Pa. P.U.C., 43 A.2d 348 (Pa. Super 1945). Jurisdiction may not be conferred by the parties where none exists. Roberts v. Martorano, 235 A.2d 602 (Pa. 1967). Subject matter jurisdiction is a prerequisite to the exercise of the power to decide a controversy. Hughes v. Pa. State Police, 619 A.2d 390 (Pa. Cmwlth 1992). As a creation of the legislature, the Commission possesses only the authority that the state legislature has specifically granted to it in the Public Utility Code. 66 Pa. C.S. §§ 101, *et seq*. Its jurisdiction must arise from the express language of the pertinent enabling legislation or by strong and necessary implication therefrom. Feingold v. Bell, 383 A.2d 791 (Pa. 1977). Again, even after being given a chance to amend her Complaint and being made aware of the scope of the Commission’s jurisdiction, Ms. Gates has failed to state a claim for which relief can be granted. The Commission does not have jurisdiction over any of the issues Ms. Gates raised in her Amended Complaint.

Finally, Commission precedent supports allowing unrepresented complainants an opportunity to be heard orally, and not have their case dismissed on the basis of a preliminary pleading. *See*, Richard Carlock v. The United Telephone Company of Pennsylvania, Docket No. F-00163617, Order (entered July 14, 1993) at 7 (Carlock); *citing*, Halpern v. The Bell Telephone Company of Pennsylvania, Docket No. C-00923950, Order (entered October 1992) and William Schleisher v. The Bell Telephone Company of Pennsylvania, Docket No. F-00161252 (adopted at Public Meeting December 17, 1992). The Commission’s decision in Carlock, however, was subsequently clarified to allow ALJ’s the discretion to dispose of the pleadings in a proceeding provided that the action is neither arbitrary nor capricious, and that it is in accordance with the law. John A. Graham Jr. v. Philadelphia Suburban Water Company and Bell Atlantic-Pennsylvania, Inc., Docket No. C-00957557, Opinion and Order (entered June 12, 1996). Similarly, Section 703(b) of the Public Utility Code provides that “the Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest.” 66 Pa. C.S. § 703(b); *see also*, 52 Pa. Code §5.21(d).

Ms. Gates’ Amended Complaint is a clear example where such discretion should be exercised because a hearing is not necessary in the public interest. Dismissing Ms. Gates’ Amended Complaint is neither arbitrary nor capricious, but is in accordance with the law.

In conclusion, Ms. Gates has failed to raise an issue over which the Commission has jurisdiction. This is the case even when accepting as true all well pleaded, material facts, as well as every reasonable inference from those facts, and viewing Ms. Gates’ Amended Complaint in the light most favorable to her. When doing so, there is no doubt that Ms. Gates is not entitled to relief under any circumstances as a matter of law. *See*, Community Life, Powell, *supra*. Furthermore, Ms. Gates has not stated in her Amended Complaint a clear and concise statement of the act or omission being complained of as well as a clear and concise statement of the relief sought as required by the Commission’s regulations. 52 Pa. Code §§ 5.22(a)(5) and (6). Ms. Gates’ Amended Complaint will therefore be dismissed.

CONCLUSIONS OF LAW

1. The Commission’s Rules of Administrative Practice and Procedure, 52 Pa. Code Chapters 1, 3 and 5, provide for the filing of Preliminary Objections. 52 Pa. Code § 5.101.
2. Commission Preliminary Objection practice is comparable to Pennsylvania civil practice respecting the filing of preliminary objections. Equitable Small Transportation Intervenors v. Equitable Gas Company*,* 1994 Pa PUC LEXIS 69, Docket No. C-00935435 (July 18, 1994).
3. Preliminary objections are available to parties and may be filed in response to a pleading except motions and prior preliminary objections. Preliminary objections must be accompanied by a notice to plead, must state specifically the legal and factual grounds relied upon and be limited to the following: (1) lack of Commission jurisdiction or improper service of the pleading initiating the proceeding; (2) failure of a pleading to conform to this chapter or the inclusion of scandalous or impertinent matter; (3) insufficient specificity of a pleading; (4) legal insufficiency of a pleading; (5) lack of capacity to sue, nonjoinder of a necessary party or misjoinder of a cause of action; and (6) pendency of a prior proceeding or agreement for alternative dispute resolution. 52 Pa. Code § 5.101(a)(1)-(6).
4. A formal complaint must set forth a clear and concise statement of the act or omission being complained of as well as a clear and concise statement of the relief sought. 52 Pa. Code §§ 5.22(a)(5) and (6).
5. The purpose of requiring a complaint to be specific is to insure that the respondent’s right and ability to answer and defend the complaint will not be unduly impaired by a vague pleading. *See*, Landau v. Western Pennsylvania National Bank, 445 Pa. 217, 282 A.2d 335 (1971); Paz v. Commonwealth, Dept of Corrections, 135 Pa. Commw. 162, 580 A.2d 452 (1990).
6. The Commission may not exceed its jurisdiction and must act within it. City of Pittsburgh v. Pa. P.U.C., 43 A.2d 348 (Pa. Super 1945). Jurisdiction may not be conferred by the parties where none exists. Roberts v. Martorano, 235 A.2d 602 (Pa. 1967). Subject matter jurisdiction is a prerequisite to the exercise of the power to decide a controversy. Hughes v. Pa. State Police, 619 A.2d 390 (Pa. Cmwlth 1992).
7. As a creation of the legislature, the Commission possesses only the authority that the state legislature has specifically granted to it in the Public Utility Code. 66 Pa. C.S. §§ 101, *et seq*. Its jurisdiction must arise from the express language of the pertinent enabling legislation or by strong and necessary implication therefrom. Feingold v. Bell, 383 A.2d 791 (Pa. 1977).
8. Administrative Law Judges have the discretion to dispose of a pleading in a proceeding provided that the action is neither arbitrary nor capricious, and that it is in accordance with the law. John A. Graham Jr. v. Philadelphia Suburban Water Company and Bell Atlantic-Pennsylvania, Inc., Docket No. C-00957557, Opinion and Order (entered June 12, 1996).
9. The Commission may dismiss any complaint without a hearing if, in its opinion, a hearing is not necessary in the public interest. 66 Pa. C.S. § 703(b); 52 Pa. Code §5.21(d).
10. Even when accepting as true all well pleaded, material facts, as well as every reasonable inference from those facts, and viewing the Amended Complaint in the light most favorable to her, Ms. Gates has failed to raise an issue over which the Commission has jurisdiction and is not entitled to relief under any circumstances as a matter of law.
11. Ms. Gates has not stated in her Amended Complaint a clear and concise statement of the act or omission being complained of as well as a clear and concise statement of the relief sought.
12. Ms. Gates’ Amended Complaint dated December 17, 2012 should be dismissed.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Preliminary Objections filed by PECO Energy Company at Docket Number F-2012-2332583 dated December 21, 2012 are granted.
2. That the Preliminary Objections filed by the Pennsylvania American Water Company at Docket Number F-2012-2232589 dated January 3, 2013 are granted.
3. That the Amended Complaint filed by Alice Ann Belmonte-Gates against PECO Energy Company at Docket Number F-2012-2332583 and Pennsylvania American Water Company at Docket Number F-2012-2332589 dated December 17, 2012 is dismissed.
4. That the Initial Telephonic Hearing scheduled for this matter for February 26, 2013 at 10:00 a.m. is cancelled.
5. That this matter at Docket Numbers F-2012-2332583 and F-2012-2332589 be marked closed.

Date: January 24, 2013 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Joel H. Cheskis

 Administrative Law Judge