

**Bradley A. Bingaman, Esq.**  
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February 1, 2010

**VIA OVERNIGHT UNITED PARCEL SERVICE**James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120**RECEIVED**

FEB 1 2010

**PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU****Re: *Shoup, Fochtman, et al., v. Pennsylvania Electric Company***  
***Docket Nos. C-2008-2031300 and C-2008-2035103***

Dear Secretary McNulty:

On behalf of Pennsylvania Electric Company ("Penelec"), in accordance with the Commission's Orders entered on May 8, 2009, October 9, 2009, and December 28, 2009, at the above-referenced docket numbers, this is to confirm that Penelec has complied with the requirements set forth at Ordering Paragraph Nos. 5, 6 and 7 of the May 8, 2009 Order. Specifically:

- Pursuant to Ordering Paragraph No. 5, Penelec submitted via overnight and electronic mail on January 28, 2010, a letter to the Commission's Bureau of Conservation, Economics and Energy Planning ("CEEP") explaining its plan for the Outdoor Area Lighting ("OAL") service on a going forward basis, including the process to replace outdoor mercury vapor lighting with outdoor lighting that is in compliance with existing Federal and state laws and regulations;
- Pursuant to Ordering Paragraph No. 6, the letter submitted to CEEP on January 28, 2010, stated that the same plan being adopted by Penelec will also be adopted for OAL service in Penelec's former Elkland Service Area and for customers receiving OAL service from Metropolitan Edison Company ("Met-Ed"); and

February 1, 2010

- Pursuant to Ordering Paragraph No. 7, Penelec (and Met-Ed) served a notice, which was reviewed by the Commission's Bureau of Consumer Services, on all customers currently receiving OAL service to explain the Commission's recent action and the Companies' plans for OAL service on a going forward basis.

Pursuant to Ordering Paragraph 7 of the May 8, 2009 Order, a copy of the issued customer notice as described above is enclosed, as Attachment A, for filing at this docket. Also enclosed, as Attachment B, is a copy of Penelec's letter of January 28, 2010, to CEEP as set forth above.

Finally, in accordance with Ordering Paragraph No. 8 of the Order entered on May 8, 2009, and Ordering Paragraph No. 3 of the October 9, 2009 Order, Penelec respectfully requests that these proceedings be marked closed as Penelec has completed the requirements directed by the Commission's Orders in this matter.

An original and four (4) copies of this letter are being submitted. Please date stamp the additional copy as evidence of receipt and return it to me.

Please contact me if you have any questions regarding this matter.

Sincerely,



Bradley A. Bingaman

lmr

Enclosures

c: Darren Gill, Bureau of CEEP  
Blaine Loper, Bureau of CEEP  
Daniel Mumford, Bureau of Consumer Services  
Wayne Williams, Ph.D, Bureau of CEEP



2800 Pottsville Pike  
P.O. Box 16001  
Reading, PA 19612-6001

January 28, 2010

<Customer Name>  
<Mailing Address>  
<City, State, Zip>

### IMPORTANT INFORMATION ABOUT YOUR OUTDOOR AREA LIGHTING

Dear Outdoor Area Lighting Customer,

As a customer currently receiving Penelec's Outdoor Area Lighting (OAL) service, you are receiving this letter explaining the recent action by the Pennsylvania Public Utility Commission (PUC) and the resulting changes to Penelec's OAL service.

A letter dated May 1, 2007, notified you that Penelec would be phasing out the OAL service by June 10, 2012. However, as a result of recent actions taken by the PUC, Penelec will not phase out the OAL service as previously planned and will continue to provide OAL service to customers currently receiving it at existing locations beyond June 10, 2012.

If your OAL bulb or lamp burns out, please contact our Customer Service Center at 1-800-545-7741 and Penelec will repair or replace the light. If you have a mercury vapor light fixture and it becomes inoperable as a result of a non-working ballast, Penelec will replace the mercury vapor light fixture with an equivalent-sized sodium vapor light fixture to comply with a federal law that prohibits the import or manufacture of mercury vapor ballasts. If this replacement occurs, sodium vapor OAL rates will apply based on Penelec's current electric service tariff.

Penelec will propose for the PUC's review and approval a revised OAL service – with revised rates, terms and conditions – to become available on June 11, 2012, for customers receiving OAL service at that time.

If you have any questions about your OAL service or about your electric account in general, please call us at 1-800-545-7741.

Sincerely,

Penelec Customer Service

January 28, 2010

<Customer Name>  
<Mailing Address>  
<City, State, Zip>

### **IMPORTANT INFORMATION ABOUT YOUR OUTDOOR AREA LIGHTING**

Dear Outdoor Area Lighting Customer,

As a customer currently receiving Met-Ed's Outdoor Area Lighting (OAL) service, you are receiving this letter explaining the recent action by the Pennsylvania Public Utility Commission (PUC) and the resulting changes to Met-Ed's OAL service.

A letter dated May 1, 2007, notified you that Met-Ed would be phasing out the OAL service by June 10, 2012. However, as a result of recent actions taken by the PUC, Met-Ed will not phase out the OAL service as previously planned and will continue to provide OAL service to customers currently receiving it at existing locations beyond June 10, 2012.

If your OAL bulb or lamp burns out, please contact our Customer Service Center at 1-800-545-7741 and Met-Ed will repair or replace the light. If you have a mercury vapor light fixture and it becomes inoperable as a result of a non-working ballast, Met-Ed will replace the mercury vapor light fixture with an equivalent-sized sodium vapor light fixture to comply with a federal law that prohibits the import or manufacture of mercury vapor ballasts. If this replacement occurs, sodium vapor OAL rates will apply based on Met-Ed's current electric service tariff.

Met-Ed will propose for the PUC's review and approval a revised OAL service – with revised rates, terms and conditions – to become available on June 11, 2012, for customers receiving OAL service at that time.

If you have any questions about your OAL service or about your electric account in general, please call us at 1-800-545-7741.

Sincerely,

Met-Ed Customer Service



2800 Pottsville Pike  
PO Box 16001  
Reading, PA 19612-6001

January 28, 2010

Mr. Wayne Williams, Ph. D  
Director, Bureau of Conservation, Economics and Energy Planning  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: **Shoup, Fochtman, et al. v. Pennsylvania Electric Company**  
**Docket Nos. C-2008-2031300 and C-2008-2035103**

Dear Mr. Williams:

In accordance with the Pennsylvania Public Utility Commission's ("Commission") Orders at the above-referenced dockets, Pennsylvania Electric Company ("Penelec") is submitting this letter to explain its plan for its Outdoor Area Lighting ("OAL") service on a going forward basis. It should be noted that the same plan will be adopted for OAL service in Penelec's former Elkland Service Area and for customers receiving OAL service from Metropolitan Edison Company ("Met-Ed").<sup>1</sup>

On January 11, 2007, the Commission entered an Order at Docket No. R-00061367 *et al.* that, among other things, approved the proposed tariffs of Penelec and Met-Ed ("the Companies") providing for the phase out of OAL service by June 10, 2012. Customers were notified in May 2007 of the phase out of the OAL service. However, as a result of recent actions taken by the PUC, directing that the phase out of OAL service be halted, the Companies will no longer be phasing out the OAL service as previously planned and will continue to provide OAL service to customers currently receiving the service at existing locations beyond June 10, 2012.

In its Opinion and Order entered May 8, 2009, the Commission adopted the Administrative Law Judge's Initial Decision to sustain the complaints of two complainants.<sup>2</sup> In doing so, the Commission ordered Penelec to comply with the following Order Paragraphs:

5. That within thirty (30) days of the entry date of this Opinion and Order that Pennsylvania Electric Company is to submit to the Commission's Bureau of Conservation, Economics and Energy Planning a plan for replacing outdoor mercury vapor lighting with outdoor lighting that is in compliance with existing Federal and state laws and regulations.

<sup>1</sup> Ordering Paragraph 6 of the May 8, 2009 Order encouraged Penelec and Met-Ed to provide this specific information.

<sup>2</sup> The Commission held that Penelec should continue to provide OAL service to customers currently receiving it but is not required to offer this service to customers not already receiving it.

6. That after reviewing this decision, Pennsylvania Electric Company and Metropolitan Edison Company are encouraged to advise the Commission's Bureau of Conservation, Economics and Energy Planning in writing, within thirty (30) days of the entry date of this Opinion and Order whether, upon further consideration, they still plan to phase-out Outdoor Area Lighting Service to Penelec's former Elkland Service Area customers served under this tariff or to Met-Ed's customers receiving Outdoor Area Lighting Service.
7. That within thirty (30) days of the entry date of this Opinion and Order, Penelec is to serve a notice on all customers affected or potentially affected by this Opinion and Order explaining the Order, its effect, and Penelec's proposed course of action. The text of that draft is to be prepared in conjunction with the Commission's Bureau of Consumer Services with a copy of the issued notice filed with the Commission at this docket.

The Commission entered an Opinion and Order on October 9, 2009, denying Penelec's Petition for Reconsideration/Rehearing filed on May 22, 2009. In addition to denying the request for reconsideration and rehearing, the Order stated that the Commission was not altering the decision in the Order of January 11, 2007 at Docket No. R-00061367 to restrict OAL service to existing customers and phase-out that service, and reinstated the requirements in the Order of May 8, 2009.

On December 28, 2009, the Commission entered an Opinion and Order disposing of Penelec's Petition for Clarification filed on October 26, 2009.<sup>3</sup> The Order affirmed the prior Orders of May 8, 2009 and October 9, 2009 and stated that Penelec's phase-out of OAL service is to be halted immediately. The Order also reinstated the requirements of Ordering Paragraphs 5, 6, and 7 from the Order of May 8, 2009.

Pursuant to Ordering Paragraph 5 above, the Companies will undertake the following plan to replace outdoor mercury vapor lighting with outdoor lighting that is in compliance with existing Federal and state laws and regulations. If a customer's OAL bulb or lamp burns out, they will be instructed to contact the Companies' Customer Service Center at 1-800-545-7741, and the Companies will repair or replace the light. If a customer has a mercury vapor light fixture that becomes inoperable as a result of a non-

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<sup>3</sup> Following the filing of both Penelec's Petitions for Reconsideration/Rehearing and Clarification, the Commission, via Secretarial Letters, extended the deadlines for Penelec to comply with the three Ordering Paragraphs of the May 8, 2009 Order until final Orders were entered addressing the merits of those Petitions.

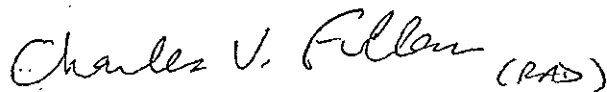
working ballast, the Companies will replace the mercury vapor light fixture with an equivalent-sized sodium vapor light fixture to comply with the federal Energy Policy Act of 2005 that prohibits the import or manufacture of mercury vapor ballasts. If such a replacement occurs, sodium vapor OAL rates will apply based on the Companies' current electric service tariffs.

Prior to the current tariff provision expiring in June 2012, the Companies will propose for PUC review and approval a revised OAL service, with revised rates, terms and conditions, to become available on June 11, 2012, for customers receiving OAL service at that time. The new service will reflect new cost-based service rates for the continuation of OAL service.

Finally, a copy of the required notice explaining the Commission's recent action which was reviewed by the Commission's Bureau of Consumer Services is being served on all customers currently receiving OAL service and is enclosed for your information.

Please contact me if you have any questions regarding this matter.

Sincerely,



Charles V. Fullem

Director - Rates and Regulatory Affairs - PA

Enclosures

c: Darren Gill, Bureau of CEEP  
Blaine Loper, Bureau of CEEP

January 28, 2010

<Customer Name>  
<Mailing Address>  
<City, State, Zip>

### **IMPORTANT INFORMATION ABOUT YOUR OUTDOOR AREA LIGHTING**

Dear Outdoor Area Lighting Customer,

As a customer currently receiving Penelec's Outdoor Area Lighting (OAL) service, you are receiving this letter explaining the recent action by the Pennsylvania Public Utility Commission (PUC) and the resulting changes to Penelec's OAL service.

A letter dated May 1, 2007, notified you that Penelec would be phasing out the OAL service by June 10, 2012. However, as a result of recent actions taken by the PUC, Penelec will not phase out the OAL service as previously planned and will continue to provide OAL service to customers currently receiving it at existing locations beyond June 10, 2012.

If your OAL bulb or lamp burns out, please contact our Customer Service Center at 1-800-545-7741 and Penelec will repair or replace the light. If you have a mercury vapor light fixture and it becomes inoperable as a result of a non-working ballast, Penelec will replace the mercury vapor light fixture with an equivalent-sized sodium vapor light fixture to comply with a federal law that prohibits the import or manufacture of mercury vapor ballasts. If this replacement occurs, sodium vapor OAL rates will apply based on Penelec's current electric service tariff.

Penelec will propose for the PUC's review and approval a revised OAL service – with revised rates, terms and conditions – to become available on June 11, 2012, for customers receiving OAL service at that time.

If you have any questions about your OAL service or about your electric account in general, please call us at 1-800-545-7741.

Sincerely,

Penelec Customer Service

January 28, 2010

<Customer Name>  
<Mailing Address>  
<City, State, Zip>

### **IMPORTANT INFORMATION ABOUT YOUR OUTDOOR AREA LIGHTING**

Dear Outdoor Area Lighting Customer,

As a customer currently receiving Met-Ed's Outdoor Area Lighting (OAL) service, you are receiving this letter explaining the recent action by the Pennsylvania Public Utility Commission (PUC) and the resulting changes to Met-Ed's OAL service.

A letter dated May 1, 2007, notified you that Met-Ed would be phasing out the OAL service by June 10, 2012. However, as a result of recent actions taken by the PUC, Met-Ed will not phase out the OAL service as previously planned and will continue to provide OAL service to customers currently receiving it at existing locations beyond June 10, 2012.

If your OAL bulb or lamp burns out, please contact our Customer Service Center at 1-800-545-7741 and Met-Ed will repair or replace the light. If you have a mercury vapor light fixture and it becomes inoperable as a result of a non-working ballast, Met-Ed will replace the mercury vapor light fixture with an equivalent-sized sodium vapor light fixture to comply with a federal law that prohibits the import or manufacture of mercury vapor ballasts. If this replacement occurs, sodium vapor OAL rates will apply based on Met-Ed's current electric service tariff.

Met-Ed will propose for the PUC's review and approval a revised OAL service – with revised rates, terms and conditions – to become available on June 11, 2012, for customers receiving OAL service at that time.

If you have any questions about your OAL service or about your electric account in general, please call us at 1-800-545-7741.

Sincerely,

Met-Ed Customer Service

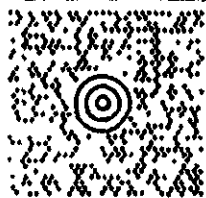
GLENN A COLDREN  
(610) 921-6633  
AE-1440  
2800 POTTSVILLE PIKE  
READING PA 19605-2459

LTR

1 OF 1

SHIP TO:

JAMES J. MCNULTY, SECRETARY  
(800) 692-7375  
PA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
2ND FLOOR  
400 NORTH STREET  
HARRISBURG PA 17120-0079



PA 171 9-20



UPS NEXT DAY AIR

TRACKING #: 1Z AE1 440 01 5225 3623

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BILLING: P/P

REF 1:BRAD BINGAMAN REAP - 37  
REF 2:CC # 503003

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