



100 Pine Street • PO Box 1166 • Harrisburg, PA 17108-1166
Tel: 717.232.8000 • Fax: 717.237.5300

Shelby A. Linton-Keddie
Direct Dial: 717.237.5459
Direct Fax: 717.260.1763
skeddie@mwn.com

June 15, 2011

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

VIA HAND DELIVERY

**RE: PPL Industrial Customer Alliance v. PPL Electric Utilities;
Docket No. C-2010-2153656**


Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") are the original and three (3) copies of the Petition for Leave to Withdraw the Complaint of the PP&L Industrial Customer Alliance ("PPLICA"), in the above-referenced proceeding.

As shown by the attached Certificate of Service, all parties to this proceeding are being duly served. Please date stamp an extra copy of this transmittal letter and the Petition and kindly return them for our filing purposes. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By 
Shelby A. Linton-Keddie

Counsel to the PP&L Industrial Customer Alliance

SLK/lmc
Enclosures

c: Administrative Law Judge David A. Salapa (via E-mail and Hand Delivery)
Certificate of Service

RECEIVED
2011 JUN 15 PM 4:11
PA PUC
SECRETARY'S BUREAU

www.mwn.com

HARRISBURG, PA • LANCASTER, PA • STATE COLLEGE, PA • HAZLETON, PA • COLUMBUS, OH • WASHINGTON, DC

RECEIVED

JUN 15 2011

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PP&L Industrial Customer Alliance :
 :
 v. : Docket No. C-2010-2153656
 :
 PPL Electric Utilities Corporation :

PETITION FOR LEAVE TO WITHDRAW COMPLAINT
OF THE PP&L INDUSTRIAL CUSTOMER ALLIANCE

Pursuant to the provisions of Section 5.94(a) of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") Regulations, 52 Pa. Code § 5.94(a), the PP&L Industrial Customer Alliance ("PPLICA") hereby petitions for leave to withdraw its Complaint against PPL Electric Utility Corporation's ("PPL" or "Company") Transmission Service Charge Reconciliation Filing for 2009 and Transmission Service Charge Effective January 1, 2010, which PPLICA filed in the above-captioned proceeding on January 19, 2010. In support of this Petition, PPLICA states the following:

1. On December 1 and 11, 2009, PPL submitted multiple filings with the Commission related to its Transmission Service Charge ("TSC"). The Company's 2009 final TSC reconciliation report indicated a particularly large overcollection from Large Commercial and Industrial ("C&I") – Primary and Large C&I – Transmission customers of \$3.8 million and \$5.2 million, respectively, which was to be refunded only to the Company's default service customers in 2010. This overcollection was a result of PPL's change to a formula transmission rate authorized by the Federal Energy Regulatory Commission ("FERC") and the refund that was contained in the settlement of that proceeding.

2. Due to the size of the overcollection and the corresponding refund that was proposed to be refunded only to default service customers, PPLICA filed a Complaint with the PUC on January 19, 2010. A description of PPLICA is set forth in Paragraph 6 of the Complaint. Specifically, PPLICA argued that it is unjust, unreasonable and discriminatory, in violation of Sections 1301 and 1304 of the Public Utility Code, 66 Pa. C.S. §§ 1301 & 1304, to refund the 2009 TSC overcollection solely to default service customers, and that all Large C&I customers who contributed to the substantial TSC overcollection should receive their fair share of the refund. In addition, PPLICA recommended that, due to the transition year for PPL's customers as the rate cap expired and more customers shop for generation supply, a special rider should be created to ensure that both shopping and non-shopping customers receive their fair share of the 2009 TSC overcollection refund.

3. On February 1, 2010, PPL submitted an Answer to PPLICA's Complaint, arguing that refunding TSC overcollection amounts to default service customers is in accord with its Commission-approved tariff provision established in 2004, and that if PPLICA's proposal is accepted, default service customers' TSC rates will increase.

4. On March 3, 2011, approximately thirteen months after PPLICA submitted its Complaint, the Commission issued a Hearing Notice scheduling an Initial Hearing for April 15, 2011. At the parties' request, this Initial Hearing was changed to a Prehearing Conference. Administrative Law Judge ("ALJ") David Salapa convened the April 15, 2011, Prehearing Conference, at which time a procedural schedule was established.

5. On May 19, 2011, the PUC entered two Orders to address TSC reconciliation. First, at Docket No. M-2010-2213754, in light of self-reported error regarding PPL's 2010 TSC reconciliation statement, the Commission deferred its consideration of the Recommended

Decision and requested additional information from the Company regarding PPL's TSC reconciliation methodology for the Commission and Statutory Advocates to review and Comment prior to the PUC's Final Order. Concurrently, the PUC entered an Order at Docket No. M-2011-2239714, which opens an investigation to allow interested parties to address various methods of reconciling TSCs.

6. While PPLICA continues to believe that its Complaint is warranted under the circumstances, the significant delay in this proceeding has made it extremely difficult to determine and obtain meaningful retroactive relief for Large C&I customers, even after receipt and review of additional information from the Company.

7. As a result, rather than pursue its Complaint in this proceeding where the likelihood of determining adequate retroactive relief is minimal, PPLICA plans to address its concerns regarding the Company's TSC reconciliation process by participating in PPL's 2010 TSC reconciliation proceeding at Docket No. M-2010-2213754. In addition, PPLICA plans to participate, along with a coalition of other ad hoc industrial customer groups, in the Commission's general investigation of TSC reconciliation methods at Docket No. M-2011-2239714.

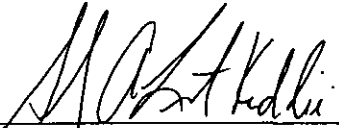
8. PPLICA believes that this Petition to Withdraw will save PPLICA, PPL and the Commission valuable time and resources, especially given the further inquiry into PPL's TSC reconciliation methodology and the establishment of a proceeding "to consider, on an industry-wide basis, the full panoply of TSC reconciliation issues."¹

¹ See *PPL Electric Utilities Corp. Proposed Transmission Service Charge (TSC) Reconciliation for the Twelve Months Ending November 30, 2010*, Docket No. M-2010-2213754 at 1. (May 19, 2011) (citing *Investigation re TSC Reconciliation Methods*, Docket No. M-2011-2239714 (May 19, 2011)).

WHEREFORE, for the foregoing reasons, the PP&L Industrial Customer Alliance respectfully requests that it be granted leave to withdraw the Complaint of the PP&L Industrial Customer Alliance that was filed on January 19, 2010.

Respectfully submitted,

McNEES WALLACE & NURICK LLC

By 

Pamela C. Polacek (I.D. No. 78276)
Shelby A. Linton-Keddie (I.D. No. 206425)
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
Phone: (717) 232-8000
Fax: (717) 260-1763

Counsel to PP&L Industrial Customer Alliance

Dated: June 15, 2011

CERTIFICATE OF SERVICE

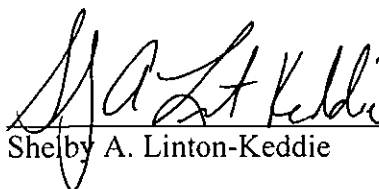
I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant).

VIA E-MAIL AND FIRST CLASS MAIL

Paul E. Russell, Esq.
Associate General Counsel
PPL Electric Utilities, Inc.
Two North Ninth Street
Allentown, PA 18108-1179
perussell@pplweb.com

Anthony D. Kanagy, Esq.
Post & Schell, P.C.
17 North Second Street, 12th Floor
Harrisburg, PA 17101-1601
akanagy@postschell.com

David B. MacGregor, Esq.
Post & Schell, PC
Four Penn Center
1600 JFK Blvd.
Philadelphia, PA 19103-2808
dmacgregor@postschell.com



Shelby A. Linton-Keddie

Counsel to the PP&L Industrial Customer Alliance

Dated this 15th day of June, 2011, at Harrisburg, Pennsylvania.

RECEIVED
2011 JUN 15 PM 4:11
PA PUC
SECRETARY'S BUREAU