

KJR

DATE: August 6, 1997

SUBJECT: R-00974104

TO: Office of Administrative Law Judge

FROM: James J. McNulty, Acting Secretary *ddt*

Re: Duquesne Light Company
Restructuring Plan Filing
R-00974104

Attached is a copy of Duquesne Light
Company's Restructuring Filing.

This matter is being assigned to your Office
for appropriate action.

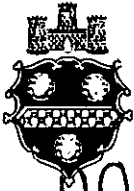
Attachment

cc: Office of Trial Staff
Bureau of Fixed Utility Services
Bureau of Audits
Bureau of CEEP
Bureau of Consumer Services
Law Bureau

ddt

DOCKETED
AUG 06 1997

**DOCUMENT
FOLDER**



JIM FERLO

COUNCILMAN, DISTRICT 7, CITY OF PITTSBURGH



DOCUMENT
FOLDER

PRESIDENT OF COUNCIL
Chairman, Committee on Hearings
Commissioner, Housing Authority, City of Pittsburgh
Board Member, Southwestern Regional Planning Commission

001223

August 9, 1997

ORIGINAL

Office of the Prothonotary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pa. 17105-3265

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Dear Commissioners:

As a customer of Duquesne Light Company, and on behalf of thousands of my constituents, I would like to formally intervene in the matter of the proposed rate hike and merger of Allegheny Power and Duquesne Light Company, now before the Commission and referred to as docket number A-110150F0015. I would also like to formally intervene in the Duquesne Light restructuring case referred to as docket number R-974104.

Please inform me of any scheduled evidentiary and/or public hearings in this matter. By way of this correspondence I am formally requesting that the Public Utility Commission consider conducting evidentiary and/or public hearings regarding the merger, rate hike and re-structuring here in the City of Pittsburgh - in the electric service area of the particular companies. The Commission is more than welcome to utilize the City Council Chambers of the City of Pittsburgh, located at 414 Grant Street, Pittsburgh, PA 15219, for any such hearings. Our chambers are accessible.

Thank you for your cooperation in this matter.

Sincerely,

JIM FERLO,

cc: Jacqueline Morrow, City Solicitor
Members of Council
Honorable Mayor Tom Murphy
John L. Munsch, atty., Allegheny Power





COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

August 12, 1997

In Re: **R-00973981,**
R-00974104

(See attached list)

R-00973981
West Penn Power Company

Application for approval of a Restructuring Plan

KJR

R-00974104
Duquesne Light Company

Application for approval of Restructuring Plan

NOTICE

This is to inform you that a **Prehearing Conference** on the above-captioned cases will be held as follows:

Type: **Initial**
Date: **Thursday, September 4, 1997.**
Time: **10:00 a.m.**
Location: **11th floor hearing room
Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, Pennsylvania**

DOCKETED
AUG 26 1997

**DOCUMENT
FOLDER**

Presiding Officer: **Administrative Law Judge John H. Corbett, Jr. (Duquesne)**
Administrative Law Judge Larry Gesoff (West Penn)
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 1522
Telephone: (412) 565-3550

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All parties have the option of participating by telephone in Harrisburg in Hearing Room 1, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, Pennsylvania, or in-person in Pittsburgh in an available Hearing Room, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania.

***Attention:** Please see the attached notice for additional information.*

If you intend to file exhibits or documents, 2 copies of all hearing exhibits or documents to be presented into evidence **must** be submitted to the reporter. An additional copy **must** be furnished to the presiding officer. A copy **must** also be provided to each party of record.

The Commission's rules require that all parties, except for those individuals appearing on their own behalf, be represented by counsel. Therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call Norma Lewis at the Public Utility Commission:

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

pc: Judge Corbett
Judge Gesoff
Kevin Cadden - BPL 111
John Frazier - BPL 101
Office of Trial Staff (2)
Consumer Advocate
Small Business Advocate
Bill Barrett - FUS
Norma Lewis
Steve L. Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

Application for approval of a Restructuring Plan

R-00974104
Duquesne Light Company

Application for approval of Restructuring Plan

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JOEL BLAU REGULATORY COUNSEL
WHEELED ELECTRIC POWER
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32 WINDSOR COURT
DELMAR NY 12054

JOSEPH GOLDBERG CHIEF DEPUTY
ATTORNEY GENERAL
DIR BUREAU OF CONSUMER
PROTECTION
14TH FLOOR STRAWBERRY SQUARE
HARRISBURG PA 17120

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ERIC LEVIS LEGISLATIVE
REPRESENTATIVE
PA RURAL ELECTRIC ASSOCIATION
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REGULATORY AFFAIRS
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GRAMMER KISSELL ROBBINS SKANCKE
& EDWARDS
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WASHINGTON DC 20005

DAN KENNEDY GOVERNOR'S ACTION
TEAM
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HARRISBURG PA 17120

STEVEN B LOUX RESEARCH
ASSOCIATE
THE COMMONWEALTH FOUNDATION
3544 NORTH PROGRESS AVENUE
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ANDREW ALTMAN
CLEAN AIR COUNCIL
135 S 19TH STREET
SUITE 300
PHILADELPHIA PA 19103

JAY LAYMAN
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200 NORTH 3RD STREET
SUITE 1402
HARRISBURG PA 17108-1085

CRAIG A DOLL ESQUIRE
214 STATE STREET
HARRISBURG PA 17101-1132

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HARRISBURG PA 17120

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26 TOLCHESTER LANE
BEL AIR MD 21014

ROGER ODISIO
170 DRAKE ROAD
BETHEL PARK PA 15102

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RHODS & SINON LLP
ONE SOUTH MARKET STREET
PO BOX 1146
HARRISBURG PA 17108-1146

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1440 NEWYORK AVENUE NW
SIXTH FLOOR
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KILLIAN & GEPHART
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HARRISBURG PA 17108

PAUL BARBER
CITIZENS LEHMAN POWER LLC
530 ATLANTIC AVENUE
BOSTON MA 02210

Y HOLT
HILLS DEPARTMENT STORES
3010 GREENGARDEN ROAD
ALQUIPPA PA 15001

D BLOOM
IBEW LOCAL 272
1099 MARSHALL ROAD
MONACA PA 15061

JAMES KIRKPATRICK PROGRAM
MANAGER
PENNDOT ELECTRIC UNIT
DISTRICT 6-0
ST DAVIDS PA 19003

RICH LUCZKO LEGISLATIVE
COORDINATOR
IBEW
5144 CASTE DRIVE
PITTSBURGH PA 15236

BRYAN BERGUSON
WELLSBORO ELECTRIC COMPANY
PO BOX 138
WELLSBORO PA 16901

ROBERT E STEWART
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AND ADVISORY SERVICE
100 SOUTH 21ST STREET
HARRISBURG PA 17104

RALPH J WEED CPA
311 EDINBURGH ROAD
CHADDS FORD PA 19317

EDWARD WYLAND
UWUA LOCAL 102
338 WEST MAIDEN STREET
WASHINGTON PA 15301

ERIC WOYCHIK
SI
9901 CALODEN LANE
OAKLAND CA 94605

JANE DRENAN
1216 16H STREET NW
WASHINGTON DC 20036

TODD GLASS
HELLER EHRMAN WHITE & MCAULIFFE
200 SOUTHWEST MARKET STREET
SUITE 1750
PORTLAND OR 97201

FRANK NADOLNY
DUQUESNE LIGHT COMPANY
PO BOX 1930
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JO J MULLENDORE
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HARRISBURG PA 17102

ALFRED MILLER
PECO ENERGY CORPORATION
2301 MARKET STREET S21-1
PHILADELPHIA PA 19101

HONORABLE THOMAS B HAGEN
SEC DEPT OF COM & ECON DEV
433 FORUM BUILDING
HARRISBURG PA 17120

BILL SHINE ESQUIRE
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INDIANA PA 15701

GLENN AVICK DIRECTOR
ENGINEERING/CONSTRUCTION
UNIVERSITY OF PITTSBURGH
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PITTSBURGH PA 15260

JAMES ROYAL PRESIDENT/CEO
NOBLE GROUP CORPORATION
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PHILADELPHIA PA 19121

RODNEY RAPHAEL AKERS
CITY OF PITTSBURGH
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414 GRANT STREET
PITTSBURGH PA 15219-2453

LIZ FENNELL
CONSOLIDATED EDISON COMPANY
511 THEODORE FREMD AVENUE
ROOM 112
RYE NY 10580

LOIS BURNS
206 SOUTH OFFICE BUILDING
HARRISBURG PA 17120

TERRY FITZPATRICK
SENATOR BRIGHTBILL'S OFFICE
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HARRISBURG PA 17120

NAN DAVENPORT
CLEAN AIR COUNCIL
3700 VARTAN WAY
HARRISBURG PA 17110

• KEITH MCCALL REPRESENTATIVE
• HOUSE OF REPRESENTATIVES
• 313 SOUTH OFFICE BUILDING
• HARRISBURG PA 17120

GARY TRIPLETT SPECIAL ASSISTANT
BUREAU OF AIR QUALITY CONTROL
MARKET ST STATE OFF BULDING
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HARRISBURG PA 17105-8468

SCOTT POVILAITIS ESQUIRE
PA PUC LAW BUREAU
PO BOX 3265
HARRISBURG PA 17105-3265

ROBERT BENNETT
PA PUC FUS
PO BOX 3265
HARRISBURG PA 17105-3265

WILLIAM E FERELLI OFFICE MANAGER
AMERICAN TELECHARGE INC
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MANTUA NJ 08051-1355

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ENVIRONMENTAL AFFAIRS
WESTINGHOUSE ELECTRIC
CORPORATION
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JEFFREY A FRANKLIN
RYAN RUSSELL OGDEN & SELTZER
1100 BERKSHIRE BLVD SUITE 301
READING PA 19610-1221

RAYMOND B WUSLICH
WINSTON & STRAWN
1400 L STREET NW
WASHINGTON DC 20005

LAUREN S MCANDREWS
ALLEGHENY TELDYNE INC
10TH FLOOR
6 PPG PLACE
PITTSBURGH PA 15222

DOCUMENT
FOLDER

DOCKETED
AUG 20 1997

002007

August 12, 1997

ORIGINAL

Mr. James J. McNulty
Office of the Prothonotary
PA Public Utility Commission
P.O. Box 3265
North Office Building
Harrisburg, PA 17105-3265

RECEIVED
PROTHONOTARY'S OFFICE

97 AUG 15 AM 8:32

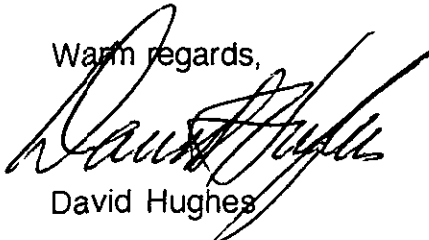
Re: Duquesne Light Company Restructuring Plan @
Docket No. R-00974104

Dear Mr. McNulty:

Please consider this letter as a request for permission to intervene in the above captioned matter. I am a Duquesne Light rate payer. In addition, as per the Final Order issued by the PUC on September 14, 1996 @ Docket No. C-00945953, I would like the case record in that proceeding made a part of the above referenced restructuring proceeding.

Thank you for your attention to this matter.

Warm regards,



David Hughes

4037 Ludwick St.
Pittsburgh, PA 15217
(412) 421-4163



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

August 13, 1997

In Re: **R-00973981,**
R-00974104

(See letter dated 08/12/97)

R-00973981 West Penn Power Company

Application for approval of a Restructuring Plan.

KJR

R-00974104 Duquesne Light Company

Application for approval of a Restructuring Plan

NOTICE

An Initial Prehearing Conference on the above-captioned cases will be held as follows:

Date/Time: **Thursday, September 4, 1997 at 10:00 a.m.**

Location: **11th floor hearing room, Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania**

Presiding Officers: **Administrative Law Judge John H. Corbett, Jr. (Duquesne)**
Administrative Law Judge Larry Gesoff (West Penn)

All parties have the option of participating by telephone in Harrisburg in Hearing Room 1, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, Pennsylvania, or in-person in Pittsburgh in an available Hearing Room, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania.

Certain additional information was inadvertently omitted from the original notice dated 08/12/97 scheduling this conference. That additional information is attached to this notice.

27 AUG 15 1997
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002068

ADDITIONAL INFORMATION

The purpose of this initial prehearing conference will be to lay the foundation, in broad terms, for the litigation of these restructuring cases. The emphasis will be upon establishing those guidelines and procedures that will most efficaciously promote timely, efficient and thorough advocacy, while assuring due process to all parties. At this initial prehearing conference, the topics for discussion may include: the need for technical conferences, the desirability of separate informal or formal settlement conferences or mediation sessions (where portions, if not all, of these cases can be settled), any special discovery problems, the desirability of informal discovery where possible, the need for proprietary orders, the possible location and number of public input hearings, and such other topics as may be reasonably necessary to discuss at this stage of the litigation. After this conference, the parties will then be expected to implement the procedures agreed upon or directed at this conference. **ONLY THOSE PARTIES ATTENDING THIS INITIAL Prehearing CONFERENCE WILL BE DEEMED ACTIVE PARTIES TO THESE PROCEEDINGS. PARTIES NOT ATTENDING THIS INITIAL PREHEARING CONFERENCE WILL BE DEEMED INACTIVE PARTIES, UNLESS GRANTED ACTIVE STATUS BY A PRESIDING ADMINISTRATIVE LAW JUDGE UPON PETITION FOR GOOD CAUSE SHOWN.** Following the conference, the parties will also be expected to prepare a litigation schedule, which will then be submitted at a second prehearing conference that will be held approximately one month later. Finally, the presiding Administrative Law Judges anticipate the assignment of the merger application of DQE, Inc. Allegheny Power System, Inc. and AYP Sub, Inc. at Docket No. A-110150F0015. This latter case will be a topic for further discussion at the second prehearing conference.

pc: Judge Corbett
Judge Gesoff
Kevin Cadden - BPL 111
John Frazier - BPL 101
Office of Trial Staff (2)
Consumer Advocate
Small Business Advocate
Bill Barrett - FUS
Norma Lewis
Steve L. Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

DOCUMENT
FOLDER

COMMONWEALTH OF PENNSYLVANIA

DATE: August 18, 1997

SUBJECT: R-00974104

TO: Office of Administrative Law Judge

FROM: *WJB* James J. McNulty, Acting Secretary

DOCKETED
AUG 20 1997

KJR

APPLICATION OF DUQUESNE LIGHT COMPANY FOR
APPROVAL OF ITS RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of Councilman Jim Ferlo filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

DOCUMENT
FOLDER

COMMONWEALTH OF PENNSYLVANIA

DOCKETED
AUG 20 1997

DATE: August 18, 1997

SUBJECT: R-00974104

TO: Office of Administrative Law Judge

FROM: *WJ* James J. McNulty, Acting Secretary

KJR

DUQUESNE LIGHT COMPANY RESTRUCTURING PLAN

Attached is copy of a Letter-Petition to Intervene of David Hughes filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

Thomas, Thomas, Armstrong & Niesen
Attorneys and Counsellors at Law

CHARLES E. THOMAS
CARROLL F. PURDY
CHARLES E. THOMAS, JR.
D. MARK THOMAS
PATRICIA ARMSTRONG
THOMAS T. NIESEN
JOHN A. ALZAMORA
REGINA L. MATZ

SUITE 500
212 LOCUST STREET
P. O. BOX 9500
HARRISBURG, PA 17108-9500

FIRM (717) 255-7600
FAX (717) 236-8278
(VERIFY (717) 255-7616)

OF COUNSEL
JOHN E. FULLERTON
JACK F. ASCHINGER
(1914-1995)

WRITER'S DIRECT DIAL NUMBER
717/255-7627

August 18, 1997

James J. McNulty, Prothonotary
Pennsylvania Public Utility Commission
North Office Building
P.O. Box 3265
Harrisburg, PA 17105-3265

In re: West Penn Power Company
Docket No. R-00973981

and

Duquesne Light Company
Docket No. R-00974104

ORIGINAL

KJR

PROTHONOTARY'S OFFICE

97 AUG 19 PM 4:25

RECEIVED

Dear Prothonotary McNulty:

Enclosed for filing on behalf of Allegheny Electric Cooperative, Inc. are an original and three (3) copies of its Petition to Intervene in the above referenced proceedings. Copies of the Petition to Intervene have been served in accordance with the attached Certificate of Service.

Very truly yours,

THOMAS, THOMAS, ARMSTRONG & NIESEN

By *Patricia Armstrong*

Patricia Armstrong

Encls.

cc: Robert F. Young, Esquire (w/encl.)

I:\CLIENTS\UTILITY\PREAIR-973981\LETTER\081897.LTR

**DOCUMENT
FOLDER**

27

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

In re: West Penn Power Company
Application for approval of a
Restructuring Plan

Docket No. R-00973981

In re: Duquesne Light Company
Application for approval of a
Restructuring Plan

Docket No. R-00974104

PETITION OF
ALLEGHENY ELECTRIC COOPERATIVE, INC.

AND NOW, comes Allegheny Electric Cooperative, Inc. ("AEC") (sometimes hereinafter referred to as "Petitioner") by its attorneys, pursuant to 52 Pa. Code §5.71 et seq., and petitions to intervene in the above referenced proceeding of West Penn Power Company and Duquesne Light Company ("Applicants"). In support thereof Petitioner represents as follows:

1. The address of Petitioner for this purpose is:

Allegheny Electric Cooperative, Inc.
212 Locust Street
P.O. Box 1266
Harrisburg, PA 17108-1266

2. The names and addresses of attorneys for Petitioner are:

Patricia Armstrong, Esquire
Regina L. Matz, Esquire
John A. Alzamora, Esquire
THOMAS, THOMAS, ARMSTRONG & NIESEN
212 Locust Street
P.O. Box 9500
Harrisburg, PA 17108-9500

and

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AUG 22 1997

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PROthonotary's OFFICE
F.A.P.U.C.

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Robert F. Young, Esquire
Allegheny Electric Cooperative, Inc.
212 Locust Street
P.O. Box 1266
Harrisburg, PA 17108-1266

The above-listed attorneys are authorized to receive service on behalf of Petitioner, and a copy of all correspondence, discovery, Commission notices and Orders and any other documents filed in this proceeding should be served at each address provided hereinabove.

3. AEC is a wholesale, non-profit electric generation and transmission cooperative incorporated and doing business under the Electric Cooperative Law of 1990 (15 Pa. C.S. §7301 et seq.).

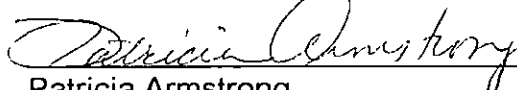
4. AEC is a transmission dependent utility. AEC is provided transmission services by West Penn, as well as other utilities. AEC in Particular areas has no realistic alternative to the transmission services provided by West Penn.

5. Petitioner's intervention is necessary to develop a record on the reasonableness of Applicants' proposal and the Petitioner's participation directly relates to the protection of Petitioner's interests. As a cooperative supplier of electricity in the Commonwealth, AEC has a unique perspective which is otherwise not represented and which must be considered by this Commission if the public interest of the entire Commonwealth is to be protected. The very "important issues raised by the filing" are issues of importance to Petitioner. As a supplier in this Commonwealth, including areas adjacent to those served by Applicant, AEC has an undisputable interest in the outcome of this proceeding and is entitled to participate to protect its unique and significant interests.

WHEREFORE, Petitioner hereby requests that its intervention be granted.

Respectfully submitted

THOMAS, THOMAS, ARMSTRONG & NIESEN

By 
Patricia Armstrong
Regina L. Matz
John A. Alzamora
Robert F. Young

Attorneys for
Allegheny Electric Cooperative, Inc.

THOMAS, THOMAS, ARMSTRONG
& NIESEN
212 Locust Street
P.O. Box 9500
Harrisburg, PA 17108-9500
(717) 255-7600

ALLEGHENY ELECTRIC COOPERATIVE,
INC.
212 Locust Street
P.O. Box 1266
Harrisburg, PA 17108-1266
(717) 233-5704

DATED: August 18, 1997

I:\CLIENTS\UTILITY\PREAIR-973981\DOCUMENT\001.DOC

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

West Penn Power Company
Application for approval of a
Restructuring Plan

Docket No. R-0097398

Duquesne Light Company
Application for approval of a
Restructuring Plan

Docket No. R-0097410

PROthonARY OFFICE

97 AUG 19 PM 1:26

RECEIVED

CERTIFICATE OF SERVICE

I hereby certify that I have this 18th day of August, 1997 served a true and correct copy of the foregoing Petition to Intervene on behalf of Allegheny Electric Cooperative, Inc. in the above referenced proceeding upon the persons listed below by first class mail, postage prepaid:

Honorable John H. Corbett, Jr.
Administrative Law Judge
Pennsylvania Public Utility
Commission
1103 Pittsburgh State Office Building
100 Liberty Avenue
Pittsburgh, PA 15222

Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Honorable Larry Gesoff
Administrative Law Judge
Pennsylvania Public Utility
Commission
1103 Pittsburgh State Office Building
100 Liberty Avenue
Pittsburgh, PA 15222

John Munsch, Esquire
West Penn Power Company
800 Cabin Hill Drive
Greensburg, PA 15601

Office of Trial Staff
Pennsylvania Public Utility
Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Larry Crayne, Esquire
Duquesne Light Company
One Oxford Centre
301 Grant Street
Pittsburgh, PA 15279

Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Richard Hershowitz, Esquire
LeBoeuf Lamb Green & MacRae
200 N. Third Street
Harrisburg, PA 17101


Patricia Armstrong

SCOTT J. RUBIN
Public Utility Consulting

3 Lost Creek Drive
Selinsgrove, PA 17870-9357

(717) 743-2233 (Voice)
(717) 743-8145 (Fax)
e-mail: sjrubin@ptd.net

KJR

August 20, 1997

James J. McNulty, Acting Prothonotary
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105

ORIGINAL


Re: Duquesne Light Company Restructuring Plan
Docket No. R-00974104

Dear Mr. McNulty:

Enclosed for filing please find an original and three (3) copies of the Petition to Intervene of International Brotherhood of Electrical Workers, System Council U-10, in the above-referenced proceeding. A copy of this document has been served on all parties of record, as shown on the attached certificate of service.

I am also enclosing an extra copy of the Petition that I would appreciate having time-stamped and returned to me in the enclosed envelope. Thank you for your prompt attention to this matter.

Sincerely,


Scott J. Rubin, Esq.

Enclosures

cc: All parties of record
Hon. John H. Corbett, Jr.

DOCUMENT
FOLDER

RECEIVED
57 AUG 20 AM 9:10
PA:JUC
PROTHONOTARY'S OFFICE

3

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of Duquesne Light : Docket No. R-00974104
Company's Restructuring Plan :

ORIGINAL

PETITION TO INTERVENE
OF INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, SYSTEM COUNCIL U-10

PROTHONOTARY'S OFFICE
F.P.U.C.

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RECEIVED

Pursuant to 52 Pa. Code §§ 5.71, *et seq.*, the International Brotherhood of Electrical Workers, System Council U-10 ("IBEW") hereby petitions to intervene in the above-captioned proceeding. In support of this Petition, IBEW states as follows:

1. IBEW is the authorized bargaining unit for several groups of employees of Duquesne Light Company ("Duquesne") and is located at:

Timothy Moran
System Council U-10, IBEW
986 Greentree Rd.
Pittsburgh, PA 15220
2. Among the issues that will be addressed in these restructuring proceedings are the planned closure and/or consolidation of plants or other facilities and the effects of such actions on Duquesne's employees; planned reductions in the level of employees and programs for assisting such employees; and other actions that will or may affect the employees of Duquesne who are members of IBEW.
3. No other party to this proceeding represents the interests of the members of IBEW.

DOCKETED
AUG 22 1997

DOCUMENT
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4. IBEW intends to actively participate in this proceeding on such matters that affect the interests of its members. Such participation may include the presentation of direct or rebuttal testimony and the cross-examination of witnesses presented by Duquesne and other parties to this proceeding.

5. IBEW will be represented in this case by, and all documents should be served upon:

Scott J. Rubin, Esq.
3 Lost Creek Drive
Selinsgrove, PA 17870-9357

Phone: (717) 743-2233
Fax: (717) 743-8145
e-mail: sjrubin@ptd.net

WHEREFORE, International Brotherhood of Electrical Workers, System Council U-10, respectfully requests the right to intervene as an active party in this proceeding.

Respectfully submitted,



Scott J. Rubin, Esq.
3 Lost Creek Drive
Selinsgrove, PA 17870
(717) 743-2233

Counsel for:
International Brotherhood of Electrical
Workers, System Council U-10


Dated: August 20, 1997

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of Duquesne Light : Docket No. R-00974104
Company's Restructuring Plan :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document via First Class Mail upon the participants, listed on the following pages, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).



Scott J. Rubin, Esq.

Counsel for:
International Brotherhood of Electrical Workers,
System Council U-10

Dated: August 20, 1997

RECEIVED
97 AUG 20 AM 9:10
P.A.U.C.
PROTHONOTARY'S OFFICE

John L. Munsch
Allegheny Power Co.
800 Cabin Hill Drive
Greensburg, PA 15601-1689

Leonard W. Belter
Winston and Strawn
1400 L St., NW
Washington, DC 20005-3502

Lawrence R. Crayne
Duquesne Light Co.
411 7th Ave.
Pittsburgh, PA 15219

Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Office of Trial Staff
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Office of Small Business Advocate
1102 Commerce Building
300 North Second St.
Harrisburg, PA 17101

Hon. John H. Corbett, Jr., ALJ
Pa. Public Utility Commission
1103 Pittsburgh State Office Bldg.
300 Liberty Ave.
Pittsburgh, PA 15222

Timothy Moran
System Council U-10, IBEW
986 Greentree Road
Pittsburgh, PA 15220

RECORDED
97 AUG 20 AM 9:10
PA.P.U.C.
PROTHONOTARY'S OFFICE

PECO ENERGY ORIGINAL

PECO Energy Company
2301 Market Street
PO Box 8699
Philadelphia, PA 19101-8699
215 841 5544
Fax 215 568 3389

DOCUMENT
FOLDER

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Direct Dial: 215 841 4917

KJR

August 20, 1997

AUG 20 1997

FedEx ORIGINAL

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

DOCKETED

AUG 27 1997

James J. McNulty
Acting Secretary
Pennsylvania Public Utility Commission
North Office Building, Room G-23
Harrisburg, Pennsylvania 17101

RE: Duquesne Light Company
Restructuring Plan Filing, Docket No. R-00974104

Dear Acting Secretary McNulty:

Enclosed for filing on behalf of PECO Energy Company are an original and fifteen (15) copies of its Petition to Intervene. Copies of this document have been served upon all those listed on the official service list.

Pursuant to 52 Pa. Code § 1.11, the enclosed document is deemed filed on August 20, 1997, which is the date it was deposited with an overnight express delivery service as shown on the delivery receipt attached to the mailing envelope.

Upon receipt of this filing, please date and time-stamp the enclosed extra copy of this letter and return it to me in the envelope provided.

Respectfully submitted,

Mary McFall Hopper
Mary McFall Hopper

Enclosures

cc: Official Service List

- James W. Durham
Senior Vice President
and General Counsel
- Edward J. Cullen, Jr.
Deputy General Counsel
- Sandra H. Byrne
Legal Administrator
- Paul R. Bonney
- Ellen M. Cavanaugh
- Jessica N. Cone
- Todd D. Cutler
- Susan S. Foehl
- Vilna Waldron Gaston
- Gregory Golazeski
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ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Duquesne Light Company
Restructuring Plan Filing

Docket No. R-00974104

RECEIVED

AUG 20 1997

PETITION TO INTERVENE
OF PECO ENERGY COMPANY

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Pursuant to 52 Pa. Code § 5.71 and various Commission orders, PECO Energy

Company ("PECO Energy") hereby files this Petition to Intervene in the above-captioned proceeding involving Duquesne Light Company's ("Duquesne") Restructuring Plan. In support of its petition, PECO Energy states as follows:

1. PECO Energy is a public utility providing electric service in southeastern Pennsylvania subject to the jurisdiction of the Pennsylvania Public Utility Commission ("PUC" or the "Commission"). PECO Energy's principal place of business is:

2301 Market Street
Philadelphia, Pennsylvania 19103

2. PECO Energy will be represented in this proceeding by the following counsel, who should be placed on the Commission's service list and receive copies of all correspondence and other documents:

Mary McFall Hopper
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2301 Market Street, S23-1
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(215) 568-3389 (FAX)

3. On December 3, 1996, Governor Tom Ridge signed into law the Electricity Generation Customer Choice and Competition Act (the "Act"). The Act restructures the electric utility industry in Pennsylvania to provide customers with choice of their electricity generator.

4. To implement these restructuring changes, the Act adds Chapter 28 to the Public Utility Code (the "Code"), 66 Pa. C.S. § 2801, et seq. The Act requires electric utilities to file Restructuring Plans on a schedule developed by the PUC. By orders adopted January 24, 1997 and February 23, 1997, at Docket No. M-009680890, et seq., the PUC required the filing of such a plan by Duquesne Light Company on August 1, 1997.

5. As an existing electric utility in the Commonwealth, PECO Energy may participate in Duquesne's electric market as an electric generation supplier. Moreover, the review of Duquesne's plan simultaneously with PECO Energy's plan could lead to either partially or fully litigated proceedings involving common issues of first impression for the Commission¹.

6. PECO Energy's participation as a party in this proceeding is required to protect its substantial, individual interests both with regard to supplying customers on Duquesne's system and with regard to restructuring issues generally.

7. PECO Energy's participation will be in the public interest because the Company can comment and provide input for the record from the perspective of an electric utility, other than Duquesne, familiar with the requirements of the Act and the Commission orders related to Restructuring Plans, including the practical and substantive concerns that arise in the course of attempting to comply with the Act and Commission orders. PECO Energy can assist in the development of a full and complete record for review either by the Commission itself or by an ALJ in any proceeding established pursuant to Commission orders.

8. The parties that will be participating in this case may well take positions on the issues that support their specific interests, and those positions may be inconsistent with positions that PECO Energy would take. For this reason, no other party in this proceeding can adequately represent PECO Energy or protect its interests.

9. PECO Energy will attempt to limit its comments, testimony and other participation in this matter to that required to support its specific interests and positions, and will not attempt to expand its participation in this proceeding beyond that which is necessary.

¹ PECO Energy filed its Restructuring Plan on April 1, 1997, at Docket No. R-00973953

WHEREFORE, the petition to intervene should be granted.

Respectfully submitted,

PECO ENERGY COMPANY

By: 

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August 20, 1997

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

KJR

Duquesne Light Company
Restructuring Plan Filing

RECEIVED Docket No. R-00974104

AUG 20 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

West Penn Power Company
Restructuring Plan Filing

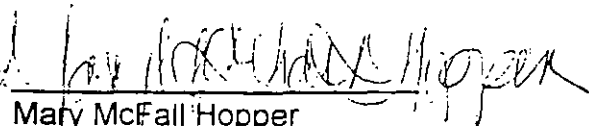
Docket No. R-00973981

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing documents upon the attached list.

Respectfully submitted,

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Application for approval of a Restructuring Plan

R-00974104
Duquesne Light Company

Application for approval of Restructuring Plan

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COMMONWEALTH OF PENNSYLVANIA

DATE: August 21, 1997

SUBJECT: R-00973981, R-00974104

TO: Office of Administrative Law Judge

FROM: *WJZ* James J. McNulty, Acting Secretary

KJR

R-00973981 WEST PENN POWER COMPANY
RESTRUCTURING PLAN

R-00974101 DUQUESNE LIGHT COMPANY
RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of Allegheny Electric Cooperative, Inc. filed in connection with the above docketed proceedings.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

DOCKETED
AUG 22 1997
DOCUMENT
FOLDER

COMMONWEALTH OF PENNSYLVANIA

DATE: August 21, 1997

SUBJECT: R-00974104

TO: Office of Administrative Law Judge

FROM: *WP* James J. McNulty, Acting Secretary

KJR

R-00974101 DUQUESNE LIGHT COMPANY
RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of International Brotherhood of Electrical Workers, System Council U-10 filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

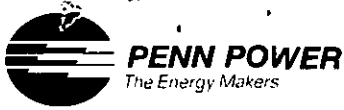
cc: OTS

wjz

DOCKETED

AUG 22 1997

DOCUMENT
FOLDER



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P. O. Box 891
New Castle, PA 16103-0891
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Pennsylvania Power Company

Direct Dial 412 - 656-5382

LEGAL DEPARTMENT
ROBERT P. WUSHINSKE, Vice President
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HARRY A. FLANNERY, Attorney
STEPHEN L. FELD, Attorney

August 26, 1997

ORIGINAL

KJR

FEDERAL EXPRESS

RECEIVED

James J. McNulty, Esquire
Acting Secretary
Pennsylvania Public Utility Commission
North Office Building
Commonwealth Avenue and North Street
Harrisburg, PA 17120

AUG 26 1997

**DOCUMENT
FOLDER**

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Re: Docket No. R-00974104
Restructuring Plan Filing
of Duquesne Light Company

Dear Secretary McNulty:

Enclosed are an original and three (3) copies of Pennsylvania Power Company's Petition to Intervene in the above proceeding. As shown below, copies of this filing have been served on all parties included on the active service list.

Please date and time-stamp the enclosed additional copy of this letter and return it to me in the attached stamped, self-addressed envelope.

Very truly yours,

Stephen L. Feld, Attorney

amw
Enclosures

cc: Thomas P. Gadsden, Morgan, Lewis & Bockius
Service List

49

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

ORIGINAL

AUG 26 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Duquesne Light Company :
Restructuring Plan Filing : Docket No. R-00974104

DOCKETED
AUG 29 1997

DOCUMENT
FOLDER

PETITION TO INTERVENE
OF PENNSYLVANIA POWER COMPANY

Pursuant to 52 Pa. Code §5.71, et seq., Pennsylvania Power Company ("Penn Power") hereby files this Petition to Intervene in the above docket involving Duquesne Light Company's ("Duquesne") Restructuring Plan. In support of its petition, Penn Power states as follows:

1. Penn Power is a public utility providing electric service in western Pennsylvania subject to the jurisdiction of the Pennsylvania Public Utility Commission ("PUC" or the "Commission").

Penn Power's address is:

1 East Washington Street
P. O. Box 891
New Castle, PA 16103-0891

2. Penn Power will be represented in this proceeding by the following counsel, who should be placed on the Commission's service list and receive copies of all correspondence and other documents:

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1 East Washington Street
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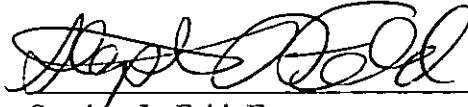
3. On January 1, 1997 the Electricity Generation Customer Choice and Competition Act (the "Act") became effective. The Act restructures the electric utility industry in Pennsylvania to provide customers with choice of their electricity generation suppliers. Section 2806(D) of the Act requires electric utilities to file restructuring plans with the PUC. On August 1, 1997 Duquesne filed its plan which is the subject of this proceeding.

4. Penn Power may participate in Duquesne's service territory as an electric generation supplier. In addition, Penn Power will be filing its restructuring plan on September 30, 1997. Penn Power's participation in this proceeding is therefore required to protect its substantial interests both with regard to supplying customers on Duquesne's system and with regard to common restructuring issues.

5. Penn Power's participation will be in the public interest because the Company is the only Pennsylvania member of the East Central Area Reliability Council ("ECAR") not affiliated with Duquesne or the related filing of West Penn Power Company. Penn Power's perspective on the energy markets and operational situation in ECAR and on other issues may be different than that of other parties to this proceeding. For this reason, no other party in this proceeding can adequately represent Penn Power or protect its interests. Penn Power's participation will assist in the development of a full and complete record in the proceeding established pursuant to Commission orders in this docket.

WHEREFORE, Pennsylvania Power Company requests that it be permitted to intervene in this docket.

Respectfully submitted,



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DATED: August 26, 1997

I:\HOME\WALCZAK\8350\LEGAL\FELD\INTRV-DL.PET

RECEIVED

CERTIFICATE OF SERVICE

AUG 26 1997

I hereby certify that I have this day served a true copy of the foregoing PETITIONS TO
PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

INTERVENE upon the participants listed below, by first-class mail, in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant).

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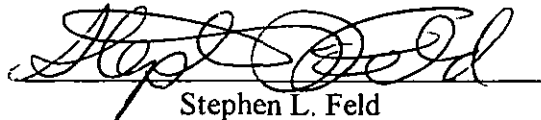
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Dated this 26th day of August, 1997.


Stephen L. Feld

Counsel for
Pennsylvania Power Company

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Pennsylvania Public Utility
Commission

v.

Duquesne Light Company

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Docket No.
R-00974104

NOTICE OF APPEARANCE

KJR

To The Secretary:

Please enter the appearance of the Office of Trial Staff of the Pennsylvania Public
Utility Commission in the above-captioned proceeding.

Prosecutor(s) for the Office of Trial Staff, in addition to the undersigned, will be:

Kandace F. Melillo
Wayne T. Scott

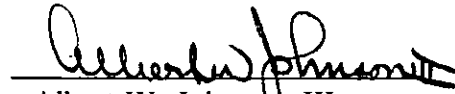
All service on and communications to the Office of Trial Staff in this proceeding
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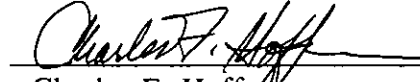
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AUG 25 1997

51



Albert W. Johnson, III
Deputy Chief Prosecutor



Charles F. Hoffman
Chief Prosecutor

Date: August 18, 1997
R-00974104

KJR

DATE: August 27, 1997
SUBJECT: R-00974104
TO: Office of Administrative Law Judge
FROM: James J. McNulty, Acting Secretary

LAF

DOCKETED
AUG 27 1997

DUQUESNE LIGHT COMPANY RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of Peco Energy Company filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

laf

DOCUMENT
FOLDER

BOEHM, KURTZ & LOWRY

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AUG 27 1997

PA PUBLIC UTILITY COMMISSION
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Via Overnight Mail

August 27, 1997

Mr. James McNulty, Acting Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
North Office Building
Harrisburg, PA 17105-3265

Re: Duquesne Light Company Application for Approval of Restructuring Plan,
Docket No. R-00974104

Dear Mr. McNulty:

Please find the enclosed an original and three (3) copies of the Petition to Intervene of Armco, Inc., in the above-referenced matter.

Copies have also been served on all parties listed on the attached Certificate of Service.

Respectfully submitted,



Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Enclosure
cc: Attached Certificate of Service

11

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AUG 27 1997

**BEFORE THE PA PUBLIC UTILITY COMMISSION
PENNSYLVANIA PUBLIC UTILITY COMMISSION PROTHONOTARY'S OFFICE**

**Duquesne Light Company Application for Approval
of Restructuring Plan**

Docket No. R-00974104

**PETITION TO INTERVENE OF
ARMCO, INC.**

Pursuant to 52 Pa. Code §5.71, Armco, Inc. ("Armco"), hereby files this Petition to Intervene in the above-captioned proceeding involving the application of Duquesne Light Company ("Duquesne") for approval of its Restructuring Plan. In support of its Petition, Armco states as follows:

1. The Complainant is:

Armco, Inc.
One Oxford Centre
301 Grant Street, 15th Floor

DOCKETED
AUG 29 1997

2. The name and address of Complainant's attorneys are:

Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY
2110 CBLD Center
36 East Seventh Street
Cincinnati, Ohio 45202

**DOCUMENT
FOLDER**

3. Respondent utility is:

Duquesne Light Company
411 Seventh Avenue, P.O. Box 1930
Pittsburgh, PA 15230-1930

4. Armco is one of the largest industrial customers of West Penn Power ("West Penn"). West Penn is a wholly owned subsidiary of Allegheny Power System, Inc. ("APS"). Duquesne is the wholly owned subsidiary of DQE, Inc. ("DQE"). On August 1, 1997 APS and DQE filed a joint application for approval of the transfer by merger of the property and rights of Duquesne Light Company to Allegheny Power System, Inc. Docket No. A-110150F0015. Because of the proposed merger, the

instant restructuring proceeding of Duquesne and the restructuring proceeding of West Penn involve certain common issues of material fact and are linked in other ways. Armco is an intervenor in the West Penn restructuring proceeding. Docket No. R-00973981. For instance, as proposed by West Penn, its Competitive Transition Charge ("CTC") will be determined in part by requests for proposals to sell power issued by Duquesne. Because of the interrelationship of the restructuring proceedings of Duquesne and West Penn, Armco has a direct and substantial interest in the Commission's determination in this matter. The interests of Armco cannot adequately be represented by any other party to this proceeding..

5. The instant proceeding may raise issues of first impression. Some examples of these issues include the procedures and methodology for projecting conditions and prices in future competitive markets, calculating utility stranded costs, unbundling of utility rates, designing a CTC, establishing rules for direct retail access, establishing conditions for retail competition, and developing utility obligations as the supplier of last resort. In addition, some parties may contend that the resolution of issues in the instant proceeding should be considered precedent for other proceedings under the Act, including the West Penn Restructuring Plan Filing.

6. Armco's participation will be in the public interest because Armco can comment and provide input for the record from the perspective of an industrial customer familiar with the requirements of the Restructuring Act and the Commission orders related to Restructuring Plans. Armco can assist in the development of a full and complete record for review either by the Commission itself or by an Administrative Law Judge in any proceeding established pursuant to Commission orders.

7. Armco intends to play a constructive role in the Commission's investigation into this matter and its participation will not unduly prejudice any party.

WHEREFORE, for the reasons stated above, Armco respectfully requests that its Petition to Intervene be granted and that it be afforded full party status in this proceeding.

Respectfully submitted,



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Cincinnati, Ohio 45202

Attorneys for Armco, Inc.

August 27, 1997

Certificate of Service

I hereby certify that on this 27th day of August, 1997 a true and correct copy of the foregoing was served via first-class, postage prepaid on the following:

Lawrence R. Crayne, Esq.
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15230-1930
(COUNSEL FOR DUQUESNE LIGHT COMPANY)

Scott J. Rubin, Esq.
3 Lost Creek Drive
Selinsgrove, PA 17870
(COUNSEL FOR IBEW)

Allegheny Electric Cooperative, Inc.
212 Locust Street, P.O. Box 1266
Harrisburg, PA 17108-1266

Patricia Armstrong, Esq.
Thomas, Thomas, Armstrong & Niesen
212 Locust Street, P.O. Box 1266
Harrisburg, PA 17108-1266
(COUNSEL FOR ALLEGHENY ELECTRIC COOPERATIVE, INC.)

Kandace Melillo, Esq.
Wayne Scott, Esq.
P.O. Box 3265
Harrisburg, PA 17105-3265
(COUNSEL FOR OFFICE OF TRIAL STAFF AND
PUBLIC UTILITY COMMISSION)

Mr. Jim Ferlo, Councilman
510 City-County Building
Pittsburgh, PA 15219

Mr. David Hughes
4037 Ludwick Street
Pittsburgh, PA 15217



Michael L. Kurtz, Esq.
Attorney I.D. No. 71687
BOEHM, KURTZ & LOWRY

ORIGINAL

JOHN & HENGERER
A LAW PARTNERSHIP
1200 17TH STREET, N.W.
SUITE 600
WASHINGTON, D.C. 20036-3006

KJR

DOUGLAS F. JOHN
EDWARD W. HENGERER
KEVIN M. SWEENEY
KIM M. CLARK
GORDON J. SMITH
SHELBY L. PROVENCHER

August 27, 1997

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Via Overnight Mail

AUG 27 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Office of Prothonotary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Petition for Approval of Restructuring Plan (Docket No. R-00974104)

Dear Sirs:

I've included for filing an original, 5 copies and 2 diskette copies of the Petition for Leave to Intervene and Participate of NorAm Energy Management, Inc. in the above-referenced docket. Please return two stamped copies in the attached envelope for our records.

Thank you for your attention to this matter.

Sincerely,

Douglas F. John
Douglas F. John, Esq.

Counsel For
NorAm Energy Management, Inc.

70

AUG 27 1997

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION PROTHONOTARY'S OFFICE

Application of Duquesne Light Company for Approval of its Restructuring Plan) Docket No. R-00974104

PETITION FOR LEAVE TO INTERVENE AND PARTICIPATE OF NORAM ENERGY MANAGEMENT, INC.

This Petition for Leave to Intervene and Participate in the above-referenced proceeding is filed by NorAm Energy Management, Inc. (NorAm) pursuant to the Public Utility Commission's (Commission) Rules of Procedure and Practice, 52 Pa. Code § 5.71, et. seq., and the Notice issued on August 12, 1997. NorAm requests that this Motion be granted for the reasons set forth below:

I.

Communications and correspondence concerning this Motion should be directed to:

Douglas F. John, Esq. Gordon J. Smith, Esq. JOHN & HENGERER 1200 17th Street, N.W. Suite 600 Washington, D.C. 20036-3006 Telephone: (202) 429-8814 Facsimile: (202) 429-8805

Keith M. Sappenfield, II Director of Marketing Support NORAM ENERGY MANAGEMENT, INC. P.O. Box 2628 Houston, TX 77252-2628 Telephone: (713) 654-5864

DOCKETED AUG 29 1997

DOCUMENT FOLDER

II.

NorAm is a Delaware corporation. NorAm's principal place of business is located at 1600 Smith Street, Houston, Texas 77002. NorAm is involved in the retail marketing of natural gas and electricity nationwide. NorAm intends to serve customers on Duquesne Light Company's (Duquesne) distribution system and has significant interest in the Pennsylvania electricity market in general.

III.

On January 24, 1997, the Commission issued an order directing Duquesne to file its restructuring plan. On August 1, 1997, Duquesne filed its restructuring plan.

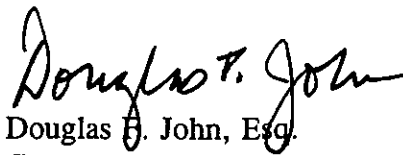
IV.

As a potential marketer of electricity to customers presently served in Duquesne's service territory, NorAm will be directly and specifically affected by the outcome of this proceeding. NorAm's interests in this proceeding cannot be adequately represented or protected by any other party hereto. Moreover, as a power marketer, NorAm likely can contribute to the development of a complete record in this case as well as settlement discussions. Under the circumstances, NorAm submits that good cause exists to grant it leave to intervene and participate herein.

V.

WHEREFORE, NorAm requests that the Commission grant this Motion and that NorAm be made a party to this proceeding for all purposes.

Respectfully submitted,



Douglas B. John, Esq.
Gordon J. Smith, Esq.
JOHN & HENGERER
1200 17th Street, N.W.
Suite 600
Washington, D.C. 20036

Counsel for NorAm Energy Management,
Inc.

I hereby certify that I have this day served a true copy of the foregoing document upon each person designated on the official service list in this proceeding.

Dated at Washington D.C.: August 27, 1997

MCNEES, WALLACE & NURICK
ATTORNEYS AT LAW

BRUCE D. BAGLEY
ALAN R. BOYNTON, JR.
ERIC L. BROSSMAN
ROBERT M. CHERRY
LOUIS A. DEJOIE
DAVID B. DISNEY
MICHAEL A. DOCTROW
ELIZABETH A. DOUGHERTY
HARVEY FREEDENBERG
JAMES L. FRITZ
W. JEFFRY JAMOUNEAU
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BERNARD A. LABUSKES, JR.
DELANO M. LANTZ

DAVID E. LEHMAN
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ROBERT A. MILLS
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GARY A. RITTER
DANA STEVENS SCADUTO
RICHARD W. STEVENSON
DIANE M. TOKARSKY
CATHERINE E. WALTERS
DAVID M. WATTS, JR.
STEVEN J. WEINGARTEN
NEAL S. WEST
NORMAN I. WHITE
LAWRENCE R. WIEDER
WILLIAM M. YOUNG, JR.

100 PINE STREET
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OF COUNSEL
ROBERT H. GRISWOLD
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RICHARD R. LEFEVER
SAMUEL A. SCHRECKENGAUST, JR.

JENNIFER L. BAKER
JEFFREY F. CHAMPAGNE
JAMES P. DEANGELO
JAMES P. DOUGHERTY
KATHLEEN A. DUNST
DEBRA P. FOURLAS
HELEN L. GEMMILL
ROBERT J. GODUTO
SCOTT A. GOULD
RANDOLPH B. HOUSTON, JR.
BRIAN F. JACKSON
BRIAN E. KAMOIE
MICHAEL R. KELLEY
PETER F. KRIETE
JAMES W. KUTZ
MARCUS J. LEMON
ANDREW L. LEVY

LOUISE HUTCHINSON MARA
F. STEPHENSON MATTHES
JON R. MOONEY
SHARON R. PAXTON
CHAD F. PHIPPS
PAMELA C. POLACEK
JONATHAN H. RUDD
R. RANDALL SCHMIDT
BRUCE R. SPICER
CAROL A. STEINOUR
SUSAN V. STEWART
ROBERT F. TEPLITZ
ROBERT A. WEISHAAR, JR.
DERRICK P. WILLIAMSON
JOHN A. WITHEROW, JR.
KATHLEEN A. WOLOWSKI
WILLIAM D. WRIGHT
SAMUEL S. YUN

Writer's Direct Dial:
(717) 237-5216
E-Mail: rmills@mwn.com

ORIGINAL

August 28, 1997

James J. McNulty, Acting Secretary
Pennsylvania Public Utility Commission
Room B-20, North Office Building
Harrisburg, PA 17120

VIA HAND DELIVERY

KJR

**Re: Application of Duquesne Light Company for approval of Restructuring Plan
Under Section 2806 of the Public Utility Code; Docket No. R-00974104**

Dear Mr. McNulty:

Enclosed for filing please find the original and three (3) copies of the Petition of Pennsylvania Retailers' Association to Intervene in the above-referenced proceeding. As evidenced by the attached Certificate of Service, all parties to this proceeding are being duly served. Please date stamp the extra copy of this transmittal letter and kindly return it for our filing purposes.

Respectfully submitted,

MCNEES, WALLACE & NURICK

By *Robert A. Mills*
Robert A. Mills

DOCUMENT
FOLDER

Counsel to the Pennsylvania Retailers' Association

RAM/clc

Enclosures

c: Honorable John H. Corbett, Jr. (via facsimile and first class mail)
Honorable Larry Gesoff (via facsimile and first class mail)
Certificate of Service

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF DUQUESNE LIGHT COMPANY :
FOR APPROVAL OF RESTRUCTURING PLAN :
UNDER SECTION 2806 OF THE :
PUBLIC UTILITY CODE :

ORIGINAL

Docket No. R-00974104

**PETITION TO INTERVENE OF THE
PENNSYLVANIA RETAILERS' ASSOCIATION**

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to the provisions of 52 Pa. Code §§ 5.71-5.74 and 52 Pa. Code § 5.61, the Pennsylvania Retailers' Association ("PRA") files this Petition to Intervene in response to the Restructuring Plan filed by the Duquesne Light Company ("DLC") pursuant to Section 2806(d) of the Electricity Generation Competition and Customer Choice Act, 66 Pa.C.S. § 2801, et seq ("Chapter 28" or "Act"). In support thereof, PRA states as follows:

1. Petitioner is the PRA. PRA is a statewide trade association established in 1932 representing retailers throughout the Commonwealth of Pennsylvania. PRA represents both small, independently owned retail stores and large retail chains. PRA's membership accounts for over 1500 store locations within the Commonwealth of Pennsylvania. PRA represents the interests of its members before the Pennsylvania General Assembly, the Governor's Office and various administrative agencies.

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PA.P.U.C.
PROTHONOTARY'S OFFICE

2. The name and address of PRA's attorney is:

Robert A. Mills
McNEES, WALLACE & NURICK
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(717) 237-5216

All correspondence in this proceeding from the Commission should be directed to the attention of Brian A. Rider, President of PRA at the following address:

Brian A. Rider, President
Pennsylvania Retailers' Association
224 Pine Street
Harrisburg, PA 17101-1325
(717) 233-7976

3. The respondent utility is:

Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15230

4. On August 1, 1997, DLC filed with the Commission its Application for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code ("Application" or "Restructuring Plan").

5. Through its Application, DLC requests, inter alia: (1) the recovery of an undetermined amount of transition or stranded costs; (2) the approval and imposition of unbundled rates, which include a Competitive Transition Charge ("CTC") designed to recover the claimed stranded and transition costs from retail customers; (3) the implementation of procedures to ensure direct access; (4) the implementation of a consumer

education program; and (5) the implementation of an initial plan to meet universal service and energy conservation obligations.

6. In support of its Application, and the relief requested therein, DLC has filed and served supporting testimony that purports to validate its proposal to calculate transition and stranded costs. Further, DLC avers that its unbundling and stranded cost recovery proposals comply with the "rate cap" provision of the Act, 66 Pa. C.S. Section 2804(4), and that the balance of its plan otherwise complies with pertinent provisions of Chapter 28.

7. The outcome of this proceeding will impact the rates that PRA members pay for electric utility services from DLC and the cost responsibility that individual PRA members may have for claimed transition or stranded costs. In addition, the nature of unbundling ultimately approved by the Commission may establish a market price for energy that eliminates the cost-effectiveness of PRA members' participation in a competitive market during the transition period. Further, the Commission's resolution of this proceeding will establish procedures critical for accommodation of a direct access phase-in.

8. PRA is concerned with many issues arising from DLC's Application. PRA reserves the right to raise and address various issues during the course of this proceeding; however, issues of immediate and primary concern to PRA include:

- **Transition or Stranded Costs:** PRA questions the reasonableness of DLC's proposed method to quantify transition and stranded costs. Moreover, only a just and reasonable level of quantified stranded or transition costs may be recovered from ratepayers.
- **Mitigation:** PRA questions whether DLC has effectively mitigated stranded costs, and provided a plan for mitigation in the future, in order to reasonably reduce costs to be recovered through its CTC.

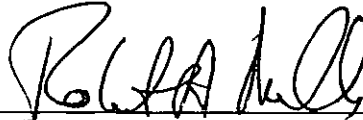
- **Unbundling/Allocation:** PRA questions whether DLC's proposed unbundling comports with the requirements of the Act, specifically the rate cap and the prohibitions against inter- and intra-class cost shifting.
- **Customer Specific CTCs:** DLC's proposal to develop customer specific CTCs must be thoroughly examined with respect to the rate cap provisions of the Act.
- **Phase-In:** PRA seeks to assure that phase-in implementation does not cause any of its members to incur competitive disadvantages due to one customer participating in the phase-in who competes directly with a customer who is prevented from participating.

WHEREFORE, the Pennsylvania Retailers' Association respectfully requests that the Commission grant this Petition to Intervene with full party status, including the right to submit testimony, cross-examine witnesses and submit briefs in the proceeding.

Respectfully submitted,

McNEES, WALLACE & NURICK

By



Robert A. Mills
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(717) 237-5216

Counsel to the Pennsylvania Retailers' Association

Dated: August 28, 1997

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 Section 1.54 (relating to service by a participant).

VIA HAND DELIVERY:

Bernard A. Ryan, Jr., Esq.
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101

Tanya J. McCloskey, Esq.
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Kandace Melillo, Esq.
Wayne Scott, Esq.
Pennsylvania Public Utility Commission
Office of Trial Staff
901 Rear North 7th Street
P.O. Box 3265
Harrisburg, PA 17105-3265

VIA FIRST CLASS MAIL:

Larry R. Crayne, Assistant General Counsel
Duquesne Light Company
411 Seventh Avenue
P.O. Box 1930
Pittsburgh, PA 15230-1930

David Hughes
4037 Ludwick Street
Pittsburgh, PA 15217

Jim Ferlo, Councilman
510 City-County Building
Pittsburg, PA 15219

Scott J. Rubin, Esq.
3 Lost Creek Drive
Selinsgrove, PA 17870

Timothy Moran
986 Greentree Road
Pittsburgh, PA 15220

Allegheny Electric Cooperative, Inc.
212 Locust Street
P.O. Box 1266
Harrisburg, PA 17108-1266

Patricia Armstrong, Esq.
Thomas, Thomas, Armstrong & Niesen
212 Locust Street
P.O. Box 9500
Harrisburg, PA 17108-9500

Mary McFall Hopper, Esq.
PECO Energy Company
2301 Market Street S23-1
Philadelphia, PA 19103

PROTHONOTARY'S OFFICE
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Robert A. Mills / etc
Robert A. Mills, Esquire

Dated this 28th day of August, 1997, in Harrisburg, Pennsylvania.

ORIGINAL

JOHN & HENGERER
A LAW PARTNERSHIP
1200 17TH STREET, N.W.
SUITE 600
WASHINGTON, D.C. 20036-3006

August 28, 1997

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DOUGLAS F. JOHN
EDWARD W. HENGERER
KEVIN M. SWEENEY
KIM M. CLARK
GORDON J. SMITH
SHELBY L. PROVENCHER

Via Overnight Mail

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Office of Prothonotary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

KJR

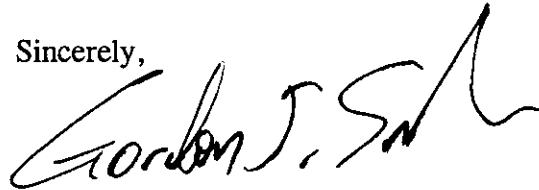
RE: Petition for Approval of Restructuring Plan (Docket No. R-00974104)

Dear Sirs:

I've included for filing an original, 5 copies and 2 diskette copies of the Petition for Leave to Intervene and Participate of Duke Energy Trading and Marketing, L.L.C. in the above-referenced docket. Please return two stamped copies in the attached envelope for our records.

Thank you for your attention to this matter.

Sincerely,



Gordon Smith

Counsel For
Duke Energy Trading and Marketing,
L.L.C.

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AUG 28 1997

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Application of Duquesne Light Company) Docket No.
for Approval of its Restructuring Plan) R-00974104

PETITION FOR LEAVE TO INTERVENE AND PARTICIPATE OF
DUKE ENERGY TRADING AND MARKETING, L.L.C.

This Petition for Leave to Intervene and Participate in the above-referenced proceeding is filed by Duke Energy Trading and Marketing, L.L.C. (DETM) pursuant to the Public Utility Commission's (Commission) Rules of Procedure and Practice, 52 Pa. Code § 5.71, *et seq.*, and the Notice issued on August 12, 1997. DETM requests that this Motion be granted for the reasons set forth below:

I.

Communications and correspondence concerning this Motion should be directed to:

Gordon J. Smith, Esq.
JOHN & HENGERER
1200 17th Street, N.W.
Suite 600
Washington, D.C. 20036-3006
Telephone: (202) 429-8814
Facsimile: (202) 429-8805

John R. Orr, Esq.
DUKE ENERGY TRADING
AND MARKETING, L.L.C.
One Westchase Center, 10777 Westheimer
Suite 650
Houston, Texas 77042
Telephone: (713) 260-1800
Facsimile: (713) 260-6511

II.

DETM is a wholly-owned subsidiary of Duke Energy Natural Gas Corporation and is an independent power marketer. DETM — which received authorization from the Federal Energy Regulatory Commission on October 2, 1996 to sell electricity at market-based rates¹ —

¹ PanEnergy Trading and Market Services, L.L.C., Docket No. ER96-2921-000, Letter Order dated October 2, 1996. DETM changed its name from PanEnergy Trading and Market Services, L.L.C. to Duke Energy Trading and Marketing, L.L.C. on August 18, 1997.

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markets electric power and provides value-added services for utility and non-utility generators. DETM intends to serve customers on Duquesne Light Company's (Duquesne) distribution system and has significant interest in the Pennsylvania electricity market in general.

III.

On January 24, 1997, the Commission issued an order directing Duquesne to file its restructuring plan. On August 1, 1997, Duquesne filed its restructuring plan.

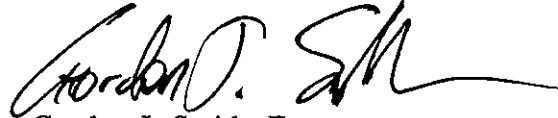
IV.

As a potential marketer of electricity to customers presently served in Duquesne's service territory, DETM will be directly and specifically affected by the outcome of this proceeding. DETM's interests in this proceeding cannot be adequately represented or protected by any other party hereto. Moreover, as a power marketer, DETM likely can contribute to the development of a complete record in this case as well as settlement discussions. Under the circumstances, DETM submits that good cause exists to grant it leave to intervene and participate herein.

V.

WHEREFORE, DETM requests that the Commission grant this Motion and that DETM be made a party to this proceeding for all purposes.

Respectfully submitted,



Gordon J. Smith, Esq.
JOHN & HENGERER
1200 17th Street, N.W.
Suite 600
Washington, D.C. 20036

Counsel for Duke Energy Trading and
Marketing, L.L.C.

I hereby certify that I have this day served a true copy of the foregoing document upon each person designated on the official service list in this proceeding.

Dated at Washington D.C.: August 28, 1997

F:\WORD\204\PLEADING\PA-DUQ.MLI

DUANE, MORRIS & HECKSCHER LLP

ATTORNEYS AT LAW

ONE LIBERTY PLACE
PHILADELPHIA, PA 19103-7396

305 NORTH FRONT STREET, 5th FLOOR
HARRISBURG, PA 17108-1003

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(202) 776-7800

FAX
(202) 776-7801

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NEW YORK, NY 10168

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WILMINGTON, DE 19801-0195

314 S. STATE STREET
DOVER, DE 19901

51 HADDONFIELD ROAD, SUITE 340
CHERRY HILL, NJ 08002-4810

ONE GATEWAY CENTER, SUITE 1210
NEWARK, NJ 07102

STEPHANIE A. SUGRUE
DIRECT DIAL: (202) 776-7832
E-MAIL: sasugrue@duanemorris.com

August 28, 1997

VIA HAND DELIVERY

Mr. Jim McNulty
Acting Prothonotary
Pennsylvania Public Utility Commission
North Office Building - Room B20
Harrisburg, PA 17105-3265

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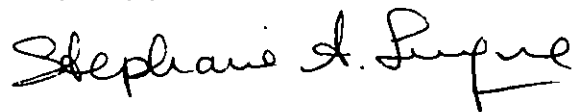
**Re: Petitions of Duquesne Light Company, Docket No. R-00974104;
Allegheny Power, Docket No. R-00973981**

Dear Prothonotary McNulty:

Enclosed for filing are an original and 15 copies of the Petition to Intervene of QST Energy Inc. in the above-referenced proceedings. Please have the remaining 2 copies date stamped and returned to the messenger for delivery to us.

Thank you for your attention to this matter.

Very truly yours,



Stephanie A. Sugrue
for DUANE, MORRIS & HECKSCHER LLP

SAS:bj

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**BEFORE THE
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Duquesne Light Company

) Docket No. R-00974104

ORIGINAL

**PETITION TO INTERVENE
OF QST ENERGY INC.**

Pursuant to the rules and procedures of the Pennsylvania Public Utility Commission ("Commission"), QST Energy Inc. ("QST") hereby petitions for leave to intervene in the above-referenced proceeding. In support of its request, QST states as follows:

I. COMMUNICATIONS AND SERVICE

Service and correspondence in these proceedings should be directed to the following:

Vickiren S. Aeshleman
Director - Regulatory Policy
QST Energy Inc.
300 Hamilton Blvd., Suite 300
Peoria, IL 61602
Telephone: (309) 655-1356

Sheila S. Hollis, Esquire
Mary Ann Ralls, Esquire
Stephanie A. Sugrue, Esquire
Duane, Morris & Heckscher LLP
1667 K Street, N.W., Suite 700
Washington, DC 20006-1668
Telephone: (202) 776-7800

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HARRISBURG
PUBLIC UTILITY
COMMISSION

II. NATURE OF THE PROCEEDINGS

Duquesne Light Company ("Duquesne") filed a proposed Restructuring ("Plan") with the Commission on or about July 21, 1997 in the docket listed above. Duquesne submitted its filing pursuant to the provisions of the Electricity Generation Customer Choice and Competition Act ("Act").^{1/} The filing's purported goal is to further and achieve the policies set forth by the

^{1/} 66 Pa. C.S. § 2801 *et seq.* Section 2806(D) of the Act requires all electric utilities in

(continued...)

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Pennsylvania General Assembly in the Act, as well as the Commission's own Guidelines for Electric Utility Restructuring Filings issued in Docket No. M-0096890, F.0003 ("Guidelines").

III. INTEREST OF QST

QST is an Illinois Corporation with its principal place of business in Peoria, Illinois. QST is a wholly-owned indirect subsidiary of CILCORP Inc. QST is in the business of providing retail electricity and electric services in Illinois and other Midwest states. To effectuate this business, QST is participating in restructuring programs, similar to the instant proceeding, in Illinois.^{2/}

As an active participant in the deregulated electric industry, QST is committed to providing electric energy at competitive prices to the emerging retail market in Pennsylvania. In this regard, QST's efforts are entirely consistent with a central tenet of the Act and the Commission's subsequent Guidelines: to provide a competitive market direct access to reliable, competitively-priced electric energy.^{3/} Thus, QST submits that it has a substantial and direct interest in the Commission's restructuring program, as proposed by Duquesne in the above-referenced proceeding.

^{1/}(...continued)

Pennsylvania to file restructuring plans with the Commission on a schedule to be developed by the Commission.

^{2/} On April 23, 1997, QST filed an Application with the Commission for approval to furnish electricity and electric generation services as a marketer within Pennsylvania.

^{3/} See Commission Opinion and Order in Docket No. M-00960890, F.0003 Re: Electric Utility Restructuring Filings (February 13, 1997).

Furthermore, QST's participation in this proceeding will be in the public interest because QST is uniquely qualified to comment in the proceeding from the perspective of a power marketer who has participated in electric restructuring in another state. QST's participation in electric restructuring in Illinois gives QST an experienced perspective that will serve to protect the public's interest in developing a truly competitive market for electricity in Pennsylvania.

In addition, existing parties to this proceeding likely will take various positions regarding the restructuring issues relevant to this proceeding. Other parties' positions, however, may be inconsistent with QST's individual interests, and accordingly, no existing party in this proceeding will adequately represent QST's substantial and individual interests.

QST, at this time, raises no issues regarding the records in this proceeding to date, intending only to participate fully in subsequent actions therein. QST reserves the right to participate as a party in any future actions that relate to QST's interest in this proceeding.

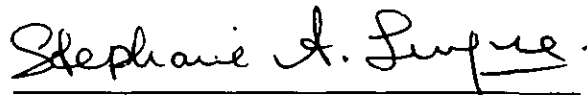
For the above reasons, QST avers that its Petition satisfies the requirements set forth in the Sections 5.72, 5.73 and 5.74 of the Commission's rules and procedures.

IV. CONCLUSION

WHEREFORE, QST submits that it has a direct and substantial interest in the outcome of this proceeding, and its interest cannot be adequately represented by any other party.

Furthermore, QST's participation in this matter will be in the public interest. Accordingly, QST respectfully requests leave to intervene in this proceeding, with full rights of a party.

Respectfully submitted,



Sheila S. Hollis, Esquire

Mary Ann Ralls, Esquire

Stephanie A. Sugrue, Esquire

(Pa. Supreme Court ID No. 76303)

Duane, Morris & Heckscher, LLP

1667 K Street, N.W., Suite 700

Washington, DC 20006-1608

Attorneys for QST Energy Inc.

August 28, 1997

CERTIFICATE OF SERVICE

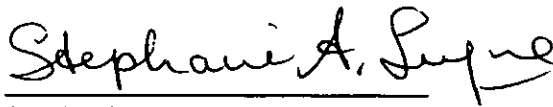
I hereby certify that I have this day served a true copy of the foregoing document upon
the participants listed below:

Mr. Irwin Popowsky
Office of Consumer Advocate
14th Floor Strawberry Square
Harrisburg, PA 17120

Mr. Bernard Ryan, Jr.
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North 2nd Street
Harrisburg, PA 17101

Mr. Charles Hoffman
Pitnick Building
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

and to those listed on the attached service lists in accordance with the requirements of
Section 1.57.


Stephanie A. Sugrue
Stephanie A. Sugrue

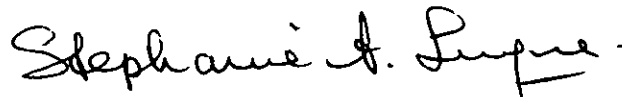
Date: August 28, 1997

AFFIDAVIT

District of Columbia

) ss:

Stephanie A. Sugrue, being duly sworn according to law, deposes and says that she is counsel to QST Energy Inc. and, in this capacity, she is authorized to and does make this affidavit for them, and that the facts set forth in the foregoing Petition to Intervene are true and correct to the best of her knowledge, information and belief.




Stephanie A. Sugrue, Esquire
Pa. Supreme Court I.D. No. 76303

SWORN TO and subscribed

before me this 28th day

of August, 1997


Notary Public

Jean Chiudioni
Notary Public District of Columbia
My Commission Expires September 14, 1998

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0002
DAVID HUGHES
4037 LUDWICK STREET
PITTSBURGH PA 15217
SELF (POR)

0003
JIM FERLO, COUNCILMAN
510 CITY-COUNTY BUILDING
PITTSBURGH PA 15219
DISTRICT 7, PITTSBURGH (POR)

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IBEW, SYSTEM COUNCIL U-10 (POR)

0005
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OTS/PUC

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MARY MCFALL HOPPER
2301 MARKET STREET S23-1
PHILADELPHIA PA 19103
PECO ENERGY COMPANY (POR)

KJR

COMMONWEALTH OF PENNSYLVANIA

DATE: August 29, 1997
SUBJECT: R-00974104
TO: Office of Administrative Law Judge
FROM: James J. McNulty, Acting Secretary

DOCKETED
AUG 29 1997

DOCUMENT
FOLDER

DUQUESNE LIGHT COMPANY RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of Pennsylvania Power Company; Armco, Inc.; and Petition for Leave to Intervene and Participate of Noram Energy Management, Inc. filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

COMMONWEALTH OF PENNSYLVANIA

DATE: August 29, 1997

SUBJECT: R-00974104

TO: Office of Administrative Law Judge

FROM: *WJE* James J. McNulty, Acting Secretary

R-00974104 DUQUESNE LIGHT COMPANY
RESTRUCTURING PLAN

KJR

Attached is copy of a Petition to Intervene of the Pennsylvania Retailers' Association; and Petition for Leave to Intervene and Participate of Duke Energy Trading and Marketing, L.L.C. filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

DOCKETED
SEP 02 1997

**DOCUMENT
FOLDER**

ORIGINAL

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August 29, 1997

RECEIVED
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AUG 29 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Via Overnight Mail

Office of Prothonotary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

KJR

RE: Petition for Approval of Restructuring Plan (Docket No. R-00974104)

Dear Sirs:

I've included for filing an original, 5 copies and 2 diskette copies of the Petition for Leave to Intervene and Participate of Electric Clearinghouse, Inc. in the above-referenced docket. Please return two stamped copies in the attached envelope for our records.

Thank you for your attention to this matter.

Sincerely,



Gordon Smith

Counsel For
Electric Clearinghouse, Inc.

DOCUMENT
FOLDER

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Duquesne Light Company)
for Approval of its Restructuring Plan)

Docket No.
R-00974104

PETITION FOR LEAVE TO INTERVENE AND PARTICIPATE OF
ELECTRIC CLEARINGHOUSE, INC.

This Petition for Leave to Intervene and Participate in the above-referenced proceeding is filed by Electric Clearinghouse, Inc. (ECI) pursuant to the Public Utility Commission's (Commission) Rules of Procedure and Practice, 52 Pa. Code § 5.71, *et. seq.*, and the Notice issued on August 12, 1997. ECI requests that this Motion be granted for the reasons set forth below:

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AUG 29 1997

PENNSYLVANIA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

I.

Communications and correspondence concerning this Motion should be directed to:

Gordon J. Smith, Esq.
JOHN & HENGERER
1200 17th Street, N.W.
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Washington, D.C. 20036-3006
Telephone: (202) 429-8814
Facsimile: (202) 429-8805

David Cruthirds
ELECTRIC CLEARINGHOUSE, INC.
1000 Louisiana
Suite 5800
Houston, TX 77002-5050
Telephone: (713) 507-6785
Facsimile: (713) 507-6834

II.

ECI markets electric power and provides value-added services for utility and non-utility generators. ECI intends to serve customers on Duquesne Light Company's (Duquesne) distribution system and has significant interest in the Pennsylvania electricity market in general.

III.

On January 24, 1997, the Commission issued an order directing Duquesne to file its restructuring plan. On August 1, 1997, Duquesne filed its restructuring plan.

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SEP 0 1997

IV.

As a potential marketer of electricity to customers presently served in Duquesne's service territory, ECI will be directly and specifically affected by the outcome of this proceeding. ECI's interests in this proceeding cannot be adequately represented or protected by any other party hereto. Moreover, as a power marketer, ECI likely can contribute to the development of a complete record in this case as well as settlement discussions. Under the circumstances, ECI submits that good cause exists to grant it leave to intervene and participate herein.

V.

WHEREFORE, ECI requests that the Commission grant this Motion and that ECI be made a party to this proceeding for all purposes.

Respectfully submitted,



Gordon J. Smith, Esq.
JOHN & HENGERER
1200 17th Street, N.W.
Suite 600
Washington, D.C. 20036

Counsel for
Electric Clearinghouse, Inc.

I hereby certify that I have this day served a true copy of the foregoing document upon each person designated on the official service list in this proceeding.

Dated at Washington D.C.: August 29, 1997

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ROBERT J. LONGWELL
DIRECT DIAL: (717) 237-7181
E-MAIL: RLONGWELL@WOLFBLOCK.COM

August 29, 1997

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James McNulty
Acting Secretary
PA Public Utility Commission
Room B-20
North Street and Commonwealth Ave.
Harrisburg, PA 17105

KJR

AUG 29 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

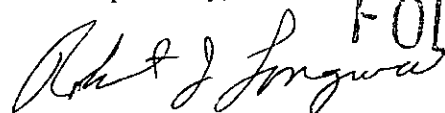
RE: Application of Duquesne Light Co. for Approval of Restructuring Plan
Under Section 2806 of the Public Utility Code; Docket No. R-00974104

Dear Mr. McNulty:

Enclosed for filing please find the original and three copies of Enron Power Marketing Inc.'s Petition to Intervene, in the above-referenced matter. As evidenced by the attached Certificate of Service, all parties of record have been served with a copy of this document.

If you have any questions, please contact me.

Respectfully,



Robert J. Longwell

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

DOCUMENT
FOLDER

RJL/jlg
Enclosures

cc: Hon. John H. Corbett, Jr.
Parties of Record

DSH:9669.1

13

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Duquesne Light Co. :
for Approval of Restructuring Plan : Docket No. R-00974104
Under Section 2806 of the Public Utility Code :

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PETITION TO INTERVENE OF
ENRON POWER MARKETING INC.

AUG 29 1997

PA-PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Enron Power Marketing Inc. ("Enron"), through its counsel, hereby moves pursuant to 52 Pa. Code § 5.71, to intervene in the above-captioned "Restructuring Plan" proceedings initiated by Duquesne Light Company ("Duquesne") on August 1, 1997.

Through the submission of its Restructuring Plan filing, Duquesne seeks the issuance of a Commission Order pursuant to the Electricity Generation Customer Choice and Competition Act (the "Customer Choice Act"), 66 Pa. C.S. §2801, et seq., which finds the Restructuring Plan to be just, reasonable and in the public interest.

Implementation of a Restructuring Plan for Duquesne will have far-reaching impact on the development of a competitive generation market in Duquesne's service territory.

Enron is a generation supplier which plans to provide service in Duquesne's service territory once direct access is implemented. Enron seeks to participate in this proceeding in order to protect its interests and to assure that Duquesne's Restructuring

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Plan is fully consistent with the Customer Choice Act and results in development of fully competitive retail electric markets.

In support of its Petition, Enron states as follows:

1. The name and address of the entity seeking intervention is as

follows:

Enron Power Marketing Inc.
Attn: James D. Steffes
1400 Smith Street
P.O. Box 4428
Houston, TX 77002
(713) 853-7500
(713) 646-8160 (f)

2. Enron will be represented in this proceeding by the following

counsel:

Daniel Clearfield, Esquire
Gerald Gornish, Esquire
Alan Kohler, Esquire
Robert Longwell, Esquire
Wolf, Block, Schorr and Solis-Cohen
305 North Front Street, Suite 401
Harrisburg, PA 17101
(717) 237-7160

3. Enron is actively involved in electric competition issues in

Pennsylvania and around the Nation.

4. On December 3, 1996, Governor Ridge signed the Customer Choice Act into law. The Customer Choice Act requires the restructuring of Pennsylvania's electric industry to implement the transition from monopoly provision of electricity supply to a competitive market.

5. Retail competition, once implemented in Pennsylvania, will provide far-reaching benefits to both residential and business consumers throughout the Commonwealth through reduced prices and improved services. Furthermore, retail competition will stimulate economic development and will allow Pennsylvania businesses to compete effectively in national and international markets and will enhance Pennsylvania's business climate.

6. Enron is the largest, non-regulated wholesale electric supplier in the Nation. Enron intends to participate fully in Pennsylvania's retail electric market, including Duquesne's service territory. On May 22, 1997, Enron filed an Application with the Commission for the right to begin to offer, render or furnish the services of a marketer/broker and aggregator to the public within the Commonwealth of Pennsylvania. On July 28, 1997, the Commission issued to Enron an Interim License for Electric Generation Supplier, effective July 10, 1997. In anticipation of its retail marketing activities, Enron is developing a range of products and services related to the purchase, sale and delivery of electric power for all consumers in Pennsylvania.

7. In accordance with Section 2806(E) of the Customer Choice Act, the Commission, by order entered on February 13, 1997 at Docket No. M-00960890F0003 and by order entered on January 24, 1997 at Docket No. M-00970902, required certain electric utilities, including Duquesne, to file Restructuring Plans by August 1, 1997 in accordance with said orders and the Customer Choice Act.

8. On August 1, 1997 Duquesne's filed its Restructuring Plan at the above-captioned docket.

9. Through its restructuring plan, Duquesne has included the recovery of transition and stranded cost, a market-based approach to value stranded cost, a basis for recovery of stranded cost, mitigation efforts, an implementation schedule for customer choice, unbundling, rate caps and rate design among other issues.

10. Commission review of the Restructuring Plan filing provides an important step in the development of retail choice for consumers in Duquesne's service territory. The Commission's decision, upon review of Duquesne's filing, will have a lasting impact on the development of competition, the types of services offered and the prices charged by electric generation suppliers offering service to present customers of Duquesne.

11. Enron seeks intervention in this proceeding to advocate its views regarding Commission review of Duquesne's restructuring plan. Enron will particularly focus on any issues which have an impact on Enron's ability to offer attractive service options to consumers in this retail marketplace. Enron's advocacy in this proceeding will focus on full development of electric generation supply markets to assure a "level playing field" between all market participants.

12. Enron has a direct, and substantial interest in this proceeding, which is not adequately represented by any other party for, among others, the following reasons:

(a) The competitive safeguards or code of conduct that emerges from this proceeding must prevent anti-competitive and unfair behavior by utilities. The standards of conduct controlling the utility "generation" division and/or the utility generation affiliate must protect fair competition and be strong enough to control horizontal market power and the potential for vertical affiliate abuse. Especially important will be the rules, not just for the access to Duquesne's transmission and distribution system, but also for the use and distribution of data and information collected. All competitors must have compatible access to these resources. Overall, Enron has a strong interest in advocating comprehensive safeguards which assure that non-affiliated generation suppliers are provided treatment equal to that provided Duquesne's affiliates and/or divisions.

(b) As filed, the restructuring plan does not propose to unbundle "non-wire" services such as billing and collection, metering and customer services, and to introduce competition into these service areas. Consumers, especially residential and small commercial customers, stand to lose potential benefits of competition if electricity generation suppliers like Enron are not allowed to provide non-wire services such as bill provisioning, metering, and customer account management. Furthermore, absent necessary unbundling, many of the benefits which might normally be expected due to the technological developments prompted by competition will be lost.

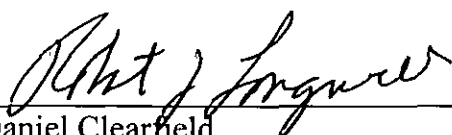
(c) The rules for distribution facility access must be non-discriminatory, seamless, consistent, and appropriately priced. To be nondiscriminatory,

distribution tariffs must require that all consumers, even those still receiving utility bundled rates, must pay for and take service from a uniform tariff. Moreover, the distribution tariffs must price flexibly and allow customers and their electric generation suppliers to pursue the least cost delivery option.

(d) Any CTC approved by the Commission in this proceeding will be collected through a non-bypassable charge which must be assessed on all electric customers, including Enron's customers. However, stranded costs will not be experienced by Duquesne unless the retail energy market is opened up to full, even-handed competition. Accordingly, stranded cost recovery should be contingent on opening of a fully competitive retail market throughout Duquesne's service territory.

WHEREFORE, for all the foregoing reasons, Enron respectfully requests the Commission to grant this Petition and approve Enron's intervention as a party of record in this proceeding.

Respectfully submitted,



Daniel Clearfield
Gerald Gornish
Alan Kohler
Robert J. Longwell
WOLF, BLOCK, SCHORR and SOLIS-COHEN
305 N. Front Street, Suite 401
Harrisburg, PA 17101
(717) 237-7160

Dated: August 29, 1997

CERTIFICATE OF SERVICE
West Penn Power Company. R-00973981 and
Duquesne Light Company R-00974104

I hereby certify that I have this day served a true copy of the foregoing document upon the following in accordance with the requirements of 52 Pa. Code § 1.54.

Albert Johnson, Esquire
Office of Trial Staff
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, PA 17105-3265

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AUG 29 1997
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Egg Harbor Twp., NJ 08234-4130

Dale G. Stoodley Esq.
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Robert J. Longwell, Esq.

Dated: August 29, 1997

COMMONWEALTH OF PENNSYLVANIA

DATE: September 2, 1997

SUBJECT: R-00974104, R-00973981

TO: Office of Administrative Law Judge

FROM: *WJK* James J. McNulty, Acting Secretary

R-00974104 DUQUESNE LIGHT COMPANY
RESTRUCTURING PLAN

R-00973981 WEST PENN POWER COMPANY
(ALLEGHENY POWER)
RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of QST Energy Inc. filed in connection with the above docketed proceedings.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

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PROTHONOTARY'S OFFICE

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September 2, 1997

Via Overnight Express Delivery Mail

KJR

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Re: Application of Duquesne Light Company
for Approval of a Restructuring Plan
Docket No. R-00974104

Dear Mr. McNulty:

Enclosed for filing on behalf of Duquesne Light Company are an original and three copies of Duquesne's Prehearing Memorandum in the above-captioned proceeding.

Thank you.

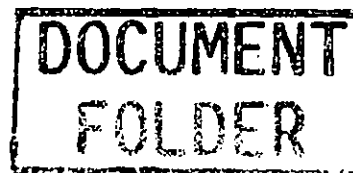
Very truly yours,

Larry R. Crayne
Assistant General Counsel

LRC/njp:035C

Enclosures

cc: The Honorable John H. Corbett, Jr. (w/enclosure)
The Honorable Larry Gesoff (w/enclosure)
Parties on Certificate of Service (w/enclosure)



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PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company : Docket No. R-00974104
for Approval of a Restructuring Plan :

PREHEARING MEMORANDUM OF DUQUESNE LIGHT COMPANY

Duquesne Light Company ("Duquesne"), the applicant in this proceeding, hereby submits a prehearing memorandum that provides (i) an overview of this proceeding, including the witnesses presented by Duquesne, and (ii) recommendations regarding litigation procedures.

I. OVERVIEW OF PROCEEDING; LIST OF WITNESSES

This proceeding arises out of the Electric Generation Customer Choice and Competition Act ("Act"), 66 Pa.C.S. §§ 2801, et seq. The Act requires all Pennsylvania electric utilities to file restructuring plans between April and September 1997. The restructuring plans provide customers the opportunity to purchase their electric requirements from alternate suppliers and establish unbundled rates, including transmission, distribution and competitive transmission charges ("CTC"), to facilitate customer choice. By order of the Commission, Duquesne was required to file its restructuring plan on August 1, 1997.

Duquesne provides below a brief summary of the key features of its Customer Choice Plan:

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- access to alternative generation suppliers on fair and nondiscriminatory terms for all retail customers by January 1, 2001;
- a continued obligation to serve during the transition period;
- redesigned rates that encourage economically efficient consumption;
- accelerated depreciation of strandable assets without increasing rates above currently approved levels;
- a new economic development rider applicable to commercial and industrial loads of 25 kW or greater;
- a return on equity "spillover" provision to ensure that Duquesne does not earn in excess of a fair return during the transition period;
- a market based process for setting competitive transition charges ("CTCs"); and
- customer-specific CTCs designed to prevent cost shifts between customers and customer classes.

Duquesne's Customer Choice Plan is supported by the testimony of 13 witnesses.

The witnesses and the topics they discuss are identified below:

<u>Witness</u>	<u>Topics</u>
David D. Marshall	Overview of Duquesne's Customer Choice Plan
Donald J. Clayton	Stranded cost mitigation; amortization commitment; return on equity spillover; rate of return
Michael M. Schnitzer	Market-based approach to stranded cost determination

Morgan O'Brien	Recovery of regulatory assets; functionalized cost of service
James A. Lahtinen	Allocated cost of services; unbundled rates; CTC calculation; data on market prices
Frank A. Hoffmann	Direct access phase-in plan; universal service and energy conservation; code of conduct
Robert A. Irvin	Duquesne RFP; ancillary service requirements; system operations
Fred R. Allison	Implementation of customer choice with respect to revenue cycle services
Mark G. Karl	Forecast of generation output; price duration curves
Ralph L. Nelson	O&M and capital expenditures for fossil generation
Ralph E. Duckworth	O&M and capital expenditures for nuclear generation
Jeff D. Mackholm	Return on equity; stranded cost recovery
Thomas P. LaGuardia	Nuclear decommissioning costs

II. PROPOSED PROCEDURES

Duquesne recommends that the Presiding Judge adopt the following procedures for the litigation of this matter:

1. A procedural schedule should be adopted that provides a reasonable period for discovery, responsive and rebuttal testimony, hearings, briefing, a recommended decision,

exceptions and a final order by the Commission within the statutory period. In accordance with the Presiding Judges' Notice issued August 13, 1997, Duquesne will be prepared to discuss such a schedule following the prehearing conference of September 4, 1997.

2. Pursuant to 52 Pa. Code § 5.61(d), answers to Complaints docketed at this proceeding should not be required.

3. Discovery should be conducted pursuant to the rules and time periods contained in Title 52, Chapter 5, Subchapter D, of the Pennsylvania Code (52 Pa. Code §§ 5.321-5.373). Consistent with these rules, the parties should use reasonable efforts to expedite discovery responses, transmit discovery in electronic form, arrange informal discovery, schedule depositions, and reach mutual agreement regarding discovery disputes. In the event such reasonable efforts fail, the procedures and rules of Subchapter D should apply.

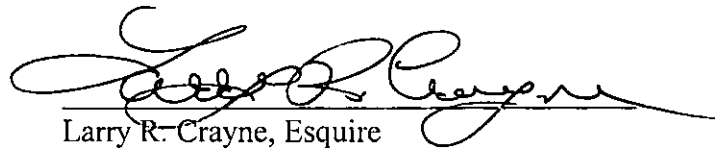
4. The intervening parties should identify the witnesses they intend to present, and the topics that such witnesses intend to discuss, at or prior to the second prehearing conference. The identification of witnesses or topics would not bind such parties from later adding or deleting witnesses or topics, provided that notice is given to all parties.

5. The service list should be restricted such that (i) only active parties are served with documents, and (ii) each active party designates no more than two persons for receipt of service.

WHEREFORE, Duquesne requests that the foregoing recommendations be adopted and a litigation schedule be established that is fair and reasonable to the parties.

Respectfully submitted,

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Dated this 2nd day of September 1997.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company : **Docket No. R-00974104**
for Approval of a Restructuring Plan :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Duquesne Light Company's Prehearing Memorandum upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54.

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Kerry A. Fraas
Allegheny County Law Department
300 Fort Pitt Commons Building
445 Fort Pitt Boulevard
Pittsburgh, PA 15219

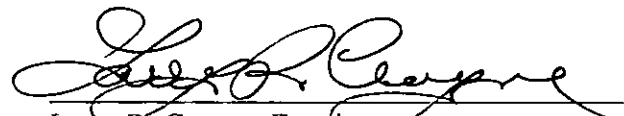
Jim Ferlo
Pittsburgh City Council President
510 City-County Building
Pittsburgh, PA 15219

John L. Munsch, Esquire
Theresa J. Colecchia, Esquire
Allegheny Power
800 Cabin Hill Drive
Greensburg, PA 15601

Michael L. Kurtz, Esquire
Boehm Kurtz & Lowry
2110 CBLD Center
36 East Seventh St.
Cincinnati, OH 45202

Robert A. Mills, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Dated this 2nd day of September, 1997.



Larry R. Crayne, Esquire
Assistant General Counsel
Duquesne Light Company
411 Seventh Avenue, 16-006
Pittsburgh, PA 15219

lrc/njp:035cxx

ORIGINAL RECEIVED
Duquesne Light Company

Legal Unit
411 Seventh Avenue
P.O. Box 1930
Pittsburgh, Pennsylvania 15230-1930
Phone: (412) 393-6000
Fax: (412) 393-6645

SEP 2 1997
PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE
Writer's DIRECT DIAL Number:

LARRY R. CRAYNE
Assistant General Counsel

(412) 393-6049

September 2, 1997

Via Overnight Express Delivery Mail

Mr. James J. McNulty
Office of the Prothonotary
Pennsylvania Public Utility Commission
Post Office Box 3265
North Office Building
North Street and Commonwealth Avenue
Harrisburg, Pennsylvania 17105-3265

KJR

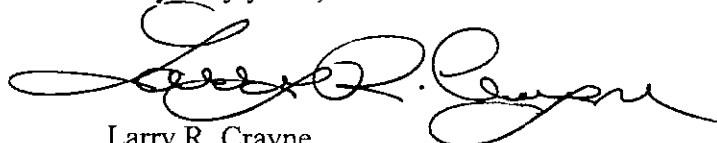
Re: Application of Duquesne Light Company
for Approval of a Restructuring Plan
Docket No. R-00974104

Dear Mr. McNulty:

Enclosed for filing on behalf of Duquesne Light Company are an original and three copies of a Notice of Appearance and a Motion for Admission Pro Hac Vice in the above-captioned matter.

Thank you.

Very truly yours,



Larry R. Crayne
Assistant General Counsel

LRC/njp:036C

Enclosures

cc: The Honorable John H. Corbett, Jr. (w/enclosures)
The Honorable Larry Gesoff (w/enclosures)
Parties on Certificate of Service (w/enclosures)

**DOCUMENT
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SEP 2 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

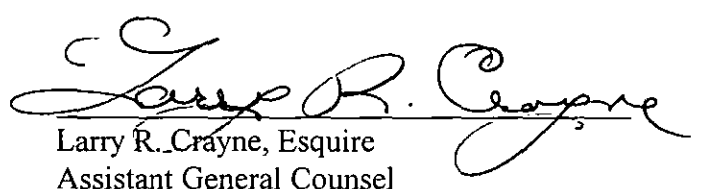
Application of Duquesne Light Company : Docket No. R-00974104
for Approval of a Restructuring Plan :

NOTICE OF APPEARANCE

Please enter our appearance in the above-designated matter on behalf of Duquesne Light Company. We are authorized to accept service on behalf of Duquesne Light Company in this matter.

On the basis of this Notice, we request a copy of each document hereafter issued by the Commission in this matter.

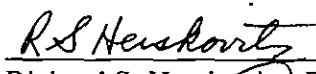
Dated this 2nd day of September, 1997.



Larry R. Crayne, Esquire
Assistant General Counsel
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, Pennsylvania 15219
(412) 393-6049
(412) 393-6645 (FAX)

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**DOCUMENT
FOLDER**



Richard S. Herskovitz, Esquire
Corporate Attorney
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, Pennsylvania 15219
(412) 393-6129
(412) 393-6645 (FAX)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company : **Docket No. R-00974104**
for Approval of a Restructuring Plan :

MOTION FOR ADMISSION PRO HAC VICE

I, Larry R. Crayne, attorney of record in this case for Duquesne Light Company ("Duquesne"), move this Commission, pursuant to 52 Pa. Code § 1.22 and Pa.B.A.R. No. 301, to admit John Moot, who is a member in good standing of the District of Columbia Bar, for the limited purpose of appearing and participating in this case as co-counsel for Duquesne. Mr. Moot's address is 1440 New York Avenue, N.W., Washington, D.C. 20005-2111.

In support of this motion, the undersigned counsel submits the following information:

1. John Moot is a member in good standing of the District of Columbia Bar.
2. John Moot has not been denied admission nor been disciplined by any court or administrative body in the District of Columbia, nor has he been denied admission or disciplined by any other court or administrative body.
3. The District of Columbia reciprocally allows admission pro hac vice to members of the Pennsylvania State Bar, and all other state bars, pursuant to D.C. Court Rules Ann. 101(a)(3).

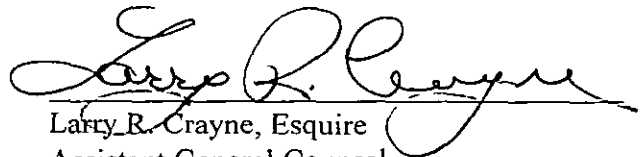
DOCKETED
SEP 08 1997

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FOLDER**

WHEREFORE, it is respectfully requested that this Commission admit John Moot for the limited purpose of appearing and participating in this case as co-counsel on behalf of Duquesne.

Respectfully submitted,

Dated this 2nd day of September, 1997.



Larry R. Crayne, Esquire
Assistant General Counsel
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, Pennsylvania 15219
(412) 393-6049
(412) 393-6645 (FAX)

lrc/njp:036CPRO

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company : **Docket No. R-00974104**
for Approval of a Restructuring Plan :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing documents upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54.

The Honorable John H. Corbett, Jr.
Administrative Law Judge
Pennsylvania Public Utility Commission
Pittsburgh State Office Building
300 Liberty Avenue - Room 1103
Pittsburgh, PA 15222

The Honorable Larry Gesoff
Administrative Law Judge
Pennsylvania Public Utility Commission
Pittsburgh State Office Building
300 Liberty Avenue - Room 1103
Pittsburgh, PA 15222

Charles F. Hoffman, Esquire
Office of Trial Staff
Pennsylvania Public Utility Commission
Post Office Box 3265
North Office Building
North Street and Commonwealth Avenue
Harrisburg, PA 17105-3265

John F. Povilaitis, Esquire
Chief Counsel
Pennsylvania Public Utility Commission
Post Office Box 3265
North Office Building
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Harrisburg, PA 17105-3265

Bernard A. Ryan, Jr., Esquire
Small Business Advocate
Office of Small Business Advocate
1102 Commerce Building
300 North Street
Harrisburg, PA 17101

Irwin A. Popowsky, Esquire
Consumer Advocate
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

David M. Kleppinger, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Patricia Armstrong, Esquire
Regina L. Matz, Esquire
John A. Alzamara, Esquire
Thomas, Thomas, Armstrong & Niesen
212 Locust Street
P.O. Box 9500
Harrisburg, PA 17108-9500

Scott Rubin, Esquire
3 Lost Creek Drive
Selinsgrove, PA 17870-9357

Jim Ferlo
Pittsburgh City Council President
510 City-County Building
Pittsburgh, PA 15219

Michael L. Kurtz, Esquire
Boehm Kurtz & Lowry
2110 CBLD Center
36 East Seventh St.
Cincinnati, OH 45202

Dated this 2nd day of September, 1997.

lrc/njp:036cxx

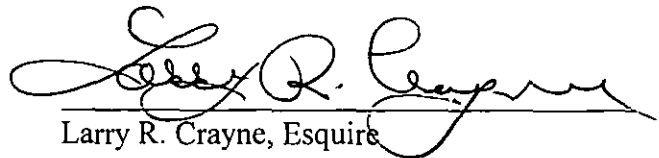
Robert F. Young, Esquire
Allegheny Electric Cooperative, Inc.
212 Locust Street
P.O. Box 1266
Harrisburg, PA 17108-1266

Jacquelyn Morrow, Esquire
City Solicitor
City of Pittsburgh
313 City-County Building
Pittsburgh, PA 15219

Kerry A. Fraas
Allegheny County Law Department
300 Fort Pitt Commons Building
445 Fort Pitt Boulevard
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John L. Munsch, Esquire
Theresa J. Colecchia, Esquire
Allegheny Power
800 Cabin Hill Drive
Greensburg, PA 15601

Robert A. Mills, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166



Larry R. Crayne, Esquire
Assistant General Counsel
Duquesne Light Company
411 Seventh Avenue, 16-006
Pittsburgh, PA 15219

Penn. Energy Project

1417 Blue Mtn Pkwy
Harrisburg PA 17112

717-540-5106 v.
717-652-6899 f.

barak@igc.apc.org

September 2, 1997

James McNulty
Office of the Prothonotary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

ORIGINAL

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PROTHONOTARY'S OFFICE

RE: Application of West Penn Power Company for Approval
of its Restructuring Plan, Docket No. R-00973981

Application of Duquesne Light Company for Approval
of its Restructuring Plan, Docket No. R-00974104

Joint Application of Allegheny Power Company and Duquesne Light Company
for Approval of Merger, Docket No. A-110150 F0015

Dear Mr. McNulty:

Enclosed please find the original and fifteen copies of the Environmentalists' Formal Complaint, Protest And Petition to Intervene in each of the above-docketed proceedings as well as a Certificate of Service. I have also included two computer diskettes with the documents in WordPerfect 5.1 format.

Please time-stamp our enclosed 'office copy' of the Complaint and return it in the envelope provided.

Sincerely,



Mary Lou Morin
Secretary to Alan J. Barak
Counsel for the Environmentalists

cc: Service List

DOCUMENT
FOLDER

523

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

FORMAL COMPLAINT

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

FORMAL COMPLAINT, PROTEST AND PETITION TO INTERVENE
OF THE ENVIRONMENTALISTS
REGARDING THE MERGING COMPANIES' RESTRUCTURING PLANS

Duquesne Light Co., DOCKET R-00974104

West Penn Power Co., DOCKET R-00973981

For Commission Use Only:

COMPLAINT DOCKET NO. _____ REF. # _____
UTILITY CODE _____

PLEASE PRINT:

1. YOUR NAME, ADDRESS AND TELEPHONE NUMBER.

Name Alan J. Barak, Esq., Alan J. Barak, Attorney at Law (Attorney for Environmentalists)¹ Street 1417 Blue Mountain Parkway
City Harrisburg State PA Zip 17112
County Dauphin Work Telephone - Area Code (717) 540-5106

RECEIVED
97 SEP -2 PM 4:25
P.A.P.U.C.
PROTHONOTARY'S OFFICE

2. COMPANY YOU ARE COMPLAINING ABOUT

¹The Environmentalists are represented through the efforts of Penn. Energy Project. Located in offices on the Harrisburg campus of Widener University School of Law, Penn. Energy is supported by gifts from the Heinz Endowments and receives further assistance from the Widener Law School. Penn. Energy secures *pro bono publico* representation primarily for environmental and other public interest groups which could not meaningfully participate in legal proceedings without such assistance.

For Commission Use Only:

DATE FILED _____ MONITOR _____ BUREAU _____

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Name Each of two announced merger partners: Duquesne Light Co. and West Penn. Power Co. of Allegheny Power System.

3. WHAT IS YOUR COMPLAINT? (DESCRIBE PROBLEM)

BACKGROUND

1. On August 1, 1997, Duquesne Light Company ("DLC") and West Penn Power Company ("West Penn"), collectively "the Companies" filed their respective Applications for Approval of their Restructuring Plans, and with them submitted the written testimony and exhibits of their proposed witnesses and related materials. The filings were made to comply with the requirements of the Electricity Generation Customer Choice and Competition Act ("the Act") (66 Pa. C.S. §§2801 et seq.). The Commission assigned the matters Dockets No. R-00974104 (DLC) and R-00973981 (West Penn).

INTERESTS

2. SUMMARY OF INTERESTS

We are a coalition of groups which have come together to advocate a common agenda of interests in the Companies' restructuring proposals. These groups and organizations, all of which have members who are ratepayers of the Companies, as indicated,² have interests in the following aspects of this proceeding:

- a. The protection of the natural environment and public health from the serious environmental consequences of electricity generation and use. The Environmentalists want an electric power marketplace which does not encourage and contribute to the degradation of Pennsylvania's air, water and land water quality.
- b. An electric power marketplace designed to allow for the development of clean, distributed energy technologies and supplies as a component of

²Unless otherwise stated, the named organizations have members in both service territories who are customers of the Companies.

For Commission Use Only:

DATE FILED ___/___/___ MONITOR _____ BUREAU _____

Pennsylvania's sustainable economy. The Environmentalists want the development of safe, clean and reliable energy projects in each of the Companies' service territories and are interested in the sale of such electricity to the Companies' customers.

- c. An electric power marketplace and a regulatory system designed to make energy conservation and energy efficiency meaningful options for consumers and for the distribution and transmission systems. The Environmentalists believe that conservation and efficiency are cost-effective strategies which have broad economic and environmental benefits.
- d. A fair, healthy and robust electric power marketplace in which the Companies' are denied the ability to use their influence and power for anti-competitive ends. The Environmentalists believe that the Act must deliver real competition, not a hollow promise.
- e. A significant rate reduction for all ratepayers. The Environmentalists want competition to fulfill its promise of economic benefits to the Companies' service territories.
- f. An effective Universal Service program. The Environmentalists want the Companies to fulfill the Act's promise of universal access to electricity at affordable rates.
- g. An effective consumer education program. The Environmentalists believe that consumers will realize the potential savings and environmental benefits only if they have access to objective information in consistent formats and an accurate understanding of the choices they are called on to make.

3. IDENTIFICATION OF THE MEMBER ORGANIZATIONS

The Environmentalists represent an important segment of the Pennsylvania community, one particularly concerned with the interrelationships between energy production,

distribution and consumption, public health and the quality of our natural environment. The Environmentalist coalition consists of the following organizations:³

a. Citizen Power, Inc. is a nonprofit research and advocacy organization composed of residential and commercial customers of DLC and West Penn, and based in Pittsburgh.⁴

b. Citizens' Organization on Utility Policies ("COUP") is a nonprofit organization consisting of individuals, families and businesses who are customers of DLC and West Penn.⁵

c. Clean Water Action ("CWA") is a nonprofit statewide organization that works to empower citizens to improve their environment and safeguard public health. CWA has over 70,000 members, many of whom are DLC and West Penn Power customers.⁶

³Many of these organizations were members of the Environmentalists coalition which has been an active participant in many of the Commission's previous and/or pending restructuring proceedings, including Docket No. R-00973877 (the PECO Energy securitization case), Docket No. R-00973953 (the PECO restructuring case), Docket No. R-00973954 (the PP&L restructuring case), Docket No's. R-00974008 and 09 (the GPU Companies' restructuring case), Docket No. M-00960890 F.003 (the restructuring guidelines), Docket Nos. P-00971168, P-00971169, P-00971170, P-00971172, P-00971175 and P-00971183 (the pilot programs), Docket No. M-00960890 (the pilot program guidelines), Docket No. M-00960890 F.004 (the licensing guidelines), Docket No. M-00960890 F.002 (the Qualified Rate Order guidelines), Docket No. L-97-00970120 (the reliability rulemaking).

⁴Citizen Power conducts research on utility issues and makes its findings available to the public in a balanced and understandable format, and seeks to advance the interests of its members and their neighbors as energy service customers and as citizens. The organization's staff and board members have extensive experience in utility regulatory matters and are devoting substantial organizational resources to public education on retail electric restructuring.

⁵As "Citizens Opposed to Unsafe Power", COUP was originally organized in response to a proposal by General Public Utilities (GPU) and DLC to erect a 268-mile, 500 kv transmission line to transport power from Duquesne's generation sources, and other Midwest-based generators, to the Three Mile Island interface of the PJM power pool. Since the project's cancellation in 1993, COUP has undergone a re-organization to better reflect the broad scope of issues facing the electric consumer of today. Currently, as Citizens' Organization on Utility Policies, COUP is a 1,500-member nonprofit organization with particular interest in the forthcoming competitive electric utility market and the subsequent environmental and economic impacts inherent in such an industry-wide restructuring scheme.

⁶ CWA devotes special attention to the water we drink, use for recreation, food production, industrial and commercial production, and transportation. CWA works to educate the public and to promote environmentally sound policies at the local, state and national level. Its Pittsburgh office has been in operation since 1985.

d. The Group Against Smog and Pollution ("GASP"), is a nonprofit organization whose members are residential and/or commercial customers of DLC and West Penn.⁷

e. The Pennsylvania Public Interest Research Group ("PennPIRG") is a student-founded, state-wide public interest group, with members in both the DLC and West Penn service territories, that advocates for all citizens on a wide variety of consumer and environmental issues.⁸

f. The Sierra Club⁹ is a century-old broad-based citizens' environmental organization with active members throughout the Commonwealth. It has devoted significant resources to advocating cost-effective, environmentally benign alternatives to

⁷ GASP has worked since 1969 to ensure clean air and a healthy environment for all Pittsburgh Citizens. GASP is a volunteer, nonprofit, citizens' organization. GASP's mission includes promoting, encouraging and working for the enhancement of the environment through the coordination of the creative ideas, labor, and financial resources of conservation-minded individuals and organizations' education, advisory, and consultative efforts relative to the treatment and/or the prevention of all forms of pollution on our land, air, and water. GASP is a recognized leader in air quality advocacy.

As a steward of the public participation process, GASP has always served on government and industry-related working groups. Currently, GASP is represented at the Allegheny County Health Department Air Quality Program Advisory Committee and subcommittees, the Federal Advisory Committee Act's Common Sense Initiative: Iron and Steel Sector, Voluntary Initiative for Pollution Prevention, and the Pennsylvania DEP Air and Water Quality Technical Advisory Committee.

⁸PennPIRG is the Pennsylvania Public Interest Research Group, founded 20 years ago by Pennsylvania college and university students to advocate the interests of ordinary citizens to the Commonwealth's decision makers. PennPIRG now has 10,000 members statewide, of all ages. It advocates for environmental quality. Its membership takes service from seven of the state's largest utilities.

⁹The Sierra Club is based in San Francisco, California, and maintains a Pennsylvania Chapter with executive offices in Harrisburg, Pennsylvania. The organization's state membership of over 17,000 is located throughout the Commonwealth, and a state volunteer board is broadly representative of the interests of the state's regions. Sierra Club members take service from virtually all of the state's energy utilities. The Sierra Club has, since its founding in 1892, been concerned with the exploration, enjoyment, and protection of wild and scenic places of the Earth. Today's agenda includes protection of the national and global environment against threats of acid rain, water and air pollution, hazardous wastes, ozone depletion and global warming. The Sierra Club works to promote the utilization of renewable resources and technologies in order to preserve non-renewable natural resources for usages for which alternatives have not been identified.

traditional supply side utility resources. Many of Sierra Club's members take service from DLC and West Penn.¹⁰

The Environmentalists will update this list as necessary throughout the proceedings, in the form of amendments to this Complaint, Protest, and Petition.

THE ENVIRONMENTALISTS' POSITIONS

4. Based on a preliminary examination of the Companies' filings, the Environmentalists intend to advance the following positions in this proceeding:
 - a. The Companies' restructuring plans fail to reduce electric rates by a meaningful amount and thus fail to deliver the economic benefits which are the foundation of the Act.
 - b. The Companies' restructuring plans create barriers to a healthy and robust electric power marketplace contrary to the public interest and the goals of the Act.
 - c. The Companies' restructuring plans contain many features which may limit market entry by alternative suppliers and have negative consumer and environmental impacts. Among other things, the Environmentalists are concerned that the Companies may not have provided for an adequate firewall between regulated retail units and other divisions, that DLC's proposed rates and charges are anti-competitive and preclude meaningful rate reductions.
 - d. DLC has not, and West Penn may not have, properly unbundled rates.
 - e. DLC has not, and West Penn may not have, properly computed stranded costs and benefits.

¹⁰Metropolitan Edison Co., et. al. and Duquesne Light Co., Docket No., A-110300F051 (PA PUC) (filed 1991) (Sierra Club intervention granted). It has advocated environmental interests as a party to a traditional rate case. Re: GPU Energy, No. R-000943271 (Rate Filing) (1995), and in Commission generic and rulemaking cases, Investigation Into Demand Side Management By Electric Utilities, Docket No. I-900005 (Order of December 13, 1993), as one of the "Environmentalists", and has filed comments in Commission dockets I-860025 (all source bidding), I-900005 (seven electric utility DSM programs), and M-00940623 (IRP) as one of the Environmentalists. Sierra Club has also been an active party in the Commission restructuring proceedings identified in n. 3, *supra*.

- f. The Companies' estimate of future electric prices may be flawed, and their proposed true-up mechanism may not adequately permit computation of stranded costs.
- g. DLC has not, and West Penn may not have, adequately mitigated their stranded costs, including a failure to adequately write off and/or write up generation assets.
- h. DLC has not, and West Penn may not have, proposed a fair sharing of their stranded costs and benefits.
- i. The proposed Competitive Transition Charge for DLC is, and for West Penn may prove, excessive and unreasonable.
- j. The Companies' universal service plans may be inadequate and fail to meet the spirit and/or letter of the Act, and are subject to unnecessary qualifiers and provisos.
- k. The Companies' consumer information and education plans may prove inadequate and fail to meet the standards of the Act.
- l. The Companies' restructuring plans fail to adopt the integrated resource planning strategies of energy conservation, load management and distributed power generation to reduce or hold down the future costs of distribution system improvements, and unduly promote consumption.
- m. The Companies' restructuring plans must adequately address how the Companies will work with the Commission and others like the Environmentalists to establish an independent system operator ("ISO") and to operate the transmission system and the interstate power pool in a fair and reliable manner.
- n. The Companies' proposed overall rates of return (DLC 11.5%; West Penn 9.15%/9.21%) are excessive.
- o. DLC's proposal (Vol.1, Clayton Testimony p.41) to collect capacity costs beyond the year 2005 should be rejected.
- p. The Companies' restructuring plans are not in the public interest.

- q. The Companies' stranded cost estimates may be overstated because they undervalue their generating plants, and fail to account for all "stranded benefits" Such stranded benefits would include the APS transmission system, and older power plants, which preceded many of the Clean Air Act regulations.
 - r. DLC's nuclear decommissioning and waste-related costs should be fully and responsibly provided for, and the Companies' shareholders should bear an appropriate responsibility for them. It is also important that there be appropriate incentives for the Companies to control fossil and nuclear decommissioning costs, and to make economic decisions about plant retirement.
 - s. Coordination with outside organizations, like a Commission-run consumer education program, is essential to an effective education initiative to ensure that a balanced perspective is communicated. The Commission should require that provisions for disclosure and certification also be a part of the Companies' restructuring plans.
5. The Environmentalists reserve the right to identify and raise other issues relating to the Companies' restructuring plans as the facts become more apparent in the discovery and evidentiary phases.

4. WHAT DO YOU WANT US TO DO?

WHEREFORE, the Environmentalists REQUEST THAT THE COMMISSION:

- a. Receive for filing and docket this Formal Complaint, Protest and Intervention;
- b. Consolidate this Formal Complaint, Protest and Intervention with the Companies' Applications and all other Complaints, Protests and Interventions which are made part of Docket Numbers R-00974104 and R-00973981;
- c. Order that the Environmentalists be a party to such proceedings, that they be placed on the service list for each, and that each party to the proceedings provide them with all papers filed therein;

- d. Hold full evidentiary contested case hearings examining the reasonableness of the Companies' Applications and the policies, programs, terms of service, rates and other charges they propose to implement;
- e. After the completion of the formal parties' evidentiary hearings, hold public input hearings throughout the Companies' service territories in order to provide the customers with an opportunity to be heard on the record, and make the testimony and exhibits received therein a part of the record;
- f. Deny any increase or change in the Companies' rates, charges and/or policies that is unjust, unreasonable, unduly discriminatory or inconsistent with the Public Utility Code, sound ratemaking principles, and public policy;
- g. Determine the justness and reasonableness of the Companies' Applications and the policies, programs, terms of service, rates and other charges they propose to implement, as appropriate and lawful;
- h. Grant the relief requested in this Formal Complaint, Protest and Intervention;
- i. Grant all other relief to which the Environmentalists are entitled; and,
- j. Grant such other relief which the Commission may deem to be necessary and proper.

Complaint/Intervention of Environmentalists
Duquesne/West Penn. Restructuring Plans
Dockets R-00974104, -00973981

YOU MUST SIGN AND DATE YOUR COMPLAINT.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania state law if I purposely give false information. I am an attorney.

SIGNATURE OF COMPLAINANT:

Respectfully submitted,



Alan J. Barak

Alan J. Barak, Attorney at Law
Attorney for the Environmentalists
(Sup. Ct. No. 67886)

Dated: September 2, 1997

YOU DO NOT NEED A LAWYER If you **DO** have a lawyer **PLEASE PRINT** the lawyer's name, address and telephone number below.

Lawyer's Name Alan J. Barak, Esq.
Street 1417 Blue Mountain Parkway
City Harrisburg State PA Zip 17112
Telephone Number - (717) 540-5106
Fax Number - (717) 541-1970
E-mail address - barak@igc.apc.org

C:\PENNRG\LITIG\RTW15_DQ\INTER*1.WPD

Application of West Penn Power Company
for Approval of its Restructuring Plan

Docket No. R-00973981

Application of Duquesne Power & Light
Company for Approval of its
Restructuring Plan

Docket No. R-00974104 ✓

Joint Application of Allegheny Power
Company and Duquesne Light Company for
Approval of Merger

Docket No. A-110150 F0015

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 2nd day of September, 1997, served the foregoing documents, the Environmentalists' Formal Complaints, Protests and Petitions to Intervene, in the above-referenced dockets upon the persons listed below and in the manner specified.

Service by Fax and U. S. First Class Mail

Jacquelyn Morrow, Esq.
City Solicitor
City of Pittsburgh
313 City-County Building
Pittsburgh, PA 15219
Fax 412-255-2285

David M. Kleppinger, Esq.
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17101-1166
Fax 717-237-5300

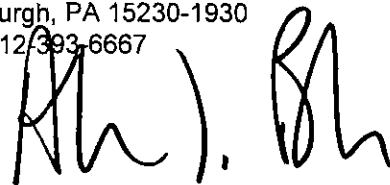
Tanya McCloskey
Office of the Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17101
Fax 717-783-7152

John Munsch, Esq.
West Penn Power Co.
800 Cabin Hill Dr
Greensburg, PA 15601

Bernard M. Ryan, Esq.
Office of Small Business Advocate
1102 Commerce Building
300 North Street
Harrisburg, PA 17101
Fax 717-783-2831

Frank Nadolny
Duquesne Power & Light Co.
P.O. Box 1930
Pittsburgh, PA 15230-1930
Fax 412-393-6667

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97 SEP -2 PM 4: 29
P.A.P.U.C.
PROTHONOTARY'S OFFICE



Alan J. Barak, Esq.
Attorney for the Environmentalists
1417 Blue Mtn. Pkwy
Harrisburg PA 17112

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

FORMAL COMPLAINT

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

FORMAL COMPLAINT, PROTEST AND PETITION TO INTERVENE
OF Low Income Advocate Parties
REGARDING THE MERGING COMPANIES' RESTRUCTURING PLANS
Duquesne Light Co., DOCKET R-00974104
West Penn Power Co., DOCKET R-00973981

For Commission Use Only:

KJR

COMPLAINT DOCKET NO. _____ REF. # _____
UTILITY CODE _____

PLEASE PRINT:

1. YOUR NAME, ADDRESS AND TELEPHONE NUMBER.

Name John E. Stember, Esq., Attorney at Law (Attorney for LIAP)
1705 Allegheny Bldg., 429 Forbes Ave.
City Pittsburgh State PA Zip 15219
County Allegheny Work Telephone - Area Code (412) 338-4445 (voice);
232 -3730 (fax)

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PROTHONOTARY'S OFFICE

2. COMPANY YOU ARE COMPLAINING ABOUT

Name Each of two announced merger partners: Duquesne Light Co. and West Penn. Power Co. of Allegheny Power System

3. WHAT IS YOUR COMPLAINT? (DESCRIBE PROBLEM)

For Commission Use Only:

DATE FILED ___/___/___ MONITOR _____ BUREAU _____

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BACKGROUND

1. On August 1, 1997, Duquesne Light Company ("DLC") and West Penn Power Company ("West Penn"), collectively "the Companies" filed their respective Applications for Approval of their Restructuring Plans, and with them submitted the written testimony and exhibits of their proposed witnesses and related materials. The filings were made to comply with the requirements of the Electricity Generation Customer Choice and Competition Act ("the Act") (66 Pa. C.S. §§2801 *et seq.*). The Commission assigned the matters Dockets No. R-00974104 (DLC) and R-00973981 (West Penn).

INTERESTS

2. SUMMARY OF INTERESTS

We are a coalition of groups which have come together to advocate a common agenda of interests in the Companies' restructuring proposals. These groups and organizations, all of which have members who are ratepayers of the Companies, as indicated,¹ have interests in the following aspects of this proceeding. For the instant proceedings we have designated ourselves as "LIAP", the Low Income Advocate Parties:

- a. The protection of the public health from the negative consequences of electricity generation and use. LIAP wants an electric power marketplace which does not encourage and contribute to the degradation of Pennsylvania's air, water and land water quality, particularly in those areas from which people of limited means may not economically leave.
- b. An electric power marketplace designed to allow for the development of clean, affordable power as a component of Pennsylvania's sustainable economy.
- c. An electric power marketplace and a regulatory system designed to make energy conservation and energy efficiency meaningful options for low income consumers and for the distribution and transmission systems. LIAP believes that conservation and energy efficiency are cost-effective strategies which have broad economic and social benefits.

¹Unless otherwise stated, the named organizations have members in both service territories who are customers of the Companies.

- d. A fair, healthy and robust electric power marketplace in which the Companies are denied the ability to use their influence and power for anti-competitive ends. LIAP believes that the Act must deliver real competition to individuals and families of limited means, not merely a promise.
- e. A significant rate reduction for low income residential ratepayers.
- f. An effective and expanded Universal Service program, including robust CAP financial assistance and LIURP energy efficiency programs, and continued consumer protections under the Commission's Chapter 56 regulations. LIAP wants the Companies to fulfill the Act's promise of universal access to electricity at affordable rates.
- g. An effective consumer education program that addresses the needs of low income citizens in rural and urban areas, including those with modest education, or disabilities. LIAP believes that consumers will realize the potential savings and environmental benefits only if they have access to objective information in consistent formats and an accurate understanding of the choices they are called on to make.

3. IDENTIFICATION OF THE MEMBER ORGANIZATIONS

LIAP members advocate for, and service, an important segment of the Pennsylvania community, one particularly concerned with the receipt of affordable, clean energy, and whose constituents lack the means to escape from the negative public health consequences of "dirty" power, wherever produced. We understand and address the interrelationships between energy production, distribution and consumption, public health, adequate social programs, and good jobs. The LIAP grouping consists of the following organizations:

- a. The Mon Valley Unemployed Committee (MVUC) grew out of the impact of the collapse of the steel industry on southwestern Pennsylvania (SWPA). The MVUC is a nonprofit corporation founded in 1982. It advocates on behalf of the community of dislocated and chronically unemployed persons in SWPA. MVUC provides intervention services on behalf of the underemployed and long-term poor, including mortgage assistance, skills training, and utility and benefits rights advocacy. MVUC also works to influence public policy affecting the low income community. Its members are DLC and West Penn ratepayers.

b. Alliance for Progressive Action (APA) is an umbrella organization of almost 40 community and labor organizations, representing 50,000 members in Western Pennsylvania. Founded in 1991, the APA's mission is to build a broad-based alliance of progressive organizations dedicated to achieving social, political and economic justice. The Alliance advocates on a number of selected issues for the progressive and low income community. Its members include DLC and West Penn ratepayers.²

c. Just Harvest Pittsburgh (JH) is part of a national, nonprofit organization which promotes economic justice and works to influence public policy on hunger and poverty issues. JH Pittsburgh was founded in 1986 and works to educate, empower and mobilize citizens toward the elimination of hunger. JH participates in joint advocacy efforts on a variety of issues impacting the low income community. The organization's membership includes DLC and West Penn rate payers.

d. The RainbowPUSH Coalition (RPC) is a multi-racial, multi-issue, international membership organization founded by the Reverend Jesse L. Jackson. The Pennsylvania RPC is headquartered in Pittsburgh and works with community organizations around the state on a variety of social, political and economic issues. The RPC has been a leading advocate for the low income community. Its western Pennsylvania membership includes DLC and West Penn Power ratepayers.

LIAP will update this list as necessary throughout the proceedings, in the form of amendments to this Complaint, Protest, and Petition.

LIAP'S POSITIONS

²APA includes the following organizations: A. Philip Randolph Institute, Pittsburgh ("PB") Chapter; Citizens Budget Campaign; Clean Water Action; Coalition of Labor Union Women; CRY OUT!/ACT UP, Democratic Socialists of America; District 1199P/SEIU; Gertrude Stein Political Club; Just Harvest; Mon Valley Unemployed Committee; NAACP, PGH Chapter; National Lawyers Guild, PGH Chapter; National Rainbow Coalition, Pa. Chapter; No Dice; Pa. Consumer Action Network; PGH Committee to Free Mumia Abu-Jamal; PGH Cuba Coalition; PGH Greens; PGH Labor Action Network for the Americas; PGH Metro Area Labor Party; PGH Oral History Project; PGH Peace Institute; QED Accountability Project; SEIU Locals 585 & 666; Thomas Merton Center; UE National Office; UE District 6; United Faculty, Univ. Of PB; United Food & Commercial Workers, Locals 23 & 325; United Mine Workers of America, Region 1; United Steel Workers of America, Local 1537; Veterans for Peace; W. Pa. Chapter for a Comprehensive Test Ban; W. Pa. Coalition Against Death Penalty; Women's Center and Shelter; and World Federalists Ass'n of PB.

Some of the member organizations have chosen to separately intervene and complain herein as part of the LIAP group or the Environmentalists Coalition. They request that their separate status control over their APA membership.

4. Based on a preliminary examination of the Companies' filings, LIAP intends to advance the following positions in this proceeding:
- a. The Companies' restructuring plans fail to reduce electric rates by a meaningful amount and thus fail to deliver the economic benefits which are the foundation of the Act.
 - b. The Companies' restructuring plans create barriers to a healthy and robust electric power marketplace, contrary to the public interest and the goals of the Act.
 - c. The Companies' restructuring plans contain many features which may *limit market entry* by alternative suppliers and have negative consumer impacts.
 - d. DLC has not, and West Penn may not have, properly unbundled rates.
 - e. DLC has not, and West Penn may not have, properly computed stranded costs and benefits.
 - f. The Companies' estimates of future electric prices may be flawed, and the true-up mechanism which they present may not adequately address market prices and stranded investment valuations.
 - g. DLC has not, and West Penn may not have, adequately mitigated their stranded costs, including a failure to adequately write off or write up generation assets.
 - h. DLC has not, and West Penn may not have, proposed a fair sharing of their stranded costs and benefits.
 - i. The proposed Competitive Transition Charge for DLC is, and for West Penn may prove, excessive and unreasonable.
 - j. The Companies' universal service plans are inadequate and fail to meet the spirit and/or letter of the Act, and are subject to unnecessary qualifiers and provisos.
 - k. The Companies' consumer information and education plans are inadequate and fail to meet the particular needs of low income customers.

Complaint/Intervention of Low Income Advocates
Duquesne/West Penn. Restructuring Plans
Dockets R-00974104, -00973981

- f. Deny any increase or change in the Companies' rates, charges and/or policies that is unjust, unreasonable, unduly discriminatory or inconsistent with the Public Utility Code, sound ratemaking principles, and public policy;
- g. Determine the justness and reasonableness of the Companies' Applications and the policies, programs, terms of service, rates and other charges they propose to implement, as appropriate and lawful;
- h. Grant the relief requested in this Formal Complaint, Protest and Intervention;
- i. Grant all other relief to which LIAP is entitled; and,
- j. Grant such other relief which the Commission may deem to be necessary and proper.

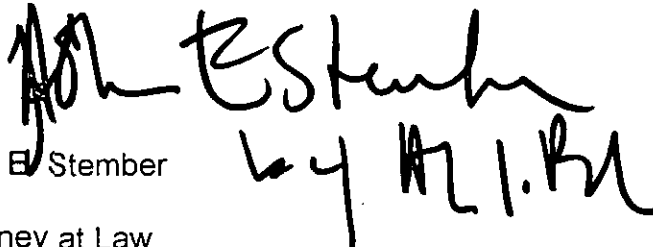
Complaint/Intervention of Low Income Advocates
Duquesne/West Penn. Restructuring Plans
Dockets R-00974104, -00973981

YOU MUST SIGN AND DATE YOUR COMPLAINT.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania state law if I purposely give false information. I am an attorney.

SIGNATURE OF COMPLAINANT:

Respectfully submitted,

Handwritten signature of John E. Stember in black ink. The signature is written in a cursive style and includes the name 'John E. Stember' followed by a stylized signature. Below the signature, there is a handwritten note that reads 'by ALI.BA'.

John E. Stember

Attorney at Law
Attorney for LIAP
(Sup. Ct. No. 23643)

Dated: September 2, 1997

YOU DO NOT NEED A LAWYER If you **DO** have a lawyer PLEASE PRINT the lawyer's name, address and telephone number below.

Lawyer's Name John E. Stember, Esq.
Street 1705 Allegheny Bldg. 429 Forbes Ave.
City Pittsburgh State PA Zip 15219
Telephone Number - (412) 338-1445
Fax Number - (412) 232-3730
E-mail address - jstember@compuserve.com

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Application of West Penn Power Company
for Approval of its Restructuring Plan

Docket No. R-00973981

Application of Duquesne Power & Light
Company for Approval of its
Restructuring Plan

Docket No. R-00974104 ✓

Joint Application of Allegheny Power
Company and Duquesne Light Company for
Approval of Merger

Docket No. A-110150 F0015

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 2nd day of September, 1997, served the foregoing documents, LIAP's Formal Complaints, Protests and Petitions to Intervene, in the above-referenced dockets upon the persons listed below and in the manner specified.

Service by Fax and U. S. First Class Mail

Jacquelyn Morrow, Esq.
City Solicitor
City of Pittsburgh
313 City-County Building
Pittsburgh, PA 15219
Fax 412-255-2285

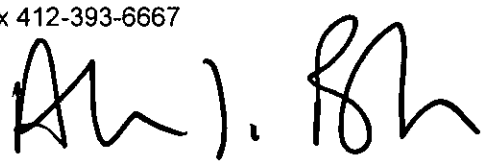
David M. Kleppinger, Esq.
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17101-1166
Fax 717-237-5300

Tanya McCloskey
Office of the Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17101
Fax 717-783-7152

John Munsch, Esq.
West Penn Power Co.
800 Cabin Hill Dr
Greensburg, PA 15601

Bernard M. Ryan, Esq.
Office of Small Business Advocate
1102 Commerce Building
300 North Street
Harrisburg, PA 17101
Fax 717-783-2831

Frank Nadolny
Duquesne Power & Light Co.
P.O. Box 1930
Pittsburgh, PA 15230-1930
Fax 412-393-6667



Alan J. Barak, Esq.
1417 Blue Mtn. Pkwy
Harrisburg PA 17112

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PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE
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STEVEN F. BAICKER-McKEE
Attorney at Law
(412) 394-5499

September 2, 1997

VIA FEDERAL EXPRESS

James J. McNulty, Esquire
Prothonotary
Pennsylvania Public Utility Commission
North Office Building
North Street and Commonwealth Avenue
Harrisburg, PA 17105-3265

**RE: West Penn Power Company Restructuring Plan Filing
Docket No. R-00973981**

**In the Matter of Duquesne Light Company Restructuring Plan Filing
Docket No. R-00974104**

**In the Matter of Joint Application of DQE, Inc. and Allegheny Power System,
Inc. and AYP Sub, Inc. for Approval of the Transfer by Merger of the Property
and Rights of Duquesne Light Company to Allegheny Power System, Inc.
Docket No. A-110150 F0015**

Dear Mr. McNulty:

Enclosed for filing are the originals and eight (8) copies each of the following documents:

In the Matter of West Penn Power Company Restructuring Plan - Docket No. R-00973981

- Amended Petition of Allegheny Teledyne Incorporated to Intervene in Proceeding on Behalf of Allegheny Ludlum Corporation and Teledyne Industries, Inc.
- Complaint of Allegheny Teledyne Incorporated on Behalf of Allegheny Ludlum Corporation and Teledyne Industries, Inc.

Two Gateway Center
Pittsburgh, Pennsylvania 15222
412 / 394-5400
Fax 412 / 394-6576

**DOCUMENT
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James J. McNulty, Esquire
Prothonotary
September 2, 1997
Page 2

ORIGINAL

KJR

In the Matter of Duquesne Light Company Restructuring Plan - Docket No. R-00974104

- Petition of Allegheny Teledyne Incorporated to Intervene in Proceeding

In the Matter of Joint Application of DOE, Inc. and Allegheny Power System, Inc. and AYP Sub, Inc. for Approval of the Transfer by Merger of the Property and Rights of Duquesne Light Company to Allegheny Power System, Inc. - Docket No. A-110150 F0015

- Petition to Intervene of Allegheny Teledyne Incorporated on Behalf of Allegheny Ludlum Corporation and Teledyne Industries, Inc.
- Protest of Allegheny Teledyne Incorporated on Behalf of Allegheny Ludlum Corporation and Teledyne Industries, Inc.

Copies of each of these documents have been served upon all those listed on the official service list.

Pursuant to 52 Pa. Code § 1.11, the enclosed document is deemed filed on September 2, 1997, which is the date it was deposited with an overnight express delivery service as shown on the delivery receipt attached to the mailing envelope.

Very truly yours,



Steven F. Baicker-McKee

SBM/tmp

Enclosures

cc: The Honorable Larry Gesoff
Official Service List

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SEP 2 1997

IN THE COMMONWEALTH OF PENNSYLVANIA
BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

In the Matter of
DUQUESNE LIGHT COMPANY
Restructuring Plan Filing

Docket No. R-00974104,

ORIGINAL

**PETITION OF
ALLEGHENY TELEDYNE INCORPORATED
TO INTERVENE IN PROCEEDING**

Allegheny Teledyne Incorporated ("Allegheny Teledyne"), by and through its counsel in this matter, Babst, Calland, Clements and Zomnir, P.C., and pursuant to 52 Pa. Code §§ 5.71 and 5.72, hereby files this Petition to Intervene in the above-captioned proceeding. In support of its Petition, Allegheny Teledyne represents as follows:

1. The address of Allegheny Teledyne is:

1000 Six PPG Place
10th Floor
Pittsburgh, PA 15222

2. The names and address of Allegheny Teledyne's attorneys are:

Steven F. Baicker-McKee, Esquire
Wanda M. Schiller, Esquire
Babst, Calland, Clements and Zomnir, P.C.
Two Gateway Center, 8th Floor
Pittsburgh, PA 15222
Telephone: (412) 394-5600
Fax: (412) 394-6574

Allegheny Teledyne's attorneys are authorized to accept service on behalf of Allegheny Teledyne in this proceeding. Allegheny Teledyne requests that the Pennsylvania Public Utility Commission ("Commission") and all parties of record serve copies of all discovery requests and answers,

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correspondence, Commission Orders, and any other documents issued in this proceeding on Allegheny Teledyne's attorneys.

3. Allegheny Teledyne conducts business in Allegheny County and Western Pennsylvania and is a consumer of electricity sold by Duquesne Light Company ("Duquesne Light").

4. On August 1, 1997, in accordance with the electricity Generation Customer Choice and Competition Act, 66 Pa. C.S. § 2801, *et seq.*, Duquesne Light filed its Restructuring Plan ("Restructuring Plan") with the Commission. The Restructuring Plan contains Duquesne Light's proposal and intended rate design for the *unbundling* of Duquesne Light's current retail rate and functional service elements which allow Duquesne Light customers to choose an alternative generation supplier within the competitive environment of the restructured electric industry. The Restructuring Plan also contains, but is not limited to, Duquesne Light's proposals for the: (a) *recovery of Stranded Costs*; (b) *implementation of Competitive Transition Charges and specific tariff revisions*; and (c) functional separation of Duquesne Light's electric delivery activities (i.e., distribution and transmission) and its generation supply and marketing activities.

7. Allegheny Teledyne, as a consumer of electricity sold by Duquesne Light, will be directly affected by the Restructuring Plan.

8. Allegheny Teledyne believes that no other party can adequately protect its interests in this proceeding.

WHEREFORE, for all of the foregoing reasons, Allegheny Teledyne Incorporated respectfully requests that its Petition to Intervene in this proceeding be granted.

Respectfully submitted,

Ste Baicker-McKee

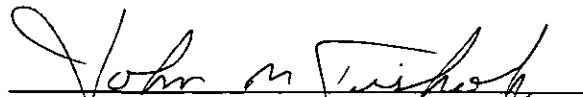
Steven F. Baicker-McKee, Esquire
Wanda M. Schiller, Esquire
Babst, Calland, Clements and Zomnir, P.C.
Two Gateway Center, 8th Floor
Pittsburgh, PA 15222
Telephone: (412) 394-5400
Fax: (412) 394-6576

Attorneys for Allegheny Teledyne Incorporated

DATED: September 2, 1997

VERIFICATION

I, John M. Tishok, Environmental and Commercial Counsel of Allegheny Teledyne Incorporated, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.



John M. Tishok

CERTIFICATE OF SERVICE

I hereby certify that this 2nd day of September, 1997 a true and correct copy of the foregoing Petition to Intervene has been served upon the following persons or entities:

Bernard A. Ryan, Esquire
Office of Small Business Advocate
Suite 1102 Commerce Building
300 North Second Street
Harrisburg, PA 17101

Charles F. Hoffman, Esquire
Office of Trial Staff
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105

Irwin A. Popowsky, Esquire
PA Consumer Advocate
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120

Leonard W. Belter, Esquire
Raymond B. Wuslich, Esquire
Winston & Strawn
1400 L Street, N.W.
Washington, DC 20005-3502

John L. Munsch, Esquire
Allegheny Power Company
800 Cabin Hill Drive
Greensburg, PA 15601

Mr. Brian Kalcic
Excel Consulting
Suite 720-T
225 S. Meramec Avenue
St. Louis, MO 63105



Steven F. Baicker-McKee, Esquire

DATE: September 3, 1997

SUBJECT: R-00974104

TO: Office of Administrative Law Judge

FROM: *WJR* James J. McNulty, Acting Secretary

KJR

DUQUESNE LIGHT COMPANY RESTRUCTURING PLAN

Attached is copy of a Petition for Leave to Intervene and Participate of Electric Clearinghouse, Inc.; and Petition to Intervene of Enron Power Marketing Inc. filed in connection with the above docketed proceeding.

This matter is assigned to your office for appropriate action.

Attachment

cc: OTS

wjz

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Duquesne Light Company)

Docket No. R-00974104

ORIGINAL MOTION TO INTERVENE
AND COMMENTS OF mc2

Pursuant to Section 5.71 of the Commission's regulations, 52 Pa. Code § 5.71, mc2, Inc. ("mc2") files this intervention and comments to the restructuring filing submitted by Duquesne Light Company ("Duquesne") in this proceeding on August 1, 1997.

SERVICE AND CORRESPONDENCE

mc2 requests that service and all correspondence in this proceeding be served on the following individuals:

John Horton
Senior Regulatory Analyst
MidCon Corporation
701 East 22nd Street
Lombard, Illinois 60148

Emmitt C. House
Thomas J. Augspurger
MidCon Corporation
Office of General Counsel
701 East 22nd Street
Lombard, Illinois 60148

Mark J. McGuire
Ronald N. Carroll
JENNER & BLOCK
601 Thirteenth Street, N.W.
Twelfth Floor
Washington, D.C. 20005

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MOTION TO INTERVENE

1. mc2, a subsidiary of MidCon Corporation, is a national marketer of electricity with headquarters in Lombard, Illinois. MidCon is the integrated electric and natural gas services subsidiary of Occidental Petroleum Corporation and is involved in the selling and transportation of natural gas. mc2 was created in 1997 to respond to the changes in energy regulation that are opening the electric industry to more competition. Among other things, mc2 will provide marketing and other energy services to consumers of electricity.^{1/}

2. As a national marketer of electricity, mc2 intends to provide electric services on Duquesne's system pursuant to its restructuring plan in this proceeding, as it may be amended. mc2 thus has a direct and substantial interest in this proceeding.

3. mc2 is not represented by any other party in this proceeding and must participate in this proceeding in order to protect its interests.

4. mc2's services will provide substantial benefits for all consumers on Duquesne's system through the introduction of competitive, market-priced electric services. Thus, mc2's participation in the development of the restructuring plan for the Duquesne system will be in the public interest.

5. For these reasons, mc2 respectfully submits that good cause exists for granting this request to intervene in this proceeding.

^{1/} On August 12, 1997, mc2 applied for an electric generation supplier license in Docket No. A-110035 pursuant to Section 2809 of the Electricity Generation Competition and Customer Choice Act, 66 Pa. C.S.A. § 2809, and the Commission's Order in Docket No. M-00960890 entered February 13, 1997.

COMMENTS

mc2 just recently received a copy of Duquesne's restructuring filing and has not had a full opportunity to review it. mc2 intends to examine the following issues (among others) implicated by Duquesne's filing to ensure that they are appropriately resolved.^{2/}

- (1) Whether Duquesne has proposed to provide non-affiliated electric generation suppliers with access to its transmission and distribution systems on a basis comparable with the transmission and distribution service that it will provide for affiliated marketing companies or, if relevant, for its unbundled sales service;
- (2) Whether the operational requirements proposed by Duquesne are reasonable and practical;
- (3) Whether a sufficient separation of functions and code of conduct has been proposed that will ensure that Duquesne's marketing affiliate is not provided any unfair competitive advantages, including access to information that is not publicly available or available to non-affiliated marketers;
- (4) Whether Duquesne has proposed any rate, operational or other impediments that will create economic or other disincentives for consumers on its system to purchase power from nontraditional non-affiliated marketers such as mc2;
- (5) Whether the rates proposed by Duquesne reasonably reflect the cost of its proposed new services;
- (6) Whether the billing methodology proposed by Duquesne is reasonable or whether it creates disadvantages to new entrants in the electric generation supplier market;
- (7) Whether Duquesne's claimed stranded costs were prudently incurred and were caused by the advent of direct access rather than business decisions unrelated to restructuring (even if prudent when made);

^{2/} mc2 reserves the right to amend or supplement these issues after it has had an opportunity to fully review Duquesne's filing.

- (8) Whether Duquesne will mitigate its stranded costs by aggressively marketing its excess generation (if any) on other utility systems;
- (9) Whether Duquesne has included transmission or distribution charges in its proposed stranded cost charge that are not related to generation.

WHEREFORE, mc2 respectfully requests that its motion to intervene in this proceeding be granted and that further relief be provided consistent with the foregoing comments.

Respectfully submitted,



Emmitt C. House
Thomas J. Augspurger
MidCon Corporation
Office of General Counsel
701 East 22nd Street
Lombard, Illinois 60148

Mark J. McGuire
Ronald N. Carroll
PA Bar No. 24752
JENNER & BLOCK
601 Thirteenth Street, N.W.
Twelfth Floor
Washington, D.C. 20005

Attorneys for mc2, Inc.

September 3, 1997

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Duquesne Light Company)

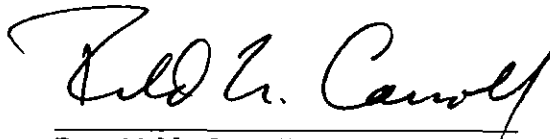
Docket No. R-00974104

ORIGINAL

ENTRY OF APPEARANCE

In accordance with the Notice issued in this proceeding on August 12, 1997, take notice that Ronald N. Carroll, Esq., an attorney admitted to bar of Pennsylvania, Pennsylvania, Bar No. 24752, and an active member of said bar in good standing, hereby enters his appearance in this proceeding on behalf of mc2, Inc. a subsidiary of MidCon Corporation.

Respectfully submitted,



Ronald N. Carroll
PA Bar No. 24752
JENNER & BLOCK
601 Thirteenth Street, N.W.
Twelfth Floor
Washington, D.C. 20005

September 3, 1997

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Duquesne Light Company)

PA.P.U.C.
PROTHONOTARY'S OFFICE
Docket No. R-00974104

ORIGINAL

MOTION FOR ADMISSION PRO HAC VICE OF
MARK J. McGUIRE

Pursuant to Section 1.22(b) of the Commission's regulations, 52 Pa. Code § 1.22, mc2, Inc. ("mc2"), through its undersigned counsel, hereby requests that the presiding Administrative Law Judge allow the admission pro hac vice of attorney Mark J. McGuire, an attorney with the law firm of Jenner & Block, 601 Thirteenth Street, N.W., Washington, D.C. 20005, as its counsel in the captioned proceeding along with the undersigned. In support hereof, the undersigned states as follows:

1. mc2, a subsidiary of MidCon Corporation, provides marketing and other services to consumers of electricity and natural gas.
2. The undersigned counsel for mc2, Ronald N. Carroll, is a practicing attorney duly admitted to and in good standing (active membership) in the bar of the Commonwealth of Pennsylvania (Bar No. 24752).
3. By separate notice filed this date, the undersigned has entered his appearance in this proceeding on behalf of mc2.
4. Mark J. McGuire is a practicing attorney duly admitted to and in good standing in the bars of the District of Columbia and the states of Michigan and Illinois.

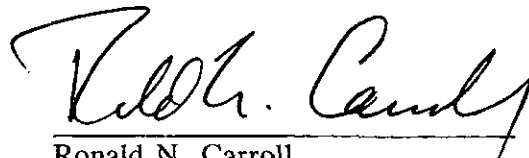
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5. mc2 desires that Mr. McGuire represent it in this proceeding and thus respectfully requests that Mr. McGuire be admitted pro hac vice to practice before the Pennsylvania Public Utility Commission as its counsel in this proceeding along with the undersigned.

6. The undersigned has known Mr. McGuire for approximately ten years and has worked closely with him for several years. The undersigned represents that Mr. McGuire is professionally qualified and of good character to represent mc2 and should be admitted pro hac vice in this proceeding.

WHEREFORE, mc2 respectfully requests that the presiding Administrative Law Judge issue an order that admits Mr. McGuire to serve as counsel pro hac vice for mc2 along with the undersigned counsel.

Respectfully submitted,



Ronald N. Carroll
PA Bar No. 24752
JENNER & BLOCK
601 Thirteenth Street, N.W.
Twelfth Floor
Washington, D.C. 20005

September 3, 1997

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the following in accordance with 52 Pa. Code § 1.54.

DEPRICK P. WILLIAMSON
100 PINE STREET, P.O. BOX 1166
HARRISBURG PA 17108-1166
WEST PENN FWR INDUST INTERVENORS (WPPII)

0010
MARY MCFALL HOPPER
2301 MARKET STREET, S23-1
PHILADELPHIA PA 19103
PECO ENERGY COMPANY (POR)

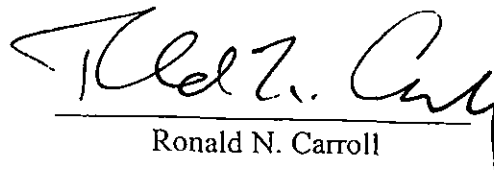
0011
ALLEGHENY TELEDYNE, INC.
1000 SIX PPG PLACE
10TH FLOOR
PITTSBURGH PA 15222
ALLEGHENY TELEDYNE, INC. (POR)

0012
PAUL E. RUSSELL, ESQUIRE
2 NORTH NINTH STREET
ALLENTOWN PA 18101
PP&L (POR)

0013
DONALD A. KAPLAN & LISA M. HELPERT, ESQ
PRESTON GATES ELLIS & ROUVELAS MEEDS
SUITE 500, 1735 NEW YORK AVENUE, NW
WASHINGTON DC 20006-4759
PP&L (POR)

0014
STEPHEN L. FELD, ATTORNEY
1 EAST WASHINGTON STREET
P.O. BOX 891
NEW CASTLE PA 16103-0891
PENN POWER (POR)

0015
DOUGLAS F. JOHN, ESQUIRE
JOHN & HENGERER
1200 17TH STREET, N.W., SUITE 600
WASHINGTON DC 20036-3006
NORAM ENERGY MANAGEMENT, INC. (POR)


Ronald N. Carroll

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Duquesne Light Company

)

Docket No. R-00974104

ORIGINAL

MOTION TO INTERVENE
AND COMMENTS OF
MIDCON GAS SERVICES CORP.

Pursuant to Section 5.71 of the Commission's regulations, 52 Pa. Code § 5.71, MidCon Gas Services Corp. ("MidCon Gas") files this intervention and comments to the restructuring filing submitted by Duquesne Light Company ("Duquesne") in this proceeding on August 1, 1997.

SERVICE AND CORRESPONDENCE

MidCon Gas requests that service and all correspondence in this proceeding be served on the following individuals:

Craig Nifong
MidCon Corporation
3200 Southwest Freeway
Houston, TX 77027

Emmitt C. House
Thomas J. Augspurger
MidCon Corporation
Office of General Counsel
701 East 22nd Street
Lombard, Illinois 60148

Mark J. McGuire
Ronald N. Carroll
JENNER & BLOCK
601 Thirteenth Street, N.W.
Twelfth Floor
Washington, D.C. 20005

DOCKETED
SEP 12 1997

PA.P.U.C.
PROTHONOTARY'S OFFICE

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MOTION TO INTERVENE

1. MidCon Gas, a subsidiary of MidCon Corporation, is a national marketer of gas and electricity with headquarters in Lombard, Illinois. MidCon is the integrated electric and natural gas services subsidiary of Occidental Petroleum Corporation and is involved in the selling and transportation of natural gas. Among other things, MidCon Gas will provide marketing and other energy services to consumers of electricity.^{1/}

2. As a national marketer of electricity, MidCon Gas intends to provide electric services on Duquesne's system pursuant to its restructuring plan in this proceeding, as it may be amended. MidCon Gas thus has a direct and substantial interest in this proceeding.

3. MidCon Gas is not represented by any other party in this proceeding and must participate in this proceeding in order to protect its interests.

4. MidCon Gas's services will provide substantial benefits for all consumers on Duquesne's system through the introduction of competitive, market-priced electric services. Thus, MidCon Gas's participation in the development of the restructuring plan for the Duquesne system will be in the public interest.

5. For these reasons, MidCon Gas respectfully submits that good cause exists for granting this request to intervene in this proceeding.

^{1/} On August 12, 1997, MidCon Gas applied for an electric generation supplier license in Docket No. A-110034 pursuant to Section 2809 of the Electricity Generation Competition and Customer Choice Act, 66 Pa. C.S.A. § 2809, and the Commission's Order in Docket No. M-00960890 entered February 13, 1997.

COMMENTS

MidCon Gas just recently received a copy of Duquesne's restructuring filing and has not had a full opportunity to review it. MidCon Gas intends to examine the following issues (among others) implicated by Duquesne's filing to ensure that they are appropriately resolved.^{2/}

- (1) Whether Duquesne has proposed to provide non-affiliated electric generation suppliers with access to its transmission and distribution systems on a basis comparable with the transmission and distribution service that it will provide for affiliated marketing companies or, if relevant, for its unbundled sales service;
- (2) Whether the operational requirements proposed by Duquesne are reasonable and practical;
- (3) Whether a sufficient separation of functions and code of conduct has been proposed that will ensure that Duquesne's marketing affiliate is not provided any unfair competitive advantages, including access to information that is not publicly available or available to non-affiliated marketers;
- (4) Whether Duquesne has proposed any rate, operational or other impediments that will create economic or other disincentives for consumers on its system to purchase power from nontraditional non-affiliated marketers such as MidCon Gas;
- (5) Whether the rates proposed by Duquesne reasonably reflect the cost of its proposed new services;
- (6) Whether the billing methodology proposed by Duquesne is reasonable or whether it creates disadvantages to new entrants in the electric generation supplier market;
- (7) Whether Duquesne's claimed stranded costs were prudently incurred and were caused by the advent of direct access

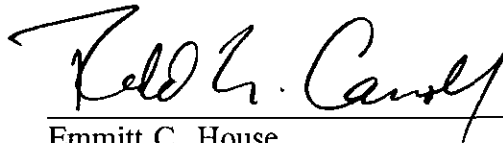
^{2/} MidCon Gas reserves the right to amend or supplement these issues after it has had an opportunity to fully review Duquesne's filing.

rather than business decisions unrelated to restructuring (even if prudent when made);

- (8) Whether Duquesne will mitigate its stranded costs by aggressively marketing its excess generation (if any) on other utility systems;
- (9) Whether Duquesne has included transmission or distribution charges in its proposed stranded cost charge that are not related to generation.

WHEREFORE, MidCon Gas respectfully requests that its motion to intervene in this proceeding be granted and that further relief be provided consistent with the foregoing comments.

Respectfully submitted,



Emmitt C. House
Thomas J. Augspurger
MidCon Corporation
Office of General Counsel
701 East 22nd Street
Lombard, Illinois 60148

Mark J. McGuire
Ronald N. Carroll
PA Bar No. 24752
JENNER & BLOCK
601 Thirteenth Street, N.W.
Twelfth Floor
Washington, D.C. 20005

Attorneys for MidCon Gas Services
Corp.

September 3, 1997

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

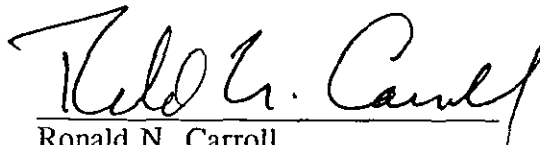
Duquesne Light Company)

Docket No. R-00974104

ORIGINAL
ENTRY OF APPEARANCE

In accordance with the Notice issued in this proceeding on August 12, 1997, take notice that Ronald N. Carroll, Esq., an attorney admitted to bar of Pennsylvania, Pennsylvania, Bar No. 24752, and an active member of said bar in good standing, hereby enters his appearance in this proceeding on behalf of MidCon Gas Services Corp., a subsidiary of MidCon Corporation.

Respectfully submitted,



Ronald N. Carroll
PA Bar No. 24752
JENNER & BLOCK
601 Thirteenth Street, N.W.
Twelfth Floor
Washington, D.C. 20005

September 3, 1997

DOCUMENT
FOLDER
DOCKETED
SEP 12 1997

RECEIVED
97 SEP - 3 AM 10:44
PA P.U.C.
PROTHONOTARY'S OFFICE

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

97 SEP -3 AM 10:42

Duquesne Light Company

ORIGINAL

PA.P.U.C.
PROTHONOTARY'S OFFICE
Docket No. R-00974104

MOTION FOR ADMISSION PRO HAC VICE OF
MARK J. McGUIRE

Pursuant to Section 1.22(b) of the Commission's regulations, 52 Pa. Code § 1.22, MidCon Gas Services Corp. ("MidCon Gas"), through its undersigned counsel, hereby requests that the presiding Administrative Law Judge allow the admission pro hac vice of attorney Mark J. McGuire, an attorney with the law firm of Jenner & Block, 601 Thirteenth Street, N.W., Washington, D.C. 20005, as its counsel in the captioned proceeding along with the undersigned. In support hereof, the undersigned states as follows:

1. MidCon Gas, a subsidiary of MidCon Corporation, provides marketing and other services to consumers of electricity and natural gas.

2. The undersigned counsel for MidCon Gas, Ronald N. Carroll, is a practicing attorney duly admitted to and in good standing (active membership) in the bar of the Commonwealth of Pennsylvania (Bar No. 24752).

3. By separate notice filed this date, the undersigned has entered his appearance in this proceeding on behalf of MidCon Gas.

4. Mark J. McGuire is a practicing attorney duly admitted to and in good standing in the bars of the District of Columbia and the states of Michigan and Illinois.

5. MidCon Gas desires that Mr. McGuire represent it in this proceeding and thus respectfully requests that Mr. McGuire be admitted pro hac vice to practice before

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SEP 12 1997

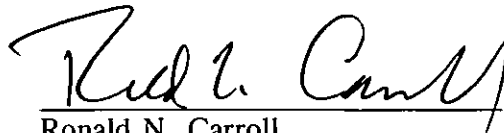
DOCUMENT
FOLDER

the Pennsylvania Public Utility Commission as its counsel in this proceeding along with the undersigned.

6. The undersigned has known Mr. McGuire for approximately ten years and has worked closely with him for several years. The undersigned represents that Mr. McGuire is professionally qualified and of good character to represent MidCon Gas and should be admitted pro hac vice in this proceeding.

WHEREFORE, MidCon Gas respectfully requests that the presiding Administrative Law Judge issue an order that admits Mr. McGuire to serve as counsel pro hac vice for MidCon Gas along with the undersigned counsel.

Respectfully submitted,



Ronald N. Carroll
PA Bar No. 24752
JENNER & BLOCK
601 Thirteenth Street, N.W.
Twelfth Floor
Washington, D.C. 20005

September 3, 1997

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the following in accordance with 52 Pa. Code § 1.54.

DERRICK P. WILLIAMSON
100 PINE STREET, P.O. BOX 1166
HARRISBURG PA 17108-1166
WEST PENN PWR INDUST INTERVENORS (WPPII)

0010
MARY MCFALL HOPPER
2301 MARKET STREET, S23-1
PHILADELPHIA PA 19103
PECO ENERGY COMPANY (POR)

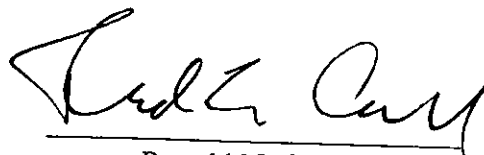
0011
ALLEGHENY TELEDYNE, INC.
1000 SIX PPG PLACE
10TH FLOOR
PITTSBURGH PA 15222
ALLEGHENY TELEDYNE, INC. (POR)

0012
PAUL E. RUSSELL, ESQUIRE
2 NORTH NINTH STREET
ALLENTOWN PA 18101
PP&L (POR)

0013
DONALD A. KAPLAN & LISA M. HELPERT, ESQ
PRESTON GATES ELLIS & ROUVELAS MEEDS
SUITE 500, 1735 NEW YORK AVENUE, NW
WASHINGTON DC 20006-4759
PP&L (POR)

0014
STEPHEN L. FELD, ATTORNEY
1 EAST WASHINGTON STREET
P.O. BOX 891
NEW CASTLE PA 16103-0891
PENN POWER (POR)

0015
DOUGLAS F. JOHN, ESQUIRE
JOHN & HENGERER
1200 17TH STREET, N.W., SUITE 600
WASHINGTON DC 20036-3006
NORAM ENERGY MANAGEMENT, INC. (POR)


Ronald N. Carroll



**The Peoples
Natural Gas Company**

A **CNG** COMPANY

625 Liberty Avenue
Pittsburgh, PA 15222-3197
(412) 497-6838 FAX

KJR

MARGARET H. PETERS, (412) 497-6892
Senior Attorney

September 3, 1997

RECEIVED

SEP 4 1997
LAF

VIA OVERNIGHT MAIL

James J. McNulty
Acting Prothonotary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17101

ORIGINAL

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Re: Duquesne Light Company's) Docket No. R-00974104
Restructuring Plan Filing)

Dear Mr. McNulty:

Enclosed for filing please find the original and three copies of a Motion to Intervene of The Peoples Natural Gas Company in the above referenced matter.

If you have any questions, please feel free to contact me at (412) 497-6892.

Respectfully,

Margaret H. Peters
Senior Attorney

Enclosures:

cc: Parties of Record

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

SEP 4 1997
LAF

Petition for Approval of Duquesne Light) Docket No. R-00974104
Company's Restructuring Filing)

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

**MOTION TO INTERVENE OF
THE PEOPLES NATURAL GAS COMPANY**

ORIGINAL

In accordance with the rules and procedures of the Pennsylvania Public Utility Commission (the "Commission") pursuant to 52 Pa. Code §5.71, The Peoples Natural Gas Company ("Peoples"), a Pennsylvania corporation, having its principal place of business at 625 Liberty Avenue, Pittsburgh, PA 152222, hereby submits its Motion To Intervene in the petition of Duquesne Light Company ("Duquesne Light"), filed in the above-referenced docket. Peoples hereby lodges the instant pleading in this docket and respectfully requests the Commission deem this pleading as having been filed.

1. The name and address of the entity seeking intervention is as follows:
The Peoples Natural Gas Company
625 Liberty Avenue
Pittsburgh, PA 15222
2. Peoples will be represented in these proceedings by the following counsel:

Margaret Peters, Esquire
The Peoples Natural Gas Company
625 Liberty Avenue
Pittsburgh, PA 15222
(412) 497-6892

Kevin J. McKeon, Esquire
Malatesta Hawke & McKeon
Harrisburg Energy Center
P. O. Box 1778
Harrisburg, PA 17101
(717) 236-1300

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SEP 11 1997

**DOCUMENT
FOLDER**

3. Peoples is a Pennsylvania corporation organized under the Act of Assembly approved May 29, 1885 and is vested with the authority to produce, purchase, and transport natural gas, store and supply natural gas service to the public in the counties of Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Fayette, Greene, Huntingdon, Indiana, Jefferson, Lawrence, Mercer, Venango, Washington, and Westmoreland.

4. Peoples is regulated by this Commission and provides retail and transportation service to approximately 333,000 residential, commercial and industrial customers in western Pennsylvania. Peoples is a wholly owned subsidiary of Consolidated Natural Gas Company, a registered public utility holding company under the Public Utility Holding Company Act of 1935, as amended.

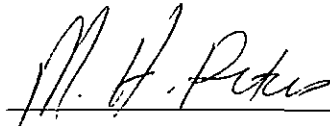
5. On August 1, 1997, Duquesne Light submitted its restructuring filing to the Commission, pursuant to the Electricity Generation Customer Choice and Competition Act.

6. In that Peoples and Duquesne Light have overlapping service territories, Peoples and Duquesne Light are also competitors of energy supply. While the primary focus of Chapter 28 of the Public Utility Code is a restructuring of the electric utility industry that will allow competition in the supply of electricity generation and a resulting choice of suppliers among electric utility customers, Chapter 28 also authorizes an electric utility's introduction of "flexible pricing and flexible rates, including negotiated, contract-based tariffs designed to meet the specific needs of a utility customer and to address competitive alternatives." 66 Pa. C.S. §2806(h). The quoted excerpt appears to encompass an electric utility's use of flexible pricing and flexible rates to meet any competitive energy alternatives, including natural gas. As a

competitor, Peoples has a direct and substantial interest in this matter, which will not be represented by any other party. Further, the Commission's disposition of Duquesne Light's restructuring proceeding will have a significant impact on rates, and thus will have an impact on competition and the conduct of Peoples' business in Pennsylvania.

WHEREFORE, Peoples requests the Commission grant this Petition and approve Peoples' intervention as a party of record in this matter, and any future proceeding of which this matter is made a part.

Respectfully submitted,



Margaret H. Peters
Senior Attorney
The Peoples Natural Gas Company
Pittsburgh, PA 15222
(412) 497-6892

DATED: September 3, 1997

COMMONWEALTH OF PENNSYLVANIA



KJR

OFFICE OF SMALL BUSINESS ADVOCATE

Suite 1102, Commerce Building
300 North Second Street
Harrisburg, Pennsylvania 17101

Bernard A. Ryan, Jr.
Small Business Advocate

September 4, 1997

(717) 783-2525
(717) 783-2831(FAX)

HAND DELIVERED

ORIGINAL

Office of the Prothonotary
Pennsylvania Public Utility Commission
Room B-20, North Office Building
P. O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED
97 SEP - 4 PM 3:22
PA.P.U.C.
PROTHONOTARY'S OFFICE

Re: Application of Duquesne Light Company
for Approval of its Restructuring Plan
Under Section 2806 of the Public Utility Code
Docket No. R-00974104

Dear Prothonotary:

I am delivering for filing today the original plus three copies of the:

1. Notice of Intervention of the Small Business Advocate in the above captioned matter; and
2. Public Statement of the Small Business Advocate relating to the filing of that Notice of Intervention.

Copies of each of the documents listed above are being served today on all known parties in this proceeding. A Certificate of Service to that effect is enclosed.

Sincerely,

Karen Oill Moury
Deputy Small Business Advocate

Enclosures

cc: Hon. John Corbett
Parties of Record
Brian Kalcic

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Duquesne Light :
Company For Approval Of Its :
Restructuring Plan Under : Docket No. R-00974104
Section 2806 Of The Public :
Utility Code :

ORIGINAL

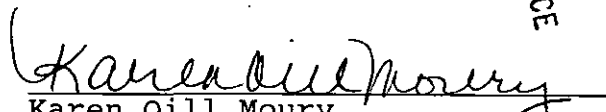
Office of
Small Business Advocate
Notice of Intervention

The Office of Small Business Advocate, an agency of the Commonwealth authorized by the Small Business Advocate Act (Act 181 of 1988, 73. P.S. §§399.41 - 399.50) to represent the interest of small business consumers as a party in proceedings before the Pennsylvania Public Utility Commission, files this Notice of Intervention in this proceeding pursuant to the provisions of 52 Pa. Code §5.71(a)(1).

Representing the Office of Small Business Advocate in this proceeding is:

Karen Oill Moury
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, Pennsylvania 17101
(717) 783-2525

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97 SEP -4 PM 3:22
P.A.P.U.C. OFFICE
PROTHONOTARY'S OFFICE


Karen Oill Moury
Deputy Small Business Advocate

Dated: September 4, 1997

DOCKETED
SEP 11 1997

**DOCUMENT
FOLDER**

**PUBLIC STATEMENT OF
SMALL BUSINESS ADVOCATE
CONCERNING THE INTEREST
OF SMALL BUSINESS CONSUMERS
TO BE PROTECTED BY THE FILING OF A
NOTICE OF INTERVENTION
IN THE APPLICATION OF DUQUESNE LIGHT COMPANY
FOR APPROVAL OF ITS RESTRUCTURING PLAN
UNDER SECTION 2806 OF THE PUBLIC UTILITY CODE
AT DOCKET NO. R-00974104**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§399.41 - 399.50 (the "Act"). The Act further provides that the Small Business Advocate is to issue publicly a written statement setting forth the specific interest of small business consumers to be protected by the intervention in any proceeding involving those interests before the Public Utility Commission ("PUC" or "Commission"). This public statement relates to the filing today by the Small Business Advocate of a notice of intervention in the proceedings initiated by Duquesne Light Company ("Duquesne") on August 1, 1997.

Duquesne seeks Commission approval of its Restructuring Plan that was filed pursuant to Section 2806 of the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §2806. By this filing, Duquesne proposes to use a market-based generation valuation process to determine stranded costs. Through conducting a competitive solicitation to sell blocks of generation during each year of the transition period, Duquesne seeks to establish the Competitive Transition Charges that would be paid by customers. Duquesne currently estimates that its stranded costs will range

from \$8 million to \$582 million, depending upon the market price of power.

Duquesne's Restructuring Plan also sets forth a proposal for unbundling its current rates and proposes changes in its rate design which would move a significant portion of generation-related costs into a fixed customer charge. In addition, Duquesne describes its mitigation efforts and proposes a specific plan for the phase-in of customer choice.

The Office of Small Business Advocate ("OSBA") has intervened in this case to assure that the interests of Duquesne's small business customers are adequately represented and protected. While the OSBA intends to review all aspects of Duquesne's filing, the OSBA will particularly focus on any issue where the impact on the interests of Duquesne's small business consumers is significant or unjustifiably different from the impact on other classes of customers.

In an effort to represent and protect the interests of Duquesne's small business customers, the OSBA will pursue numerous issues relating to the Restructuring Plan submitted by Duquesne Power Company. In particular, the OSBA will consider the reasonableness of Duquesne's proposed market valuation process and will review Duquesne's mitigation efforts.

The OSBA will also examine Duquesne's unbundling proposal and allocation methods, along with the supporting cost data submitted with its plan. That review will consider whether Duquesne has designed the Competitive Transition Charge in a manner that is fair

to all customers, particularly small businesses, and whether Duquesne has proposed an appropriate allocation of the recovery of these revenues among customer classes.

In addition, the OSBA will evaluate all other aspects of Duquesne's restructuring plan, including phase-in procedures, universal service funding and consumer education, to ensure that the needs and interests of small business customers have not been overlooked. To the extent that a feature of Duquesne's proposal would adversely and unfairly affect small businesses, the OSBA intends to raise such issues.

Finally, the OSBA will review all items submitted by other parties to this proceeding. As necessary to protect the interests of the small business community within Duquesne's service territory, the OSBA will respond to or endorse the positions of other parties.

Date: September 4, 1997

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Duquesne :
Light Company For Approval :
Of Its Restructuring Plan : Docket No. R-00974104
Under Section 2806 Of The :
Public Utility Code :

CERTIFICATE OF SERVICE

I certify that I am serving copies of the Notice of Intervention and Public Statement on behalf of the Office of Small Business Advocate by first class mail (unless otherwise indicated) upon the persons addressed below:

Hon. John H. Corbett, Jr.
Administrative Law Judge
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120
(412) 565-3550
(FAX and first class mail)

Larry R. Crayne, Esquire
Legal Unit
Duquesne Light Company
411 Seventh Avenue
P.O. Box 1930
Pittsburgh, PA 15230-1930
(412) 393-6049
(412) 393-6645 (fax)

John S. Moot, Esquire
1440 New York Avenue, N.W.
Washington, DC 20005
(Duquesne Light Company)
(202) 371-7310

Kandace F. Melillo, Esquire
Wayne T. Scott, Esquire
Office of Trial Staff
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17101
(Office of Trial Staff)
(717) 787-1976
(717) 772-2677 (fax)

James Ferlo, Councilman
510 City-County Building
Pittsburgh, PA 15219

Tanya J. McCloskey, Esquire
Steven K. Steinmetz, Esquire
Marisa A. Sifontes, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120
(Office of Consumer Advocate)
(717) 783-5048
(717) 783-7152 (fax)

David Kleppinger, Esquire
Derrick P. Williamson, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(717) 232-8000
(717) 237-5300 (fax)

Patricia Armstrong, Esquire
Thomas, Thomas, Armstrong
& Niesen
212 Locust Street, Suite 500
P. O. Box 9500
Harrisburg, PA 17108-9500
(Allegheny Elec. Cooperative)
(717) 255-7600
(717) 236-8278 (fax)

Robert F. Young, Esquire
Deputy General Counsel
212 Locust Street
P.O. Box 1266
Harrisburg, PA 17108-1266
(Allegheny Elec. Cooperative)
(717) 233-5704
(717) 236-0248 (fax)

Steven F. Baicker-McKee, Esq.
Babst Calland Clements & Zomnir
Two Gateway Center, 8th Floor
Pittsburgh, PA 15222
(Allegheny Teledyne, Inc.)
(412) 394-5400
(412) 394-6576 (fax)

Scott J. Rubin, Esquire
3 Lost Creek Drive
Selinsgrove, PA 17870
(Elec. Workers, Local 1600)
(717) 743-2233
(717) 743-8145 (fax)

Mary McFall Hopper, Esquire
Assistant General Counsel
PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19103
(PECO Energy)
(215) 841-4917
(215) 568-3389 (fax)

Robert A. Mills, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(Pa. Retailers' Association)
(717) 232-8000
(717) 237-5300 (fax)

Brian A. Rider, President
Pennsylvania Retailers' Assoc.
224 Pine Street
Harrisburg, PA 17101-1325
(717) 233-7976

Cynthia S. Bogorad, Esquire
Spiegel & McDiarmid
Suite 1100
1350 New York Avenue, N.W.
Washington, DC 20005-4798
(Utility Workers Union)
(202) 879-4000
(202) 393-2866 (fax)

Stephen L. Feld, Esquire
Penn Power Company
Legal Department
1 East Washington Street
P.O. Box 891
New Castle, PA 16103-0891
(412) 652-5531

Thomas P. Gadsden, Esquire
Morgan, Lewis & Bockius
2000 One Logan Square
Philadelphia, PA 19103
(Penn Power Company)
(215) 963-5234


Sheila S. Hollis, Esquire
Duane, Morris & Heckscher LLP
1667 K Street, N.W. Suite 700
Washington, DC 20006-7800
(QST Energy Inc.)
(202) 776-7800

Vickiren S. Aeshleman, Director
Regulatory Policy
QST Energy Inc.
300 Hamilton Blvd., Suite 300
Peoria, IL 61602
(309) 655-1356

Alan J. Barak, Esquire
1417 Blue Mountain Parkway
Harrisburg, PA 17112
(Environmentalists)
(717) 540-5106
(717) 652-1970

John E. Stember, Esquire
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(412) 232-3730 (fax)

Robert J. Longwell, Esquire
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Wolf, Block, Schorr &
Solis-Cohen
305 North Front St., Suite 401
Harrisburg, PA 17101
(Enron Corp.)
(717) 237-7160
(717) 237-7161 (fax)


Karen Oill Moury
Assistant Small Business Advocate

Date: September 4, 1997

ANDREWS & KURTH L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP

ATTORNEYS

1701 PENNSYLVANIA AVENUE, N.W.

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September 4, 1997

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Via Federal Express

James J. McNulty
Prothonotary
Pennsylvania Public Utility Commission
North Office Building, Room B-20
Harrisburg, Pennsylvania 17101

ORIGINAL RECEIVED

KJR

SEP 4 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Re: *Application of Duquesne Light Company
for Approval of Restructuring Plan --
Docket No. R-00974104*

Dear Mr. McNulty:

Enclosed for filing, please find the original and three copies of the following documents:

1. Petition to Intervene of Hospital Shared Services on Behalf of Its Members;
2. Petition to Intervene of Administrative Resources, Inc. on Behalf of Its Members;
3. Motion for Admission *Pro Hac Vice* of Mark F. Sundback;
4. Motion for Admission *Pro Hac Vice* of Kenneth L. Wiseman; and
5. Motion for Admission *Pro Hac Vice* of Peter J. Thompson.

All parties of record have been served in accordance with the requirements of 52 Pa. Code § 1.54. This filing is being made by overnight delivery pursuant to 52 Pa. Code § 1.56 so that the filing is deemed to be made today, September 4, 1997.

Upon receipt of this filing, please date and time-stamp the extra copies and return them to me in the enclosed, self-addressed envelope, postage prepaid.

Very truly yours,



Peter J. Thompson
Attorney for Hospital Shared Services
and Administrative Resources, Inc.

Enclosures

cc: Honorable John H. Corbett, Jr. (via facsimile)
Certificate of Service (by first class mail)

WAS01:41276.1

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13

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SEP 4 1997

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Application of Duquesne Light
Company for Approval of
Restructuring Plan

) Docket No. R-00974104

ORIGINAL

PETITION TO INTERVENE OF HOSPITAL SHARED
SERVICES ON BEHALF OF ITS MEMBERS

Pursuant to the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission ("Commission"), 52 Pa. Code §5.71, et seq., Hospital Shared Services ("HSS") hereby petitions to intervene as an active party in the captioned proceeding. In support of its petition, HSS respectfully states as follows:

1. The names and addresses of the individuals to whom notices, pleadings and other communications in this proceeding should be directed are as follows:

Kenneth L. Wiseman
Andrews & Kurth L.L.P.
1701 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
TEL: (202) 662-2700
FAX: (202) 662-2739

Robert B. Weisenmiller
MRW & Associates, Inc.
1999 Harrison Street
Suite 1440
Oakland, CA 94612-3517
TEL: (510) 834-1999
FAX: (510) 834-0918

2. HSS is a non-profit organization which offers group purchasing services to voluntary, non-profit acute care hospitals in inter alia Pennsylvania. HSS members that have authorized the participation of HSS are as follows:

Allegheny Health, Education and Research Foundation
Forbes Metropolitan Hospital
Forbes Nursing Center
Forbes Regional Hospital

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SEP 11 1997

DOCUMENT
FOLDER

Ohio Valley General Hospital
South Hills Health System

3. On December 3, 1996, Governor Tom Ridge signed into law the Electricity Generation Customer Choice and Competition Act (the "Act"). The Act restructures the electric utility industry in Pennsylvania to provide customers with choice of their electricity generator.

4. To implement these restructuring changes, the Act adds Chapter 28 to the Public Utility Code (the "Code"), 66 Pa. C.S. § 2801, et seq. The Act requires electric utilities to file Restructuring Plans on a schedule developed by the Commission. On August 1, 1997, Duquesne Light Company ("Duquesne") filed with the Commission its restructuring plan pursuant to Section 2806 of the Code and the Commission's Orders entered January 24, 1997 and February 13, 1997 at Docket Nos. M-00960890, et seq. The restructuring plan has several key elements, including Duquesne proposals regarding (i) procedures to permit customer choice of generation supplier; (ii) the rates Duquesne will charge for electric generation, transmission and distribution services; (iii) the quantification of claimed transition costs; and (iv) the recovery of transition costs.

5. The members of HSS listed in Paragraph 2 are consumers of electricity currently served by Duquesne. The restructuring plan, if approved, will affect how, in what manner and at what cost electric utility service is provided to all Duquesne customers, including the listed members of HSS. As the proposed restructuring may substantially impact upon the level of stranded costs and the recovery of such costs, as well as the terms and conditions of transitional and electric service, the listed members of HSS will be directly impacted by the ultimate outcome of this proceeding. HSS has a significant interest in ensuring that its listed members are provided with an array of competitive services, that stranded cost claims are based upon verifiable, mitigated, net stranded

costs that are determined to be just and reasonable, and that rates for and terms and conditions of future services are justified.

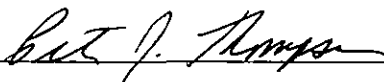
6. The interests represented by HSS will be directly affected by the outcome of this proceeding and petitioner will be bound by the action of the Commission in this proceeding.

7. HSS clearly has an interest which may be substantially and directly affected by the Commission's action in this proceeding. Stranded costs authorized herein will directly impact the operating budgets of listed member medical facilities. In order to protect such interests, HSS requests permission to participate fully as an active party in all aspects of this proceeding. Due to its unique interests and concerns, no other party can adequately represent the interests of HSS.

WHEREFORE, Hospital Shared Services requests that the Commission grant its petition to intervene as an active party in this proceeding.

Respectfully submitted,

HOSPITAL SHARED SERVICES

By: 

Kenneth L. Wiseman
Mark F. Sundback
Peter J. Thompson
Andrews & Kurth L.L.P.
1701 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
TEL: (202) 662-2700
FAX: (202) 662-2739

Dated: September 4, 1997

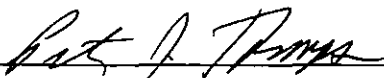
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light)	Docket No. R-00974104
Company for Approval of)	
Restructuring Plan)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants on the attached service list in accordance with Section 1.54 of the Commission's regulations.

Dated this 4th day of September, 1997.



Peter J. Thompson
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1701 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
TEL: (202) 662-2700
FAX: (202) 662-2739

Attorney for Hospital Shared Services

CERTIFICATE OF SERVICE

Duquesne Light Company R-00974104

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411 Seventh Avenue, PO Box 1930
Pittsburgh, PA 15230-1930

David Hughes
4037 Ludwick Street
Pittsburgh, PA 15217

Jim Ferlo, Councilman
District 7, Pittsburgh
510 City-County Building
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Scott J. Rubin, Esquire
IBEW, System Council U-10
3 Lost Creek Drive
Selinsgrove, PA 17870

Timothy Moran
IBEW, System Council U-10
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Allegheny Electric Cooperative, Inc.
212 Locust Street, P.O. Box 1266
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Wayne Scott, Esquire
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Vickiren Aeshleman
Director, Regulatory Policy
QST Energy Inc.
300 Hamilton Blvd., Suite 300
Peoria, IL 61602

Sheila Hollis, Esquire
Mary Ann Ralls, Esquire
Stephanie Segrue, Esquire
QST Energy Inc.
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Washington, D.C. 20006-1608

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SEP 4 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Application of Duquesne Light)
Company For Approval of) Docket No. R-00974104
Restructuring Plan)

ORIGINAL

**MOTION FOR ADMISSION PRO HAC VICE OF
MARK F. SUNDBACK**

The undersigned counsel hereby moves the Pennsylvania Public Utility Commission ("Commission") to allow the admission pro hac vice of attorney Mark F. Sundback to appear as counsel in the above captioned proceeding on behalf of Hospital Shared Services ("HSS") and Administrative Resources, Inc. ("ARI"), and as grounds therefore states:

1. The undersigned counsel, Kenneth Maiman, is a practicing attorney with the law firm of Andrews & Kurth L.L.P. and is duly admitted to and in good standing with the bar of the Commonwealth of Pennsylvania (Attorney No. 68182).

2. Mark F. Sundback, an attorney also with the law firm of Andrews & Kurth L.L.P., is a practicing attorney duly admitted to and in good standing with the bar of the District of Columbia and is admitted to practice before the District of Columbia Court of Appeals, the highest court in the District. There are, to Mr. Sundback's knowledge, no disciplinary proceedings pending against him in any jurisdiction.

3. HSS is a non-profit organization which offers group purchasing services to voluntary, non-profit acute care hospitals in thirteen states including Pennsylvania.

WAS01:40686.1

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SEP 11 1997
**DOCUMENT
FOLDER**

4. ARI is a non-profit organization which offers group purchasing services to nursing homes, retirement communities, closed pharmacies, physician group practices, clinics, surgery centers and managed care organizations in inter alia Pennsylvania.

5. Mr. Sundback has advised HSS and ARI concerning the issues raised in this proceeding and has special knowledge and expertise regarding such matters. Both HSS and ARI have requested that Mr. Sundback represent them in this proceeding.

6. Section 1.22(b) of the Commission's Rules of Practice and Procedure states that "[a]n attorney licensed in a jurisdiction which does not accord like privileges to members of the bar of this Commonwealth may appear before the Commission with the permission of the presiding officer or the Commission"

7. Section 110.3 of the District of Columbia Municipal Regulations, D.C. Mun. Regs. Tit. 15, § 110.3 (1991), states in pertinent part, "[a] person may be represented in any proceedings before the [District of Columbia Public Service] Commission by an attorney . . . admitted to practice before the highest court of any state upon the granting by the Commission of a motion for special appearance."

8. The undersigned counsel submits that because the District of Columbia Public Service Commission permits attorneys admitted to the highest court of Pennsylvania to appear before it, that Mr. Sundback, a member of the highest court in the District, should be granted reciprocity to appear before the Commission as counsel for both HSS and ARI in the captioned proceeding.

WHEREFORE, the undersigned counsel hereby requests an order from the Commission allowing the admission pro hac vice of Mark F. Sundback to serve as counsel for Hospital Shared Services and Administrative Resources, Inc. in this proceeding or, alternatively, an order allowing such admission based upon the reciprocity provisions described in Paragraphs 6-8 above.

Respectfully submitted,

Kenneth Maiman

by [Signature]

Kenneth Maiman
(Pennsylvania Bar No. 68182)
Andrews & Kurth L.L.P.
425 Lexington Avenue
New York, New York 10017-3903
(212) 850-2836

Attorneys for Hospital Shared Services and
Administrative Resources, Inc.

Dated: September 3, 1997

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SEP 4 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Application of Duquesne Light
Company For Approval of
Restructuring Plan

)
)
Docket No. R-00974104

ORIGINAL

**MOTION FOR ADMISSION PRO HAC VICE OF
KENNETH L. WISEMAN**

The undersigned counsel hereby moves the Pennsylvania Public Utility Commission ("Commission") to allow the admission pro hac vice of attorney Kenneth L. Wiseman to appear as counsel in the above captioned proceeding on behalf of Hospital Shared Services ("HSS") and Administrative Resources, Inc. ("ARI"), and as grounds therefore states:

1. The undersigned counsel, Kenneth Maiman, is a practicing attorney with the law firm of Andrews & Kurth L.L.P. and is duly admitted to and in good standing with the bar of the Commonwealth of Pennsylvania (Attorney No. 68182).

2. Kenneth L. Wiseman, an attorney also with the law firm of Andrews & Kurth L.L.P., is a practicing attorney duly admitted to and in good standing with the bar of the District of Columbia and is admitted to practice before the District of Columbia Court of Appeals, the highest court in the District. There are, to Mr. Wiseman's knowledge, no disciplinary proceedings pending against him in any jurisdiction.

3. HSS is a non-profit organization which offers group purchasing services to voluntary, non-profit acute care hospitals in thirteen states including Pennsylvania.

WAS01:40686.3

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FOLDER

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SEP 11 1997

4. ARI is a non-profit organization which offers group purchasing services to nursing homes, retirement communities, closed pharmacies, physician group practices, clinics, surgery centers and managed care organizations in inter alia Pennsylvania..

5. Mr. Wiseman has advised HSS and ARI concerning the issues raised in this proceeding and has special knowledge and expertise regarding such matters. Both HSS and ARI have requested that Mr. Wiseman represent them in this proceeding.

6. Section 1.22(b) of the Commission's Rules of Practice and Procedure states that "[a]n attorney licensed in a jurisdiction which does not accord like privileges to members of the bar of this Commonwealth may appear before the Commission with the permission of the presiding officer or the Commission"

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8. The undersigned counsel submits that because the District of Columbia Public Service Commission permits attorneys admitted to the highest court of Pennsylvania to appear before it, that Mr. Wiseman, a member of the highest court in the District, should be granted reciprocity to appear before the Commission as counsel for both HSS and ARI in the captioned proceeding.

WHEREFORE, the undersigned counsel hereby requests an order from the Commission allowing the admission pro hac vice of Kenneth L. Wiseman to serve as counsel for Hospital Shared Services and Administrative Resources, Inc. in this proceeding or, alternatively, an order allowing such admission based upon the reciprocity provisions described in Paragraphs 6-8 above.

Respectfully submitted,

Kenneth Maiman

by PJT

Kenneth Maiman
(Pennsylvania Bar No. 68182)
Andrews & Kurth L.L.P.
425 Lexington Avenue
New York, New York 10017-3903
(212) 850-2836

Attorneys for Hospital Shared Services and
Administrative Resources, Inc.

Dated: September 3, 1997

CERTIFICATE OF SERVICE

Duquesne Light Company R-00974104

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411 Seventh Avenue, PO Box 1930
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David Hughes
4037 Ludwick Street
Pittsburgh, PA 15217

Jim Ferlo, Councilman
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Director, Regulatory Policy
QST Energy Inc.
300 Hamilton Blvd., Suite 300
Peoria, IL 61602

Sheila Hollis, Esquire
Mary Ann Ralls, Esquire
Stephanie Sugrue, Esquire
QST Energy Inc.
1667 K Street, N.W., Suite 700
Washington, D.C. 20006-1608

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION SEP 4 1997

RECEIVED

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Application of Duquesne Light)
Company For Approval of)
Restructuring Plan)

Docket No. R-00974104

ORIGINAL

**MOTION FOR ADMISSION PRO HAC VICE OF
PETER J. THOMPSON**

The undersigned counsel hereby moves the Pennsylvania Public Utility Commission ("Commission") to allow the admission pro hac vice of attorney Peter J. Thompson to appear as counsel in the above captioned proceeding on behalf of Hospital Shared Services ("HSS") and Administrative Resources, Inc. ("ARI"), and as grounds therefore states:

1. The undersigned counsel, Kenneth Maiman, is a practicing attorney with the law firm of Andrews & Kurth L.L.P. and is duly admitted to and in good standing with the bar of the Commonwealth of Pennsylvania (Attorney No. 68182).
2. Peter J. Thompson, an attorney also with the law firm of Andrews & Kurth L.L.P., is a practicing attorney duly admitted to and in good standing with the bars of the State of Maryland and District of Columbia and is admitted to practice before the District of Columbia Court of Appeals, the highest court in the District. There are, to Mr. Thompson's knowledge, no disciplinary proceedings pending against him in any jurisdiction.
3. HSS is a non-profit organization which offers group purchasing services to voluntary, non-profit acute care hospitals in thirteen states including Pennsylvania.

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4. ARI is a non-profit organization which offers group purchasing services to nursing homes, retirement communities, closed pharmacies, physician group practices, clinics, surgery centers and managed care organizations in inter alia Pennsylvania.

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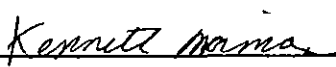

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7. Section 110.3 of the District of Columbia Municipal Regulations, D.C. Mun. Regs. Tit. 15, § 110.3 (1991), states in pertinent part, "[a] person may be represented in any proceedings before the [District of Columbia Public Service] Commission by an attorney . . . admitted to practice before the highest court of any state upon the granting by the Commission of a motion for special appearance."

8. The undersigned counsel submits that because the District of Columbia Public Service Commission permits attorneys admitted to the highest court of Pennsylvania to appear before it, that Mr. Thompson, a member of the highest court in the District, should be granted reciprocity to appear before the Commission as counsel for both HSS and ARI in the captioned proceeding.

WHEREFORE, the undersigned counsel hereby requests an order from the Commission allowing the admission pro hac vice of Peter J. Thompson to serve as counsel for Hospital Shared Services and Administrative Resources, Inc. in this proceeding or, alternatively, an order allowing such admission based upon the reciprocity provisions described in Paragraphs 6-8 above.

Respectfully submitted,

Kenneth Maiman
(Pennsylvania Bar No. 68182)
Andrews & Kurth L.L.P.
425 Lexington Avenue
New York, New York 10017-3903
(212) 850-2836

Attorneys for Hospital Shared Services and
Administrative Resources, Inc.

Dated: September 3, 1997

CERTIFICATE OF SERVICE

Duquesne Light Company R-00974104

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION SEP 4 1997

Application of Duquesne Light
Company for Approval of
Restructuring Plan

Docket No. RFP00974164
PENNSYLVANIA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

ORIGINAL

PETITION TO INTERVENE OF ADMINISTRATIVE RESOURCES, INC.
ON BEHALF OF ITS MEMBERS

Pursuant to the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission ("Commission"), 52 Pa. Code §5.71, et seq., Administrative Resources, Inc. ("ARI") hereby petitions to intervene as an active party in the captioned proceeding. In support of its petition, ARI respectfully states as follows:

1. The names and addresses of the individuals to whom notices, pleadings and other communications in this proceeding should be directed are as follows:

Mark F. Sundback
Andrews & Kurth L.L.P.
1701 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
TEL: (202) 662-2700
FAX: (202) 662-2739

Michael Reid
Director, Materials Management
Services
Administrative Resources, Inc.
500 Commonwealth Drive
Warrendale, PA 15086-7513
TEL: (412) 772-7223
FAX: (412) 776-6969

2. ARI is a non-profit organization which offers group purchasing services to nursing homes, retirement communities, closed pharmacies, physician group practices, clinics, surgery centers and managed care organizations in inter alia Pennsylvania. ARI members that have authorized the participation of ARI are as follows:

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SEP 11 1997

DOCUMENT
FOLDER

LGAR Health and Rehab Center
Vincention Home

3. On December 3, 1996, Governor Tom Ridge signed into law the Electricity Generation Customer Choice and Competition Act (the "Act"). The Act restructures the electric utility industry in Pennsylvania to provide customers with choice of their electricity generator.

4. To implement these restructuring changes, the Act adds Chapter 28 to the Public Utility Code (the "Code"), 66 Pa. C.S. § 2801, et seq. The Act requires electric utilities to file Restructuring Plans on a schedule developed by the Commission. On August 1, 1997, Duquesne Light Company ("Duquesne") filed with the Commission its restructuring plan pursuant to Section 2806 of the Code and the Commission's Orders entered January 24, 1997 and February 13, 1997 at Docket Nos. M-00960890, et seq. The restructuring plan has several key elements, including Duquesne proposals regarding (i) procedures to permit customer choice of generation supplier; (ii) the rates Duquesne will charge for electric generation, transmission and distribution services; (iii) the quantification of claimed transition costs; and (iv) the recovery of transition costs.

5. The members of ARI listed in Paragraph 2 are consumers of electricity currently served by Duquesne. The restructuring plan, if approved, will affect how, in what manner and at what cost electric utility service is provided to all Duquesne customers, including the listed members of ARI. As the proposed restructuring may substantially impact upon the level of stranded costs and the recovery of such costs, as well as the terms and conditions of transitional and electric service, the listed members of ARI will be directly impacted by the ultimate outcome of this proceeding. ARI has a significant interest in ensuring that its listed members are provided with an array of competitive services, that stranded cost claims are based upon verifiable, mitigated, net stranded

costs that are determined to be just and reasonable, and that rates for and terms and conditions of future services are justified.


6. The interests represented by ARI will be directly affected by the outcome of this proceeding and petitioner will be bound by the action of the Commission in this proceeding.

7. ARI clearly has an interest which may be substantially and directly affected by the Commission's action in this proceeding. Stranded costs authorized herein will directly impact the operating budgets of listed member medical facilities. In order to protect such interests, ARI requests permission to participate fully as an active party in all aspects of this proceeding. Due to its unique interests and concerns, no other party can adequately represent the interests of ARI.

WHEREFORE, Administrative Resources, Inc. requests that the Commission grant its petition to intervene as an active party in this proceeding.

Respectfully submitted,

ADMINISTRATIVE RESOURCES, INC.

By:  _____

Mark F. Sundback
Kenneth L. Wiseman
Peter J. Thompson
Andrews & Kurth L.L.P.
1701 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
TEL: (202) 662-2700
FAX: (202) 662-2739

Dated: September 4, 1997

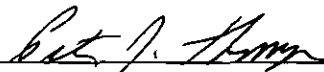
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light)	Docket No. R-00974104
Company for Approval of)	
Restructuring Plan)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants on the attached service list in accordance with Section 1.54 of the Commission's regulations.

Dated this 4th day of September, 1997.



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Attorney for Administrative Resources, Inc.

CERTIFICATE OF SERVICE

Duquesne Light Company R-00974104

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Duquesne Light Company
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Pittsburgh, PA 15230-1930

David Hughes
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District 7, Pittsburgh
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3 Lost Creek Drive
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Pennsylvania Retailers' Association
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CERTIFICATE OF SERVICE

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KEVIN J. McKEON
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NORMAN JAMES KENNARD
LILLIAN SMITH HARRIS
SCOTT T. WYLAND
JANET L. MILLER
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PETER W. KOCIOLEK, JR.

HARRISBURG ENERGY CENTER
100 NORTH TENTH STREET
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(717) 236-1300
FAX (717) 236-4841

<http://www.MHM-LAW.com>

MAILING ADDRESS:
P.O. BOX 1778
HARRISBURG, PA 17105

September 4, 1997

HAND DELIVERY

James J. McNulty, Acting Secretary/Prothonotary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

ORIGINAL

PA. P.U.C.
PROTHONOTARY'S OFFICE

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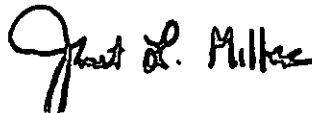
RE: Duquesne Light Company - Restructuring Plan; Docket No. R-00974104;
**PETITION OF MID-ATLANTIC POWER SUPPLY ASSOCIATION TO
INTERVENE IN PROCEEDING**

Dear Mr. McNulty:

On behalf of Mid-Atlantic Power Supply Association ("MAPSA"), enclosed for filing are the original and three (3) copies of MAPSA's Petition to Intervene in the above-captioned matter. MAPSA wishes to be considered an active party in this matter. A copy of this Petition has been served as indicated on the enclosed Certificate of Service.

Thank you for your attention to this matter. If you should have any questions, please feel free to call.

Very truly yours,



William T. Hawke
Janet L. Miller
Todd S. Stewart

Counsel for Intervenor,
Mid-Atlantic Power Supply Association

JLM/kmg
Enclosures

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RE: Duquesne Light Company
Restructuring Plan Filing

R-00974104

ORIGINAL

**PETITION OF
MID-ATLANTIC POWER SUPPLY ASSOCIATION
TO INTERVENE IN PROCEEDINGS**

Mid-Atlantic Power Supply Association ("MAPSA" or "Petitioner"), by and through its counsel in this matter, Malatesta Hawke & McKeon LLP, and pursuant to 52 Pa. Code §5.71 and §5.72, hereby files this Petition to Intervene in the above-captioned proceeding. In support of its Petition, MAPSA represents as follows:

1. The name and address of Petitioner are:

Mid-Atlantic Power Supply Association
620 Herndon Parkway, Suite 200
Herndon, VA 20170

2. The names and address of Petitioner's attorneys are:

William T. Hawke
Janet L. Miller
Todd S. Stewart
Malatesta Hawke & McKeon LLP
Harrisburg Energy Center
P. O. Box 1778
Harrisburg, PA 17105-1778
(717) 236-1300

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Petitioner's attorneys are authorized to accept service on behalf of MAPSA in this proceeding. MAPSA requests that the Pennsylvania Public Utility Commission

**DOCUMENT
FOLDER**

("Commission") and all parties of record serve copies of all discovery requests and answers, correspondence, Commission Orders, and any other documents issued in this proceeding on Petitioner's attorneys.

3. MAPSA is an association of power suppliers with an interest in the emerging electric power supply market within the Commonwealth of Pennsylvania and the Mid-Atlantic region¹. MAPSA's members include power marketers, independent power producers and a broad range of companies who support the electric services industry. MAPSA's members currently intend to participate as "electric generation suppliers" following retail access phase-in of the competitive electric marketplace. As such, MAPSA has a unique and material interest in the outcome of this proceeding.

4. On August 1, 1997, in accordance with the Electricity Generation Customer Choice and Competition Act, 66 Pa. C.S. §2801, et seq., Duquesne Light Company ("Duquesne") filed a Restructuring Plan with the Commission. The Restructuring Plan contains Duquesne's proposal and intended rate design for the unbundling of Duquesne's current retail rates and functional service elements which will allow Duquesne customers to choose an alternative generation supplier within the competitive environment of the restructured electric industry. The Restructuring Plan contains, but is not limited to, Duquesne's proposals for the (a) direct access and interconnection to Duquesne's electric

¹ The Board of Directors of the "Mid-Atlantic Independent Power Producers" has elected to adopt the name of "Mid-Atlantic Power Supply Association" for the purpose of pursuing the interests of the association's members in the Mid-Atlantic region. MAPSA's Board of Directors believes that the new name better reflects the emerging nature of the competitive power industry and of its own evolving membership. Currently, MAPSA's Board of Directors includes representatives of Air Products and Chemicals, Inc.; Atlantic Generation, Inc.; CNG Energy Services Corporation; Cogen Technologies, Inc.; Destec Energy, Inc.; DuPont Power Marketing, Inc.; The Eastern Group; Energy Investment Advisors; Enron Capital & Trade Resources; Edison Source; Odyssey Strategies, Inc.; and U.S. Generating Company.

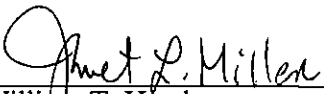
transmission and distribution systems by alternative electric generation suppliers; (b) recovery of Stranded Costs; (c) implementation of Competitive Transition Charges; (d) implementation of specific tariff revisions; (e) sharing of customer information; (f) metering; and (g) establishment of universal service, conservation and consumer education programs.

5. MAPSA seeks to intervene in this proceeding because the Commission's review and approval or modification of the Duquesne Restructuring Plan will have a direct impact on MAPSA's members. Specifically, the Commission's approval or modification of Duquesne's proposed Restructuring Plan will determine how and to what extent MAPSA's members are able to enter into the competitive electric marketplace and provide electric generation services to customers within the Duquesne service territory.

6. MAPSA believes that no party, other than itself, can adequately protect the interests of its members in this proceeding.

WHEREFORE, for all of the foregoing reasons, MAPSA respectfully requests that its Petition to Intervene in the above-captioned proceedings be granted.

Respectfully submitted,



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Janet L. Miller
Todd S. Stewart
Malatesta Hawke & McKeon LLP
Harrisburg Energy Center
P. O. Box 1778
Harrisburg, PA 17105-1778
(717) 236-1300

Counsel for Mid-Atlantic Power
Supply Association

DATED: September 4, 1997

CERTIFICATE OF SERVICE
(Docket No. R-974104)

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the person(s) and in the manner indicated below.

Service by first class mail:

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John R. Orr, Esquire
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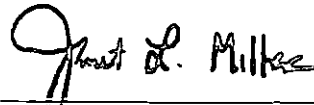
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Alan Kohler, Esquire
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305 North Front Street - Suite 401
Harrisburg PA 17101



Janet L. Miller

DATED: September 4, 1997

CNG Energy Services Corporation

A **CNG** COMPANY

One Park Ridge Center
P.O. Box 15746
Pittsburgh, PA 15244-0746
(412) 787-4268
(412) 787-4464 Fax
E-Mail: Gary_A_Jeffries@ESC.CNG.COM

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RECEIVED
PROTHONOTARY'S OFFICE

GARY A. JEFFRIES
Senior Attorney

KJR

September 4, 1997

BY OVERNIGHT DELIVERY

James J. McNulty, Prothonotary
Pennsylvania Public Utility Commission
Room B-20, North Office Building
Harrisburg, PA 17120

ORIGINAL

Re: Duquesne Light Company Restructuring Plan Filing: Docket No. R-00974104

Motion to Intervene Out of Time of CNG Energy Services Corporation

Dear Mr. McNulty:

Enclosed for filing with the Commission are the original and fifteen (15) copies of the Motion to Intervene Out of Time of CNG Energy Services Corporation.

As evidenced by the attached Certificate of Service, all parties to this proceeding have been duly served. Please date stamp the extra copy of this Motion and kindly return in the enclosed envelope.

Very truly yours,

Gary A. Jeffries
DOCUMENT FOLDER

Enclosures

cc: ALJ Corbett

22

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BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

PROTHONOTARY'S OFFICE

Duquesne Light Company
Restructuring Plan Filing

)

Docket No. R-00974104

ORIGINAL

**MOTION TO INTERVENE OUT OF TIME OF
CNG ENERGY SERVICES CORPORATION**

In accordance with the rules and procedures of the Pennsylvania Public Utility Commission (the "Commission"), CNG Energy Services Corporation ("CNG"), a Delaware corporation, having its principal place of business at One Park Ridge Center, P.O. Box 15746, Pittsburgh, PA 15244-0746, hereby submits an original and 15 copies its Motion To Intervene Out of Time in the above-captioned docket.

On August 1, 1997, Duquesne Light Company ("Duquesne Light") filed its restructuring plan with the Commission pursuant to the Electricity Generation Competition and Customer Choice Act (the "Act") (66 Pa. C.S. 2801 et seq.). Among other things, Duquesne Light's filing includes a proposed redesign of rates and proposed customer benefits, including a provision giving customers who increase their electricity usage an average 25% discount on the price of additional power.

CNG submits that it has a direct and substantial interest in the instant proceeding that qualifies it for party status. That is, CNG has received Commission licensure as an "electric generation supplier." In that capacity, CNG intends to offer retail services to customers on the

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**DOCUMENT
FOLDER**

Duquesne Light system. As such, CNG has a unique and material interest in the outcome of this proceeding which no other party can be expected to safeguard. For these reasons, CNG hereby respectfully requests the Commission grant CNG's motion to intervene in the instant docket.

Due to administrative oversight, CNG is filing this motion to intervene out of time. CNG will accept the record as it currently stands and submits that no other party will be prejudiced by its intervention at this early stage of the proceeding.

Wherefore, CNG respectfully requests that the Commission grant CNG's motion to intervene out of time.

Respectfully submitted,



Gary A. Jeffries
Senior Attorney
CNG Energy Services Corporation
One Park Ridge Center
PO Box 15746
Pittsburgh, PA 15244-0746
(412) 787-4000

DATED: September 4, 1997

Certificate of Service

I hereby certify that I have served the Motion to Intervene Out of Time of CNG Energy Services Corporation, dated September 4, 1997, by First Class Mail, upon the persons addressed below:

Larry R. Crayne
Assistant General Counsel
Duquesne Light Company
411 Seventh Avenue, PO Box 1930
Pittsburgh, PA 15230-1930

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Pittsburgh, PA 15217

Jim Ferlo, Councilman
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Thomas, Thomas, Armstrong & Niesen
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Timothy Moran
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Mary McFall Hopper
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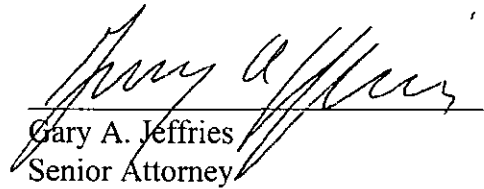
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CNG Energy Services Corporation
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(412) 787-4268

Dated: September 4, 1997

APPEARANCE SHEET

ALJ HEARING REPORT

Docket No. R-009741024

Case Name PA Public Utility Commission
v.
Duquesne Light Company

Location Pittsburgh

Date September 4, 1997

ALJ Corbett

Reporting Firm HOLBERT

CHECK THOSE BLOCKS WHICH APPLY:

Prehearing held YES NO

Hearing held YES NO

Testimony taken YES NO

Transcript due YES NO

Hearing concluded YES NO

Further hearing needed YES NO

Estimated add'l days _____

RECORD CLOSED ^{KJR} YES NO

DOCUMENT DATE unknown

Briefs to be Filed YES NO

FOLDER DATE _____

BENCH DECISION YES NO

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SEP 15 1997

PA PUBLIC UTILITY COMMISSION
 PROTHONOTARY'S OFFICE

REMARKS:

DOCKETED
 SEP 17 1997

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
 PLEASE PRINT CLEARLY
 INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

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Derrick P. Williamson McKees, Wallace + Nitch Telephone No. 717-237-5446	P.O. Box 1166 100 Pine St. City HBG State PA Zip 17108	Duquesne Industrial Intervenor
Steven Baicker-Inckee Wanda Schiller Babst Calland Clements & Zomir Telephone No. 394-5400	Two Gateway Center 8th Floor City P6H State PA Zip 15222	Allegheny Teledyne Incorporated and its subsidiaries

CHECK THIS BOX IF ADDITIONAL PARTIES
 OR COUNSEL OF RECORD APPEAR ON BACK.

S/ JANET JACKSON
 REPORTER

PA PUC
 97 SEP -5 11:20:05

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Mark Sundback FAX (202) 662-2747 Telephone No. (202) 662-2755	ANDREWS & KURTH, L.L.P. 1701 PA. AVE NW. City Washington DC Zip 20006	Administrative Resources Inc
Michael L. Kurtz ^{David F. Boehm} NO 513-421-2255 513-421-2764 (FAX) Telephone No.	2110 CBD Center 36 East Seventh St. City Cincinnati OH Zip 45202	Armco, Inc.
Margaret Petro NO 412-497-6892 Telephone No. 412-497-6838 (FAX)	625 Liberty Ave. City Pgh PA Zip 15222	Peoples Natural Gas
Deneice Covert Zev... No 717-787-4530 717-787-1190 Telephone No.	14th Floor Strawberry Sq. City Harrisburg PA Zip 17120	Office of Attorney General
MARK J. McGUIRE YES JENNER & BLOCK 601 13TH ST., N.W., STE. 1200 FAX Telephone No. 202-639-6000; 202-639-6066	202-639-6066 - FAX City WASH DC Zip 20005	mc2, Inc. MidCon Gas Services Corp
FRANCO N. CARROLL NO JENNER & BLOCK 601 13TH ST., N.W., STE. 1200 Telephone No. 202-639-6000	202-639-6066 - FAX City WASH DC Zip 20005	mc2, Inc. MidCon Gas Services Corp.
HOWARD M. LOWK Allegheny Co. LAW DEPT Telephone No. 412-350-1182	300 Fort Pitt Commons 445 Fort Pitt Blvd City Pgh PA Zip 15219	Allegheny County
Telephone No.	City State Zip	

NAME and TELEPHONE NUMBER <i>FAX 215-963-5299</i>	ADDRESS	APPEARING FOR
THOMAS P. GADSDEN MORGAN, LEWIS + BOCKUS Telephone No. 215-963-5234	2000 ONE LOGAN SQ City PHILA State PA Zip 19103	PENN POWER
Robert J. STEFANKO Telephone No. 622-3780	341 South Bellefield Ave City Pgh State PA Zip 15213	The School DISTRICT OF Pgh
Tim Merrill Telephone No. 412 490 0925	4 Penn Center West - 3rd City Pgh State PA Zip 15206	The Southern Group - NO -
Larry R. Crayne yes Telephone No. (412) 393-6049 FAX 6645	411 Seventh Ave City Pittsburgh State PA Zip 15219	Duquesne Light
John S. Moot yes KURT L. STARS Fax 202 393 5760 Telephone No. 202 371 7310	1440 New York Ave, N.W. City Washington State DC Zip 20005	Duquesne Light Company
RICHARD S. HERSKOVITZ Telephone No. (412) 393-6129 FAX 393-6645	411 SEVENTH AVE, 16-006 City Pgh State PA Zip 15219	DUQUESNE LIGHT Co.
Rodney R. Akers (yes) Facsimile: 412/255-2285 Telephone No. 412-255-2015	313 City County Building 414 Grant Street City Pittsburgh State PA Zip 15219	City of Pittsburgh
Cindy Dataly Telephone No. 412 431-2800	PO Bx 42329 City Pgh State Pa Zip 15203	#1 Energy Fund
DAVID HUGHES Telephone No. (412) 421-6072	4837 Ludwick St. City Pgh State PA Zip 15217	SELF
JOHN STEMBER, ESQ Telephone No. (412) 338-1445	1705 Pittsburgh Bldg 429 Forbes Ave City Pgh State PA Zip 15219	LIAP

NAME and TELEPHONE NUMBER	ADDRESS			APPEARING FOR
Kurt Bilas Telephone No. 202 371-7099	1440 N.Y. Ave NW City Wash State DC Zip 20005			Duquesne Light
DONALD R. AYERSMAN JR Telephone No. (304) 296-3958	1185 DENVER AVE City MORGANTOWN State WV Zip 26505			IBEW LOCAL 2357
Telephone No.	City State Zip			
Telephone No.	City State Zip			
Telephone No.	City State Zip			
Telephone No.	City State Zip			
Telephone No.	City State Zip			
Telephone No.	City State Zip			
Telephone No.	City State Zip			
Telephone No.	City State Zip			

ALJ APPEARANCE SHEET

ALJ Hearing Report

4104

Docket No. R-00974404

Case Name PA P.U.C. v. Duquesne Light Co.

Application for approval of a Restructuring Plan

Location Harrisburg

Date September 4, 1997

ALJ Corbett

Reporting Firm Holbert Associates

CHECK THOSE BLOCKS WHICH APPLY:

Prehearing Held YES NO

Hearing Held YES NO

Testimony Taken YES NO

Transcript Due YES NO

Hearing Concluded *KJR* YES NO

Further Hearing Needed YES NO

Estimated Add'l Days _____

RECORD CLOSED YES NO

Briefs to be Filed YES NO

BENCH DECISION YES NO

REMARKS: _____

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Names, Addresses and Telephone Numbers of Parties or Counsel of Record
PLEASE PRINT CLEARLY

Incomplete Information may Result in Delay of Processing

Name and Telephone Number	Address	Appearing for
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Robt. F. Farnica, Esq. SP. ASST. ATTY. GEN. Telephone No. 717-782-7976	P.O. Box 3265 City Allentown State PA Zip 17105-3265	PA PUC (OTSS) Re: West Penn.

Check this box if additional parties or counsel of record appear on back of form.

REPORTER

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Scott J. Rubin Telephone No. 717-743-2233	3 Lost Creek Dr. City Selinsgrove State PA Zip 17870	System Council U-10, IBEW
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ALAN J. BARAK Telephone No. 717-540-5106	1417 Bluemtn PKWY City Harrisburg State PA Zip 17112	Environmentalists
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Telephone No.	City	State	Zip	

DATE: September 9, 1997

SUBJECT: R-00974104

TO: Office of Administrative Law Judge

FROM: *WJP* James J. McNulty, Acting Secretary

DUQUESNE LIGHT COMPANY
RESTRUCTURING PLAN

Attached is copy of a Motion to Intervene of Peoples Natural Gas Company; Motion to Intervene Out of Time of CNG Energy Services Corporation; and Notice of Intervention with Public Statement of the Office of Small Business Advocate filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

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SEP 11 1997
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DATE: September 9, 1997

SUBJECT: R-00974104

TO: Office of Administrative Law Judge

FROM: *WJB* James J. McNulty, Acting Secretary

KJR

DUQUESNE LIGHT COMPANY
RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of Allegheny Teledyne Incorporated; Mid-Atlantic Power Supply Association; Hospital Shared Services on Behalf of Its Members; Administrative Resources, Inc. on Behalf of Its Members and Motions Pro Hac Vice of Mark F. Sundback, Kenneth L. Wiseman, and Peter J. Thompson filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

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SEP 11 1997