

DATE: September 10, 1997

SUBJECT: R-00974104

TO: Office of Administrative Law Judge

KJH

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

DUQUESNE LIGHT COMPANY RESTRUCTURING PLAN

Attached is copy of a Formal Complaint, Protest, and Petition to Intervene of The Environmentalists; and Low Income Advocate Parties, DEEMED Petition to Intervene filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

DOCKETED
SEP 17 1997

**DOCUMENT
FOLDER**

ORIGINAL

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A LAW PARTNERSHIP
1200 17TH STREET, N.W.
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September 15, 1997

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202/429-8809

TELECOPIER
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Via Facsimile and Mail

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

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SEP 15 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

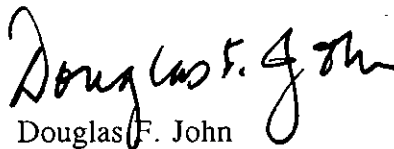
RE: Active Party Status in Docket R-00974104

Dear Judge Corbett:

In response to the prehearing order dated September 10, 1997, NorAm Energy Management, Inc., Duke Energy Trading and Marketing, L.L.C., and Electric Clearinghouse, Inc. request active party status in the above-referenced docket. I have also mailed the original and 3 copies of this request to the Office of Prothonotary via overnight courier.

Thank you for your attention to this matter.

Sincerely,


Douglas F. John

Counsel For
Duke Energy Trading and Marketing, L.L.C.,
NorAm Energy Management, Inc.
Electric Clearinghouse, Inc.

FROM: Douglas F. John (202)429-8800
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SHIPPER'S FEDEX ACCOUNT NUMBER



TO: Office of the Prothontary (717)787-1013
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Commwealth & North Street
North Office Building, RM B-20
Harrisburg, PA 17105-3625

SHIP DATE: 15SEP97
MAN-WGT: 1 LBS

REF: 204/377/305



DELIVERY ADDRESS BARCODE (FEDEX-EDR)

CAD # 1614934

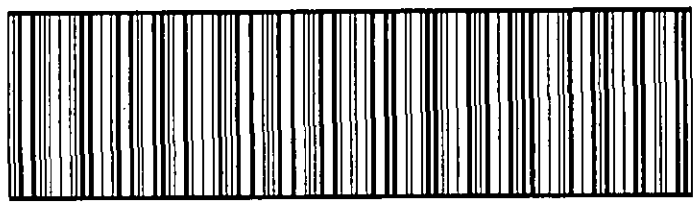
PRIORITY OVERNIGHT

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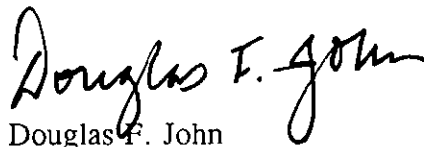
RE: Motion for Admission Pro Hac Vice in Docket R-00974104

Dear Sirs:

I've included for filing an original, 5 copies and 2 diskette copies of the Motion for Admission *pro hac vice* 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

Counsel For
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NorAm Energy Management, Inc.
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ORIGINAL

BEFORE THE
STATE OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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

Docket No. R-00974104

RECEIVED

MOTION FOR ADMISSION
PRO HAC VICE

SEP 15 1997

PA PUBLIC UTILITY COMMISSION
REGISTRATION OFFICE

DOUGLAS F. JOHN, Movant, as Counsel for Duke Energy Trading and Marketing, L.L.C., Electric Clearinghouse and NorAm Energy Management, Inc., respectfully moves the Public Utility Commission for Admission to practice *pro hac vice* pursuant to the Pennsylvania Rules of Administrative Practice And Procedure, §1.22.

Movant submits his Affidavit which verifies the following:

- (1) Movant is a member in good standing of the Bar of the District of Columbia;
- (2) The District of Columbia grants like privileges to members of the Bar of the State of Pennsylvania to practice before the District of Columbia courts and tribunals *pro hac vice*. *Pro hac vice* is governed by Rule 49 of the District of Columbia Court of Appeals.

Therefore, Movant prays for tribunal permission to so practice in the above-mentioned proceeding.

Respectfully submitted,

Douglas F. John

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SEP 18 1997

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September 15, 1997

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

VIA FACSIMILE AND
FIRST CLASS MAIL

RECEIVED
SEP 15 PM 3:50
PAPPLIC: OFFICE
PENNSYLVANIA PUBLIC
UTILITY COMMISSION

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

Dear Judge Corbett:

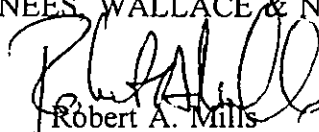
Pursuant to your prehearing order dated September 10, 1997, the Pennsylvania Retailers' Association ("PRA") hereby requests active party status in the above-referenced proceeding.

As evidenced by the attached certificate of service, all known parties to this proceeding are being served with a copy of this letter.

Very truly yours,

McNEES, WALLACE & NURICK

By


Robert A. Mills

Counsel to the Pennsylvania Retailers' Association

RAM/clc

c: James J. McNulty, Acting Secretary (via hand delivery)
Certificate of Service

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 FAX AND FIRST CLASS MAIL:

Larry R. Crayne, Assistant General Counsel
Richard S. Herskovitz, Esq.
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DOCKETED
SEP 18 1997

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R-00974104

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R-00974104

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CERTIFICATE OF SERVICE
R-00974104
PAGE 4

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Director, Regulatory Affairs
Skipping Stone
46 9th Avenue
Sea Cliff, NY 11579

Robert A. Mills / ecc
Robert A. Mills, Esquire

Dated this 15th day of September, 1997, in Harrisburg, Pennsylvania.

RECEIVED
97 SEP 15 PM 3:50
PA.P.U.C.
PROTHONOTARY'S OFFICE



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

IN REPLY PLEASE
REFER TO OUR FILE

September 19, 1997

In Re: **R-00974104,**
R-00974104C0001-C0002

(See letter dated 08/12/97)

Duquesne Light Company

Application for approval of a Restructuring Plan

KJR

NOTICE

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

Type: **Second Prehearing Conference**

Date: **Tuesday, October 21, 1997**

Time: **2:00 p.m.**

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

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

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0081800

All parties have the option of participating by telephone in Harrisburg in Hearing Room 2, 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.

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
Rosemary Chiavetta - 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

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September 19, 1997

VIA HAND DELIVERY

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

ORIGINAL

RECEIVED
97 SEP 19 PM 3:12
P.A.P.U.C.
PROTHONOTARY'S OFFICE

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

Dear Mr. McNulty:

Enclosed for filing with the Commission in the above captioned proceeding are an original and three (3) copies of the Petition to Intervene of Metropolitan Edison Company and Pennsylvania Electric Company, individually and collectively trading as GPU Energy.

Copies of this Petition are being served upon the parties of record in this proceeding and the presiding Administrative Law Judge as shown on the attached Certificate of Service.

Please do not hesitate to contact me if you have any questions regarding this filing.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER LLP

David M. DeSalle

Terrance J. Fitzpatrick
David M. DeSalle

TJF/cc
Enclosure

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

DOCUMENT
FOLDER

44

ORIGINAL

**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 :
:

PETITION TO INTERVENE OF GPU ENERGY

Metropolitan Edison Company ("Met-Ed") and Pennsylvania Electric Company ("Penelec"), individually and collectively trading as GPU Energy, file this Petition to Intervene in the above-referenced matter involving the Application of Duquesne Light Company ("Duquesne Light") for approval of its restructuring plan under § 2806 of the Public Utility Code. In support of this Petition, filed pursuant to this Commission's regulations at 52 Pa. Code § 5.71, GPU states as follows:

1. GPU Energy is the trade name for Met-Ed and Penelec, two jurisdictional public utilities providing generation, transmission, distribution and related services to retail customers in portions of the Commonwealth of Pennsylvania.

2. GPU Energy's principal place of business is located at:

2800 Pottsville Pike
Reading, PA 19640-0001

3. GPU Energy will be represented in this proceeding by Ryan, Russell, Ogden & Seltzer, and specifically by the individuals listed below:

Terrance J. Fitzpatrick, Esquire
David M. DeSalle, Esquire
RYAN, RUSSELL, OGDEN & SELTZER LLP
800 North Third Street, Suite 101
Harrisburg, Pennsylvania 17102-2025
Phone: (717) 236-7714

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PA. JUD.

The aforesaid counsel request that they be placed on the official service list for all documents filed by any of the parties in this proceeding.

4. On December 3, 1996, Governor Tom Ridge signed into law the Electricity Generation Customer Choice and Competition Act ("Act"), 66 Pa. C.S. §§ 2801-2812, that provides for the restructuring of the electric industry in Pennsylvania.

5. Section 2806(d) of the Act requires all electric utilities in the Commonwealth to submit restructuring plans to the Commission, on the schedule established by the Commission, beginning on April 1, 1997 and ending no later than September 30, 1997.

6. Duquesne Light filed the instant Application for approval of its restructuring plan in accordance with §2806 of the Act.

7. GPU Energy consists of two of the seven major electric utilities in the Commonwealth which are subject to the provisions of the Act, including the requirement to file a Restructuring Plan pursuant thereto.

8. GPU Energy filed its restructuring plans with the Commission on June 1, 1997.

9. The Commission's resolution of certain issues in this proceeding could have an impact upon how the Commission ultimately resolves similar issues in GPU Energy's proceedings.

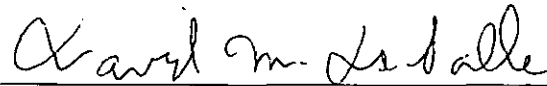
10. GPU Energy's participation in this proceeding as an active party is necessary to protect its substantial and unique interests with regard to certain issues under the Act that will or may be raised in the proceeding.

11. GPU Energy's intervention will not unduly burden the record in this proceeding. GPU Energy's participation in this proceeding will be limited to establishing its position on certain issues that will also be present in GPU Energy's restructuring proceeding.

12. GPU Energy has been granted Leave to Intervene in the restructuring proceedings of PECO Energy Company (Docket No. R-00973953), and Pennsylvania Power & Light Company (Docket No. R-00973954).

WHEREFORE, for all the foregoing reasons, Metropolitan Edison Company and Pennsylvania Electric Company, doing business as GPU Energy, respectfully request that this Commission grant this Petition and approve their intervention as an active party of record in this proceeding.

Respectfully submitted,



Terrance J. Fitzpatrick

David M. DeSalle

RYAN, RUSSELL, OGDEN & SELTZER LLP

800 North Third Street, Suite 101

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September 19, 1997

Attorneys for
Metropolitan Edison Company
Pennsylvania Electric Company, doing
business as GPU Energy

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served true and correct copies of this Petition to Intervene of Metropolitan Edison Company and Pennsylvania Electric Company, in accordance with the requirements of 52 Pa.Code §1.54 et seq. (relating to service by a participant).

Honorable John H. Corbett
Administrative Law Judge
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

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Dated: September 19, 1997



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ANDREWS & KURTH
A REGISTERED LIMITED LIABILITY PARTNERSHIP
ATTORNEYS

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WASHINGTON, D.C. 20006-5805

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September 19, 1997

Via Federal Express

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

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SEP 19 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 Motion for Admission *Pro Hac Vice* of Robert M. Lamkin

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 19, 1997.

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

Very truly yours,

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

Enclosures

cc: Presiding Administrative Law Judge John H. Corbett, Jr. (by first class mail)
Active Parties (by first class mail)

DOCUMENT
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ORIGINAL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

Docket No. R-00974104

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SEP 19 1997

**MOTION FOR ADMISSION PRO HAC VICE OF
ROBERT M. LAMKIN**

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

The undersigned counsel hereby moves the Pennsylvania Public Utility Commission ("Commission") to allow the admission pro hac vice of attorney Robert M. Lamkin 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. Robert M. Lamkin, 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 State of Maryland and is admitted to practice before the Court of Appeals of Maryland, the highest court in Maryland. There are, to Mr. Lamkin'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..

5. Mr. Lamkin 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. Lamkin represent them in this proceeding.

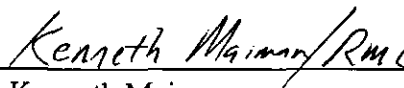
6. Section 1.22(b) of the Commission's Rules of Practice and Procedure states that "[a]n attorney licensed in a jurisdiction which does not accord like privileges to members of the bar of this Commonwealth may appear before the Commission with the permission of the presiding officer or the Commission"

7. Section .07.01.04 of the Rules of Practice and Procedure of the Maryland Public Service Commission ("Md PSC"), Md. Regs. Code tit. 20, § 07.01.04 (1997), permits the appearance of a non-resident attorney before the Md PSC upon the motion of a Maryland attorney.

8. The undersigned counsel submits that because the Md PSC permits attorneys admitted to the highest court of Pennsylvania to appear before it, that Mr. Lamkin, a member of the highest court in Maryland, 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 Robert M. Lamkin 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 19, 1997

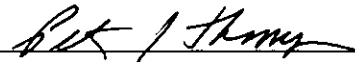
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light)	
Company for Approval of)	Docket No. R-00974104
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 19th day of September, 1997.



Peter J. Thompson
Andrews & Kurth L.L.P.
1701 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
(202) 662-2780

Attorney for Hospital Shared Services and
Administrative Resources, Inc.

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SEP 24 1997

September 19, 1997

STEPHANIE A. SUGRUE
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Via Federal Express
The Hon. John H. Corbett, Jr.
Administrative Law Judge
Pennsylvania Public Utilities Commission
1103 Pittsburgh State Office Building
300 Liberty Avenue
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**DOCUMENT
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PROFESSORIAL OFFICE
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Re: Duquesne Light Company - Docket No. R-00974104

KJR

Dear Judge Corbett:

On September 10, 1997, you issued a Prehearing Order in Docket No. R-00974104 in which QST Energy Inc. was designated as an inactive party. QST did, in fact, appear at the prehearing conference via the telephonic communication with the Harrisburg PAPUC office and wishes to assume active party status. Accordingly, QST is requesting reinstatement to active status in this proceeding. To the extent Party Groupings have been established, per the Prehearing Conference Outline, QST requests to be included in the Alternate Supplier Group.

QST requests that the following persons be included in the active service list compiled in this proceeding:

Vickiren S. Aeschleman
Director - Regulatory Policy
QST Energy Inc.
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Telephone: (309) 655-1356

Mary Ann Ralls, Esquire
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The Hon. John H. Corbett, Jr.
September 19, 1997
Page 2

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.

MAR:mvm
cc: All Parties of Record

WSH6859.1

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 letter are true and correct to the best of her knowledge, information and belief.

Stephanie A. Sugrue

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

SWORN TO and subscribed

before me this 19th day

of September, 1997

Jean Chiudioni

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

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Duquesne Light Company-- Docket No. R-00974104

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Duquesne Light Company-- Docket No. R-00974104

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Duquesne Light Company-- Docket No. R-00974104

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Duquesne Light Company-- Docket No. R-00974104

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Mr. Charles Hoffman
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COMMONWEALTH OF PENNSYLVANIA

DATE: September 22, 1997

KJR

SUBJECT: R-00974104

TO: Office of Administrative Law Judge

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

DUQUESNE LIGHT COMPANY RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of Metropolitan Edison Company and Pennsylvania Electric Company filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

DOCKETED

SEP 23 1997

DOCUMENT
FOLDER

HANGLEY ARONCHICK SEGAL & PUDLIN

ATTORNEYS AT LAW • A PROFESSIONAL CORPORATION

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September 22, 1997

KJR

James J. McNulty, Acting Prothonotary
Pennsylvania Public Utility Commission
Room B-20, North Office Building
P.O. Box 3265
Harrisburg, PA 17105-3265

ORIGINAL

Re: New Energy Venture's Petition to Intervene
Docket No. R-00974104

Dear Mr. McNulty:

Kindly accept for filing the original plus three copies of New Energy Venture's
Petition to Intervene.

A copy of this document has been served on all known parties in this proceeding.
A Certificate of Service to that effect is enclosed.

Sincerely,

John P. Lavelle, Jr.
John P. Lavelle, Jr.

JPL:kbs

encl.

cc: Certificate of Service (w/encl. via Regular U.S. Mail)

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITIES COMMISSION

003861

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

NEW ENERGY VENTURE'S
PETITION TO INTERVENE

ORIGINAL

NEV East, LLC ("NEV"), by its counsel, Hangley Aronchick Segal & Pudlin, hereby petitions to intervene in the above-captioned proceeding in which Duquesne Light Company ("Duquesne") seeks to obtain approval of its Restructuring Plan (the "Plan"), and, in support of its petition, NEV states as follows:

Identification of Intervenor

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

NEV East, LLC
Attn: David M. Boonin
200 S. Broad Street
Suite 800
Philadelphia, PA 19102
(215) 545-5058
(215) 545-5811 (fax)

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SEP 29 1997

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2. The names and the addresses of counsel for NEV are

Joseph A. Dworetzky
John P. Lavelle, Jr.
Luke E. Dembosky
HANGLEY ARONCHICK SEGAL & PUDLIN
One Logan Square
12th Floor
Philadelphia, PA 19103
(215) 496-7014
(215) 568-0300 (fax)

3. NEV is an Arizona limited liability company headquartered at 1000 Wilshire Boulevard, Suite 500, Los Angeles, CA 90017 and appears in this proceeding through its Mid-Atlantic regional offices. NEV does business in Pennsylvania under the name New Energy Ventures - Mid Atlantic.

4. NEV is a national leader in the organization and management of energy purchasing groups.

Background

5. On December 3, 1996, Governor Ridge signed the Electricity Generation Customer Choice and Competition Act, 66 Pa. C.S. §2801 et seq., 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.

6. Retail competition, once implemented in Pennsylvania, has the potential to provide far-reaching benefits to both residential and business consumers throughout the Commonwealth through reduced prices and improved services.

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 April 1, 1997.

8. Duquesne filed its Plan at the above-captioned docket.

9. Duquesne requests the Commission, inter alia, to authorize: (a) the recovery of Transition and Stranded Costs; (b) the establishment of unbundled rates for generation, transmission and distribution services, Competitive Transition Charges ("CTCs"), a universal service and energy conservation cost recovery mechanism, and certain specific tariff provisions attached as exhibits to the testimony presented by Allegheny's witnesses; (c) the imposition of procedures which purport to ensure direct access; (d) the implementation of the Consumer Education Program described therein; and (e) the implementation of a plan to meet its universal service and energy conservation obligations.

10. Commission review of the Plan is an important step in the development of retail choice for consumers in Duquesne's service territory. The Commission's decision 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.

NEV's Interests In This Proceeding

11. NEV seeks intervention in this proceeding to be heard on certain issues in Duquesne's restructuring plan.

12. NEV has a unique perspective on this issues in this case. NEV is a national leader in the formation of retail energy power purchasers groups. NEV negotiates with energy suppliers nationwide to get the lowest electricity prices through the collective buying strength of its members. The members, in turn, maximize savings and receive the individual energy supply options which they need. NEV also acts as an advocate on its members' behalf in the development of electric restructuring policies at regulatory agencies and state legislatures. Membership in NEV is completely open and members pay nothing to join NEV. Members only pay NEV when they realize energy savings; other marketers, brokers and suppliers of electricity tack a mark-up on all customer purchases.

13. NEV expects to organize and act as manager for an energy buyers group that includes members located in Duquesne's service territory. NEV expects to buy electric power on behalf of its members in Duquesne's service territory and is keenly interested in the specific terms and procedures for the purchase, sale and delivery of electric power in Southeastern Pennsylvania.

14. NEV is particularly capable of providing insight into the issues before the Commission.

15. NEV has experience in retail electric power restructuring in the states of California, Massachusetts and New York and has participated -- or is participating -- in proceedings similar to this one in each of those states. NEV is recognized as a qualified energy marketer by FERC and in California and Rhode Island. NEV is an active party in the pending restructuring proceedings of PECO and PP&L.

16. The head of NEV's Mid-Atlantic office is David Boonin. Mr. Boonin has extensive energy industry experience. He most recently had his own energy and utilities industry consulting practice, and also served as a senior advisor to Hagler Bailly Consulting, a national energy consultant. Before that, he was executive director of the Philadelphia Gas Commission, the regulatory body that oversees the Philadelphia Gas Works, the largest municipal natural gas utility in the U.S. Earlier, he was director of utility and regulatory affairs for the City of Philadelphia, and a member of the Philadelphia Gas Commission. Boonin's experience also includes service as a corporate economist and Supervisor of Energy and Economic Forecasts for United Illuminating Co., a New Haven, CT electric utility. Prior to 1983 Boonin also served as Chief Economist for the Pennsylvania Public Utilities Commission.

17. As an entity that will be closely involved in the process of purchasing power competitively on behalf of its members, NEV is extremely concerned about

various portions of Duquesne's proposed Plan that will restrict consumer choice, limit consumer information and negatively impact the energy savings that would otherwise be available to consumers in a competitive marketplace.

18. While NEV's review of Duquesne's plan and related filings is not complete and NEV reserves the right to challenge any aspects thereof, at this stage in its review (and subject to other intervention petitions), NEV expects to present testimony with respect to two general areas:

(a) NEV expects to set forth appropriate methodology for unbundling generating costs based on "prevailing market prices" and full recovery of "all reasonable costs". In that regard, NEV expects to explore the appropriate relationship among the unbundled generation price, the price cap and the determination of Competitive Transition Charges. NEV expects to present Mr. Boonin as an expert witness with respect to these matters.

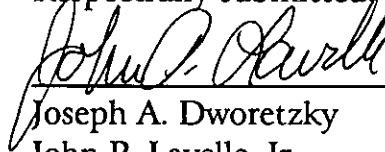
(b) NEV expects to support the opportunity for alternative energy suppliers to provide full billing and metering services to their customers; to advocate for the necessity for unbundling metering and billing charges; and to identify the potential of billing aggregation for single entity users with multiple sites. NEV expects to present Nancy I. Day, Vice President - Customer Service of NEV, as an expert witness with respect to these matters.

19. NEV has an interest which will be directly affected and which is not adequately represented by existing participants, and as to which NEV may be bound by the Commission's action. NEV has applied for an electric supplier license and intends to purchase for its members competitive retail electric services in Duquesne's service territory. The basis on which such purchases will be made will be directly affected by the Commission's decision in this proceeding, and, thus, NEV has standing to participate as an active party in this proceeding. NEV has a direct and substantial interest in the subject matter of the proceeding.

20. Participation by NEV is in the public interest.

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

Respectfully submitted,



Joseph A. Dworetzky

John P. Lavelle, Jr.

HANGLEY ARONCHICK SEGAL & PUDLIN

One Logan Square

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Attorneys for NEV East, LLC

Dated: September 22, 1997

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 1997, I caused a true and correct copy of New Energy Venture's Petition to Intervene, to be served in the manner indicated, upon the parties listed on the attached sheets:

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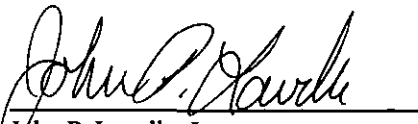
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Uniondale, NY 11553
(516) 390-7600

Daniel Clearfield, Esquire
Gerald Gornish, Esquire
Alan Kohler, Esquire
Robert J. Longwell, Esquire
Wolf, Block, Schorr & Solis-Cohen, LLP
Suite 401, 305 North Front Street
Harrisburg, PA 17101-1236
(717) 237-7181
(717) 237-7161 FAX
(Enron Power Marketing, Inc.)

James D. Steffes
Enron Power Marketing, Inc.
1400 Smith Street
P.O. Box 4428
Houston, TX 77002
(713) 853-7500
(713) 646-8169 FAX

Albert M. Benincasa, Esquire
Director, Regulatory Affairs
Skipping Stone, 46 9th Avenue
Sea Cliff, NY 11579
(516) 674-4186

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


John P. Lavelle, Jr.

Dated: September 22, 1997

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

September 23, 1997

TELEPHONE
202/429-8809

TELECOPIER
202/429-8805

DOCUMENT
FOLDER

Via Overnight Mail

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

RECEIVED

SEP 23 1997

RE: Motion for Admission Pro Hac Vice in Docket R-00974104

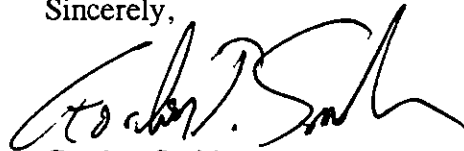
PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Dear Sirs:

I've included for filing an original, 5 copies and 2 diskette copies of the Motion for Admission *pro hac vice* 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.,
NorAm Energy Management, Inc.
Electric Clearinghouse, Inc.

ORIGINAL

BEFORE THE
STATE OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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

Docket No. R-00974104

RECEIVED

MOTION FOR ADMISSION
PRO HAC VICE

SEP 2 1997

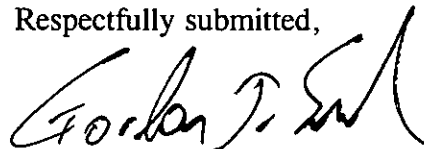
GORDON J. SMITH, Movant, as Counsel for Duke Energy Trading and Marketing, L.L.C., Electric Clearinghouse, Inc. and NorAm Energy Management, Inc., respectfully moves the Public Utility Commission for Admission to practice *pro hac vice* pursuant to the Pennsylvania Rules of Administrative Practice And Procedure, §1.22.

Movant submits his Affidavit which verifies the following:

- (1) Movant is a member in good standing of the Bars of the District of Columbia and the State of Maryland;
- (2) The District of Columbia grants like privileges to members of the Bar of the State of Pennsylvania to practice before the District of Columbia courts and tribunals *pro hac vice*. *Pro hac vice* is governed by Rule 49 of the District of Columbia Court of Appeals.

Therefore, Movant prays for tribunal permission to so practice in the above-mentioned proceeding.

Respectfully submitted,



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

DOCUMENT
FOLDER

DOCKETED

SEP 2 1997

Counsel for
Duke Energy Trading and Marketing, L.L.C.,
NorAm Energy Management, Inc.
Electric Clearinghouse, Inc.

BEFORE THE
STATE OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

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

AFFIDAVIT OF GORDON J. SMITH

RECEIVED

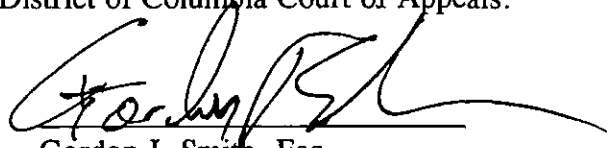
DISTRICT OF)
) ss:
COLUMBIA)

SEP 23 1997

GORDON J. SMITH, ESQUIRE, after being first duly sworn, makes the following statements in support of and to be attached to the Motion for Admission *pro hac vice* in the above-captioned action.

PA PUBLIC UTILITY COMMISSION
NOTARY PUBLIC'S OFFICE

1. I am a member in good standing of the District of Columbia Bar Association and the State of Maryland Bar Association.
2. I am a partner with the law firm John & Hengerer (J&H), 1200 17th Street, N.W., Suite 600, Washington, D.C. 20036. I was retained with the understanding that J&H would be responsible for representing Duke Energy Trading & Marketing, L.L.C., Electric Clearinghouse, Inc. and NorAm Energy Management, Inc. in the above-captioned proceeding.
3. The District of Columbia grants "like privileges" to members of the Bar of other states (and thus to members of the Bar of the State of Pennsylvania) to practice before District of Columbia tribunals on a *pro hac vice* basis. *Pro hac vice* is governed by Rule 49 of the Rules of the District of Columbia Court of Appeals.


Gordon J. Smith, Esq.

SUBSCRIBED AND SWORN TO before me this 23rd day of September, 1997.


Notary Public

My Commission Expires:

My Commission Expires:
April 14, 1999
Kathleen Quinn, Notary Public
District of Columbia

ORIGINAL

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

DOCUMENT
FOLDER

CERTIFICATE OF SERVICE

KJR

I hereby certify that I have, this the 19th day of September, 1997, served the foregoing documents, the Environmentalists' Data Requests to the Company, Set I (Q 1 - 67) in the above-referenced dockets upon the persons listed below, in the manner specified and on the dates indicated.

003461

DOCKETED
SEP 23 1997

Service by U. S. First Class Mail

Served on 9/17/97

John S. Moot, Esq.
1440 New York Avenue, Nw
Washington DC 20005

Leonard W. Belter, Esq.
Atty. for APS/West Penn
Winston & Strawn
1400 L Street NW
Washington, DC 20005-3502

RECEIVED
PROSECUTOR'S OFFICE

97 SEP 23 AM 9:23

Served on 9/19/97

Larry R. Crayne, Esquire
Duquesne Light Company
411 Seventh Avenue
P.O. Box 1930
Pittsburgh Pa 15230-1930

Karen Oill Moury, Esquire
Office of Small Business Adv
Suite 1102, Commerce Bldg
300 North Second Street
Harrisburg Pa 17120

Kandace Melillo, Esquire
Wayne Scott, Esquire
Office of Trial Staff
Pa Public Utility Commission
P.O. Box 3265
Harrisburg Pa 17105

Rodney R. Akers
Assistant City Solicitor
313 City-county Bldg.
414 Grant Street
Pittsburgh PA 15219

David Hughes, Esquire
4037 Ludwick Street
Pittsburgh Pa 15217

Jim Ferlo, Councilman
510 City Council Building
Pittsburgh Pa 15219

Scott J. Rubin, Esquire
3 Lost Creek
Selinsgrove PA 17870

Timothy Moran
986 Greentree Road
Pittsburgh PA 15222

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

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

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

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

Stephen L. Feld, Esquire
Pennsylvania Power Company
1 East Washington Street
P.O. Box 891
New Castle PA 16103-0891

Thomas P. Gadsden, Esquire
Morgan, Lewis & Bockius
2000 One Logan Square
Philadelphia PA 19103-6993

Brian A. Rider, President
Pennsylvania Retailers' Association
224 Pine Street
Harrisburg PA 17101-1325

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

James D. Steffes
Enron Power Marketing Inc.
1400 Smith Street
P.O. Box 4428
Houston Tx 77002

Daniel Clearfield, Esquire
Robert Longwell, Esquire
Wolf, Block, Schorr and Solis-Cohen
Suite 401
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Vickiren S. Aeshleman
QST Energy Inc.
Suite 300
300 Hamilton Blvd.
Peoria Il 61602

James D. Steffes
Enron Power Marketing Inc.
1400 Smith Street
P.O. Box 4428
Houston, TX 77002

Deneice Covert Zeve, Esq.
Terry Lupia, Esq.
Office of Attorney General
14th Floor, Strawberry Square
Harrisburg, PA 17120

Steven Baicker-McKee, Esq.
Wanda Schiller, Esq.
Babst, Calland, Clements & Zomnir PC
8th Floor, Two Gateway Center
Pittsburgh, PA 16222

Kenneth L. Wiseman, Esq.
Andrews & Kurth, Llp
1701 Pennsylvania Avenue
Washington DC 20006

Mark F. Sundback, Esq.
Andrews & Kurth, Llp
1701 Pennsylvania Avenue, Nw
Washington DC 20006

Michael L. Kurtz, Esq.
David F. Boehm, Esq.
Boehm, Kurtz & Lowry
2110 Cbld Center
36 East Seventh Street
Cincinnati OH 45202

Terrance J. FitzPatrick, Esq.
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800 North Third Street
Harrisburg PA 17102-2025

Robert B. Weisenmiller
MRW & Associates, Inc.
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1999 Harrison Street
Oakland CA 94612-3517

Michael Reid, Director
Materials Management Services
Administrative Resources, Inc.
500 Commonwealth Drive
Warrendale PA 15086-7513

Thomas J. Augspurger, Esq.
MiDCon Corporation
Office of General Counsel
701 East 22nd Street
Lombard IL 60148

William T. Hawke, Esq.
Kevin J. McKeon, Esq.
Malatesta, Hawke & McKeon, LLP
Mid Atlantic Power Supply Association
100 North 10th Street
Harrisburg PA 17105

Joseph A. Dworetzky, Esq.
John P. Lavelle, Jr., Esq.
Hangley, Aronchick, Segal & Pudlin
12th Floor, One Logan Square
Philadelphia PA 19103

Albert M. Benincasa, Esq.
Director, Regulatory Affairs
Skipping Stone
46 9th Avenue
Sea Cliff NY 11579

James P. Dougherty, Esq.
Robert a Weishaar, Jr., Esq.
Pamela C. Polacek, Esq.
100 Pine Street

P.O. Box 1166
Harrisburg PA 17108

Stephen J. Baron
J. Kennedy and Associates, Inc.
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35 Glenlake Parkway
Atlanta GA 30328

Howard M. Louik, Esq.
Allegheny County Law Dept.
300 Fort Pitt Commons
445 Fort Pitt Boulevard
Pittsburgh PA 15219

Robert J. Stefanko, Esq.
341 South Bellefield Avenue
Pittsburgh PA 151213

Margaret Peter, Esq.
The Peoples Natural Gas Company
625 Liberty Avenue
Pittsburgh PA 15222-3197

John Stember, Esq.
Low Income Advocate Parties
1705 Allegheny Bldg.
429 Forbes Avenue
Pittsburgh PA 15219

Donald R. Ayersman, Jr., Esq.
1125 Denver Avenue
Morgantown PA 26505

Mark J. McGuire, Esq.
Ronald N. Carroll, Esq.
Jenner & Block, Suite 1200
601 13th Street, Nw
Washington DC 20005

Tim Merrill, Esq.
Suite 200
4 Penn Center West
Pittsburgh PA 15276

Cindy Datig, Esq.
\$1 Energy Fund
P.O. Box 42329
Pittsburgh PA 15203

Paul E. Russell, Esq.
Pennsylvania Power & Light Company
2 North 9th Street
Allentown PA 18101

David M. Boonin
New Energy Ventures East, LLC
Suite 800
200 South Broad Street
Philadelphia PA 19102

Roger Clark, Esq.
The Environmentalists
905 Denston Drive
Ambler PA 19002-3901

John O'Brien, Esq.
Wheeled Electric Power Company
Suite 207
50 Charles Lindburgh Blvd.
Uniondale NY 11553

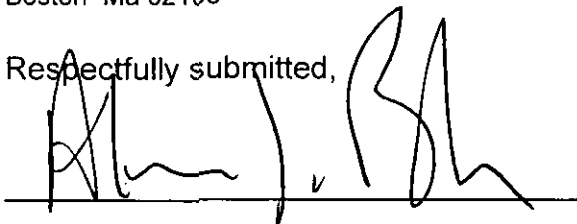
Douglas Smith
Lee Smith
LaCapra Associates
The Province Building
333 Washington Street
Boston MA 02108

Thomas Catlin
Matthew Kahal
Exeter Associates, Inc.
12510 Prosperity Drive, Suite 350
Silver Spring Md 20904

Barbara Alexander
15 Wedgewood Drive
Winthrop Me 04364

Nancy Brockway
Suite 400
18 Tremont Street
Boston Ma 02108

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alan J. Barak', is written over a horizontal line. The signature is stylized and cursive.

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

v. 717-540-5106
f. 717-541-1970
e-mail barak@igc.apc.org

DUANE, MORRIS & HECKSCHER LLP

ORIGINAL

ATTORNEYS AT LAW

ONE LIBERTY PLACE
PHILADELPHIA, PA 19103-7396

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

735 CHESTERBROOK BOULEVARD
WAYNE, PA 19087-5638

968 POSTAL ROAD, SUITE 200
ALLENTOWN, PA 18109-0400

1667 K STREET N.W., SUITE 700
WASHINGTON, D.C. 20006-1608
(202) 776-7800

FAX
(202) 776-7801

122 E. 42nd STREET, SUITE 3300
NEW YORK, NY 10168

1201 MARKET STREET, SUITE 1500
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

September 25, 1997

VIA HAND DELIVERY

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

KJR

RECEIVED
97 SEP 25 PM 3:36
PROTHONOTARY'S OFFICE

Re: Name Correction in Docket Nos. R-00973981, R-00974104, R-00973954, R-00974008, R-00974009, R-00973953, P-00971169, P-00971169, P-00971170, P-00971172, P-00971175, and P-00971183

Dear Prothonotary McNulty:

Enclosed for filing are an original and 3 copies of the Request for Change in Service List 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

Stephanie A. Sugrue
for DUANE, MORRIS & HECKSCHER LLP

DOCUMENT
FOLDER

SAS:hbj

102

DUANE, MORRIS & HECKSCHER LLP

ATTORNEYS AT LAW

ORIGINAL

ONE LIBERTY PLACE
PHILADELPHIA, PA 19103-7396

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

735 CHESTERBROOK BOULEVARD
WAYNE, PA 19087-5638

968 POSTAL ROAD, SUITE 200
ALLENTOWN, PA 18109-0400

1667 K STREET N.W., SUITE 700
WASHINGTON, D.C. 20006-1608
(202) 776-7800

FAX
(202) 776-7801

122 E. 42nd STREET, SUITE 3300
NEW YORK, NY 10168

1201 MARKET STREET, SUITE 1500
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

September 25, 1997

VIA HAND DELIVERY

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

PROCEDED
97 SEP 25 PM 3:36
PROTHONOTARY'S OFFICE

Re: Request for Change in Service List

Dear Prothonotary McNulty:

On behalf of QST Energy, Inc., please make the following correction to the service list in Docket Nos. R-00973981, R-00974104, R-00973954, R-00974008, R-00974009, R-00973953, P-00971169, P-00971169, P-00971170, P-00971172, P-00971175, and P-00971183:

Vickiren S. Aeschleman is the correct name spelling of QST Energy Inc.'s contact.

Thank you for your attention to this matter.

Very truly yours,

Stephanie A. Sugrue

Stephanie A. Sugrue
for DUANE, MORRIS & HECKSCHER LLP

DOCKETED
OCT 01 1997

SAS:bj
cc: All Parties of Record

DOCUMENT
FOLDER



Pennsylvania Power & Light Company

Two North Ninth Street • Allentown, PA 18101-1179 • 610/774-5151

Paul E. Russell
Associate General Counsel
610/774-4254

KJR

FAX: 610/774-6726

September 26, 1997

ORIGINAL

FEDERAL EXPRESS

James J. McNulty, Esquire
Prothonotary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265

RECEIVED

SEP 26 1997

**Re: Duquesne Light Company
Application for approval of a
Restructuring Plan Pursuant to
66 Pa.C.S. § 2806(d)
Docket No. R-00974104**

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Dear Mr. McNulty:

Enclosed for filing on behalf of PP&L, Inc. (PP&L) are an original and three copies of the following documents:

- Petition to Intervene of PP&L, Inc.
- Motion for Admission Pro Hac Vice of Donald A. Kaplan
- Motion for Admission Pro Hac Vice of Lisa M. Helpert

As indicated on the attached certificate of service I have served these documents, by first class mail, on the presiding Administrative Law Judge and all active parties.

Pursuant to 52 Pa. Code § 1.11, the enclosed document is to be deemed filed on September 26, 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.

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

**DOCUMENT
FOLDER**

87

James J. McNulty, Esquire

- 2 -

September 26, 1997

If you have any question regarding the enclosed filing, please call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul E. Russell". The signature is written in a cursive style with a large initial "P" and "R".

Paul E. Russell

Enclosures

cc: Certificate of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

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

RECEIVED

SEP 26 1997

MOTION FOR ADMISSION PRO HAC VICE OF
DONALD A. KAPLAN
PENNSYLVANIA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

PP&L, Inc. ("PP&L"), through its undersigned attorney of record,
moves the Pennsylvania Public Utility Commission ("PUC") to allow the admission
pro hac vice of attorney Donald A. Kaplan as co-counsel and as grounds therefore
states:

1. PP&L is a Pennsylvania corporation and has as its attorney of
record in this proceeding the undersigned Paul E. Russell, who is a practicing
attorney duly admitted to and in good standing with the bar of the Commonwealth of
Pennsylvania (Attorney No. 21643).

2. Donald A. Kaplan, a partner in the law firm of Preston Gates
Ellis & Rouvelas Meeds LLP, is a practicing attorney duly admitted to and in good
standing with the bars of the District of Columbia, New York, the United States
Supreme Court and several United States Courts of Appeals and District Courts.

DOCKETED

SEP 30 1997

DOCUMENT
FOLDER

3. PP&L desires that Mr. Kaplan represent it in this action and respectfully requests that Mr. Kaplan be admitted pro hac vice to practice before the Pennsylvania Public Utility Commission as co-counsel representing PP&L in this proceeding.

WHEREFORE, PP&L requests an order admitting Mr. Kaplan to serve as co-counsel for PP&L, along with PP&L's undersigned attorney of record.

Respectfully submitted,



Paul E. Russell
PP&L, Inc.
Two North Ninth Street
Allentown, Pennsylvania 18101
(610) 774-4254

Dated: September 26, 1997

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

ORDER GRANTING ADMISSION PRO HAC VICE

On August 4, 1997, Duquesne Light Company filed its Restructuring Plan with the Pennsylvania Public Utility Commission.

On or about September 26, 1997, Paul E. Russell, Esq., a member of the bar of the Commonwealth of Pennsylvania, moved the admission pro hac vice of Donald A. Kaplan, Esq., Preston Gates Ellis & Rouvelas Meeds LLP, Suite 500, 1735 New York Avenue, NW, Washington, DC, 20006, in this case, pursuant to Pa.B.A.R. 301.

It is represented by Mr. Russell that Mr. Kaplan is a member in good standing of the bars of the District of Columbia, New York, the United States Supreme Court and several United States Courts of Appeals and District Courts.

The Motion for Admission Pro Hac Vice is unopposed.

THEREFORE,

IT IS ORDERED:

1. That Donald A. Kaplan, Esq., Preston Gates Ellis & Rouvelas Meeds LLP, Suite 500, 1735 New York Avenue, NW, Washington, DC, 20006, is admitted pro hac vice in the above-captioned case, on behalf of PP&L, Inc.

2. That in accordance with the provisions of Pa.B.A.R. 301(a), Paul E. Russell, Esq. shall remain attorney of record for PP&L, Inc.

Date

(name)
Administrative Law Judge

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

~~ORIGINAL~~

Duquesne Light Company :
Application for Approval of :
Restructuring Plan Under Section 2806 :
of the Public Utility Code :

Docket No. R-00974104

RECEIVED

SEP 26 1997

MOTION FOR ADMISSION PRO HAC VICE OF
LISA M. HELPERT

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

PP&L, Inc. ("PP&L"), through its undersigned attorney of record, moves the Pennsylvania Public Utility Commission ("PUC") to allow the admission pro hac vice of attorney Lisa M. Helpert as co-counsel and as grounds therefore states:

1. PP&L is a Pennsylvania corporation and has as its attorney of record in this proceeding the undersigned Paul E. Russell, who is a practicing attorney duly admitted to and in good standing with the bar of the Commonwealth of Pennsylvania (Attorney No. 21643).

2. Lisa M. Helpert, an associate in the law firm of Preston Gates Ellis & Rouvelas Meeds LLP, is a practicing attorney duly admitted to and in good standing with the bar of the State of Washington.

3. PP&L desires that Ms. Helpert represent it in this action and respectfully requests that Ms. Helpert be admitted pro hac vice to practice before the

DOCKETED

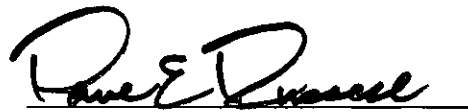
SEP 30 1997

DOCUMENT
FOLDER

Pennsylvania Public Utility Commission as co-counsel representing PP&L in this proceeding.

WHEREFORE, PP&L requests an order admitting Ms. Helpert to serve as co-counsel for PP&L, along with PP&L's undersigned attorney of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul E. Russell", written over a horizontal line.

Paul E. Russell
PP&L, Inc.
Two North Ninth Street
Allentown, Pennsylvania 18101
(610) 774-4254

Dated: September 26, 1997

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

ORDER GRANTING ADMISSION PRO HAC VICE

On August 4, 1997, Duquesne Light Company filed its Restructuring Plan with the Pennsylvania Public Utility Commission.

On or about September 26, 1997, Paul E. Russell, Esq., a member of the bar of the Commonwealth of Pennsylvania, moved the admission pro hac vice of Lisa M. Helpert, Esq., Preston Gates Ellis & Rouvelas Meeds LLP, Suite 500, 1735 New York Avenue, NW, Washington, DC, 20006, in this case, pursuant to Pa.B.A.R. 301.

It is represented by Mr. Russell that Ms. Helpert is a member in good standing of the bar of the State of Washington.

The Motion for Admission Pro Hac Vice is unopposed.

THEREFORE,

IT IS ORDERED:

1. That Lisa M. Helpert, Esq., Preston Gates Ellis & Rouvelas Meeds LLP, Suite 500, 1735 New York Avenue, NW, Washington, DC, 20006, is admitted pro hac vice in the above-captioned case, on behalf of PP&L, Inc.

2. That in accordance with the provisions of Pa.B.A.R. 301(a), Paul E. Russell, Esq. shall remain attorney of record for PP&L, Inc.

Date

(name)
Administrative Law Judge

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Duquesne Light Company :
Application for approval of a :
Restructuring Plan Pursuant to : Docket No. R-00974104
66 Pa.C.S. § 2806(d) :

RECEIVED

CERTIFICATION OF SERVICE

SEP 26 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

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 §1.54 (relating to service by a participant):

FIRST CLASS MAIL

Larry R. Crayne, Esquire
Richard S. Herskovitz, Esquire
Duquesne Light Company
411 Seventh Avenue
Pittsburgh, PA 15219

John S. Moot, Esquire
Kurt Bilas, esquire
1440 New York Avenue
Washington, DC 20005

James P. Dougherty, Esquire
Robert A. Weishaar, Jr., Esquire
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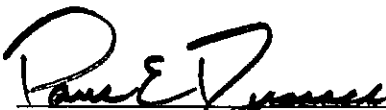
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Dated this 26th day of September, 1997.


Paul E. Russell

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Duquesne Light Company
Application for Approval of
Restructuring Plan Under Section 2806
of the Public Utility Code

Docket No. R-00974104

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SEP 26 1997

PETITION TO INTERVENE OF PP&L, INC. PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Pursuant to 52 Pa. Code Sec. 5.71, PP&L, Inc. ("PP&L" or the "Company"), by its attorney, 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, PP&L states as follows:

1. PP&L is a public utility providing electric services in central eastern Pennsylvania, subject to the jurisdiction of the Pennsylvania Public Utility Commission ("PUC" or the "Commission"). PP&L's principal place of business is:

PP&L, Inc.
Two North Ninth Street
Allentown, Pennsylvania 18101

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2. PP&L 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:

Paul E. Russell, Esq.
PP&L, Inc.
Two North Ninth Street
Allentown, Pennsylvania 18101

Donald A. Kaplan, Esq.
Lisa M. Helpert, Esq.
Preston Gates Ellis & Rouvelas Meeds LLP
Suite 500
1735 New York Avenue, NW
Washington, DC 20006-4759

Motions for Admissions Pro Hac Vice of Donald A. Kaplan and Lisa M. Helpert are being filed today with this petition.

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 supplier.

4. To implement these restructuring changes, the Act adds Chapter 28 to the Public Utility Code (the "Code"), 66 Pa. C.S. Sec. 101 et seq. Specifically, Section 2806(D) of the Act requires all electric utilities in Pennsylvania to file restructuring plans with the PUC on a schedule to be developed by the PUC.

5. On February 13, 1997, the Commission issued its Order Re: Restructuring Filings at Docket No. M-00960890F0003, setting forth requirements

and procedures for filing restructuring plans pursuant to Section 2806(D) of the Code.

6. PP&L filed an application with the PUC for approval of its Restructuring Plan on April 1, 1997. That application is now pending before the Commission at Docket No. R-00973954.

7. On August 4, 1997, Duquesne filed its Restructuring Plan with the PUC.

8. 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 competitive transition charge, establishing rules for direct retail access, establishing conditions for retail competition in Duquesne's service areas 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 PP&L's Restructuring Plan filing.

9. PP&L's participation as an active party is required to protect its substantial individual interests with regard to issues under the Act that have been or could be raised in this proceeding, including, but not limited to, the issues set forth in Paragraph 8, above. As an active party, the Company will have an opportunity to address issues in the instant proceeding that will be relevant to its Restructuring Plan filing. Due to the breadth of this proceeding and its early stage, PP&L, at this

time, is not able to identify the issues it may pursue, its position on those issues or how its positions may align with those of other parties to this proceeding.

10. PP&L's participation as an active party is in the public interest because the Company can provide input for the record from the unique perspective of an electric utility, other than Duquesne, familiar with the requirements of the Act, including the practical and substantive concerns that arise in the course of attempting to implement the Act. PP&L can assist in the development of a full and complete record for review by the Administrative Law Judges and the Commission.

11. Each of the parties participating in this case will take positions on the issues that support its specific interests, and those positions may be inconsistent with the position that PP&L would take. In addition, inasmuch as PP&L is the one of only two other utilities that has filed a Restructuring Plan, its perspective on the issues may provide useful information to the Commission. For this reason, no other party in this proceeding can adequately represent PP&L or protect the Company's interests.

12. Active party status will permit the Company to receive and review all of the documents filed in the case. In addition, as an active party, the Company will have an opportunity to attend and participate fully in all evidentiary hearings and settlement discussions. In light of the pending request for approval of the merger of Duquesne and West Penn Power Company ("Allegheny Power"), the restructuring plan proceedings of the two utilities will be proceeding on a parallel schedule. The Commission recently granted active party status to PP&L in Allegheny Power's

Restructuring Plan proceeding, and PP&L hereby requests to participate in this proceeding on the same basis.

13. At this time, PP&L does not expect to present testimony in this proceeding. However, the Company expressly reserves the right to submit both direct and rebuttal testimony should it determine that it is necessary to do so to protect and advance its position. Whether PP&L files rebuttal testimony and the nature of that testimony will depend upon the positions developed by PP&L and positions taken by the other parties on the major issues raised in these proceedings. Accordingly, the Company cannot identify, at this time, the issues that may be raised in any testimony it might submit, or the witness(es) that it will present. As soon as PP&L identifies these issues and witnesses, it will notify the Administrative Law Judges and all parties.

WHEREFORE, for all of the foregoing reasons, PP&L respectfully requests that the Commission grant this petition and approve PP&L's intervention as an active party of record in this proceeding.

Respectfully submitted,



Paul E. Russell
Associate General Counsel
PP&L, Inc.
Two North Ninth Street
Allentown, Pennsylvania 18101

Dated: September 26, 1997

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ANDREWS & KURTH L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP

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September 26, 1997

Via Federal Express

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

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PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

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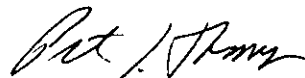
Re: *Application of Duquesne Light Company
for Approval of Restructuring Plan --
Docket No. R-00974104*

Dear Mr. McNulty:

Enclosed for filing, please find the original and three copies of the Motion to Compel of Hospital Shared Services and Administrative Resources, Inc. Copies of the motion have been served upon the Presiding Judge and all active parties on the attached service list. The filing is being made by overnight delivery pursuant to Section 1.56 of the Commission's regulations so that the filing is deemed to be made today, September 26, 1997.

Please have the additional copy date-stamped and returned in the enclosed self-addressed envelope.

Very truly yours,



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

Enclosures

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

SEP 26 1997

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

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)

Docket No. R-00974104
PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

**MOTION TO COMPEL OF
HOSPITAL SHARED SERVICES AND ADMINISTRATIVE RESOURCES, INC.**

Pursuant to 52 Pa. Code § 5.342(e), Hospital Shared Services ("HSS") and Administrative Resources, Inc. ("ARI") hereby move to compel the production of documents.

1. On September 12, 1997, HSS and ARI served their First Set of Interrogatories upon Duquesne Light Company ("Duquesne") in the captioned proceeding.

2. On September 16, 1997, Duquesne served HSS and ARI with formal objections to twenty-eight (28) of the interrogatories, and on September 17, 1997, Duquesne provided HSS and ARI with notice of its objection to Interrogatory No. 13, which is the subject of this dispute.

3. Pursuant to the Prehearing Order issued by Presiding Judge John H. Corbett, Jr. on September 10, 1997, the undersigned counsel for HSS/ARI and counsel for Duquesne attempted informally to reach a mutually agreeable resolution to Duquesne's objections. Specifically, on September 18, 1997, undersigned counsel submitted revised interrogatories to Duquesne in an attempt to accommodate Duquesne's objections and contacted Duquesne's counsel that evening to discuss Duquesne's concerns. On September 19, 1997, in Presiding Judge Corbett's absence, undersigned counsel and counsel for Duquesne telephoned Judge Larry Gesoff to seek a waiver of the three (3) day limitation on the filing of motions to compel established in the September 10, 1997 Prehearing Order so that the parties could continue negotiations. Judge Gesoff granted the requested

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waiver. Subsequently, HSS/ARI and Duquesne were able to reach a mutually agreeable resolution of all but one of Duquesne's objections.

4. Undersigned counsel attempted to contact counsel for Duquesne on September 26, 1997 prior to the filing of this motion, in order to determine if Duquesne would be willing to participate in an informal telephone conference with the Presiding Judge in an attempt to resolve this dispute, but was unable to do so. Due to the three (3) day time limitation imposed by the September 10, 1997 Prehearing Order, counsel for HSS and ARI felt compelled to file this motion to protect their clients' interests. However, undersigned counsel would be willing to submit to an informal resolution of the dispute if the Presiding Judge and Duquesne so desire.

5. Duquesne still objects to Interrogatory No. 13 which states in its entirety:

Please provide all documents Duquesne created or caused to be created in the process of drafting, legislative deliberation, and enactment, as well as signing of the 1996 Pennsylvania Electricity Generation Customer Choice and Competition Act.

6. Duquesne asserts that the material requested by Interrogatory No. 13 is "irrelevant to this case." *See* September 17, 1997 letter from Duquesne's counsel to the undersigned counsel (attached hereto). Specifically, Duquesne argues that "[t]his case is governed by the statute as enacted, not by drafts thereof or Duquesne's positions regarding competing legislative proposals that were circulated during 1996." *Id.*

7. The documents Interrogatory No. 13 seeks are clearly relevant to this case. In the restructuring filing, Duquesne's witnesses repeatedly volunteered testimony regarding their understanding or interpretation of the Electricity Generation Customer Choice and Competition Act (hereinafter "the Act"), or reached legal conclusions based upon their interpretation of the Act.

8. David D. Marshall, for example, after reciting the steps Duquesne must take to meet the requirements of Section 2804(4)(v) of the Act, reaches the following legal conclusion: "Duquesne therefore is entitled under Section 2804(4)(v) to charge rates up to current levels throughout the transition period." Statement No. 1 at 13:9-19. Similarly, at page 17 of his testimony, Mr. Marshall states that Duquesne's proposed customer-specific CTC methodology "is consistent with Section 2808(a) of the restructuring legislation" *Id.* at 17:12-13. Likewise, in his testimony Donald J. Clayton reaches the conclusion that "Duquesne has made a *prima facie* showing of both of the propositions required under Section 2804(4)(v) and is therefore entitled to a price cap during the Transition Period." Statement No. 2 at 31:12-13. Michael M. Schnitzer asserts in his testimony that "[o]nly a market-based determination can reasonably satisfy the known and measurable standard required by the Customer Choice Act." Statement No. 3 at 3:14-15. In addition, Mr. Schnitzer expressly states that "Duquesne is entitled to a price cap on generation rates under section 2804(4)(v) of the Customer Choice Act for each year of the Transition Period . . ." because Duquesne has made the "*prima facie*" showing required by that section. *Id.* at 4:1-12.

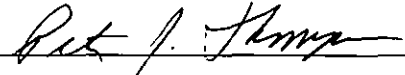
9. It is undersigned counsel's understanding that the Act was drafted by an *ad hoc* group, consisting of members of many interest groups, including utilities. Duquesne may have played a part, perhaps a very large part, in drafting the Act. If Duquesne, or its witnesses, had an interpretation of a proposed draft of the Act, or the Act as enacted, that is inconsistent with interpretations of the Act, or legal conclusions based upon those interpretations, contained in the testimony filed in this proceeding, such information clearly is relevant to assessing the weight to be given to Duquesne's witnesses' present claims, such as those identified above. More specifically, to the extent that the requested materials exist, they may serve as a basis to challenge Duquesne's

claim that it is entitled under the Act to charge rates up to current levels throughout the transition period. They also may serve to impeach Duquesne's witnesses with respect to that conclusion, as well as to other claims Duquesne's witnesses are raising regarding Duquesne's alleged satisfaction of the Act's requirements.

WHEREFORE, for the foregoing reasons, Hospital Shared Services and Administrative Resources, Inc. hereby request that Duquesne Light Company be directed to provide the documents requested in Interrogatory No. 13 (First Set).

Respectfully submitted,

HOSPITAL SHARED SERVICES and
ADMINISTRATIVE RESOURCES, INC.

By: 

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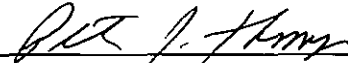
Dated: September 26, 1997

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

CERTIFICATE OF COUNSEL

Pursuant to the Prehearing Order issued by Judge John H. Corbett, Jr. on September 10, 1997, I hereby certify that counsel for Hospital Shared Services/Administrative Resources, Inc. ("HSS/ARI") and counsel for Duquesne Light Company ("Duquesne") have attempted to informally resolve objections Duquesne has raised with regard to certain interrogatories served on it on September 12, 1997 by HSS/ARI. Through their efforts the parties have been able to reach a mutually agreeable resolution of all but one of Duquesne's objections, which is the subject of the foregoing Motion to Compel.



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September 17, 1997

BY FACSIMILE

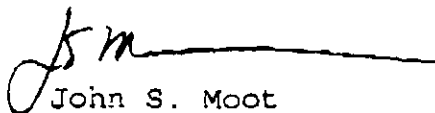
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Re: Objections to Interrogatories of Hos-
pital Shared Services, Inc.

Dear Mr. Sundback:

It has come to my attention that my letter of September 16, 1997 inadvertently omitted an objection to HSS/ARI-13. That request seeks all documents created "in the process of drafting, legislative deliberation, and enactment, as well as signing of the 1996 Pennsylvania Electricity Generation Customer Choice and Competition Act." The information requested is irrelevant to this case. This case is governed by the statute as enacted, not by drafts thereof or Duquesne's positions regarding competing legislative proposals that were circulated during 1996. I apologize for not bringing this objection to your attention yesterday.

Sincerely,



John S. Moot
Counsel for
Duquesne Light Company

cc: Active parties

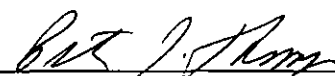
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company) Docket No. R-00974104
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 26th day of September, 1997.



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DATE: September 29, 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 PP&L, Inc. with Motion for Admission Pro Hac Vice of Donald A. Kaplan and Lisa M. Helpert filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

DOCKETED

SEP 30 1997

**DOCUMENT
FOLDER**

COMMONWEALTH OF PENNSYLVANIA

DATE: September 29, 1997

SUBJECT: R-00974104

TO: Office of Administrative Law Judge

KJR

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

DUQUESNE LIGHT COMPANY RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of New Energy Ventures NEV East, LLC filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

DOCKETED DOCUMENT
FOLDER
SEP 29 1997