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PA.P.U.C.
PROTHONOTARY'S OFFICE
Pennsylvania Public Utility Commission

PA PUC

v.

Docket No. R-00974104

Duquesne Light Company
Application for approval of a
Restructuring Plan pursuant to
66 Pa. C.S. §2806(d)

DOCKETED
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FOLDER

SIXTH INTERIM ORDER

Pursuant to the agreement of all active parties to this proceeding, the hearings scheduled for January 5-9, 1998 for this case are hereby canceled. In lieu of further hearings, the following procedure will be utilized:

1. All pre-filed intervenor testimony will be admitted into the record by stipulation and without cross-examination.

a. Duquesne Light Company will coordinate and prepare a formal, written stipulation giving effect to the foregoing paragraph.

b. Each intervenor, submitting pre-filed testimony in this case, must prepare and submit to Duquesne Light Company an index of its testimony and exhibits in the format prepared by Duquesne Light Company for the hearings during the week of December 15-18, 1997. The testimony and exhibits for each witness must be separately identified and each must be briefly described as to content.

c. Each intervenor must submit its index of testimony and exhibits to John S. Moot, Esquire, counsel for Duquesne Light Company, no later than noon on Monday, January 5, 1998 and serve the same on all other parties.

d. Duquesne Light Company must then prepare and have its counsel sign the stipulation, attaching the indices of the intervenors' testimony and exhibits, and agreeing to the admission into the record of all of the intervenors' testimony and exhibits identified in the attached indices, while waiving any and all cross-examination thereon.

e. Duquesne Light Company must file the executed stipulation no later than noon on Wednesday, January 7, 1998 with James J. McNulty III, Secretary and Prothonotary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265, and serve a true and correct copy of the same upon all other active parties to this proceeding, together with the presiding Administrative Law Judge.

f. Each intervenor must then file two copies of its testimony and exhibits, as identified in the index it previously prepared, with the Prothonotary at the address given in the foregoing paragraph no later than noon on Friday, January 9, 1998.

g. When filing its testimony and exhibits, each intervenor must attach a true and correct copy of the stipulation signed by counsel for Duquesne Light Company. Each intervenor must also have its counsel sign the stipulation, attaching the indices of all of the intervenors' testimony and exhibits, and agreeing to the admission into the record of all of the intervenors' testimony and exhibits identified in the attached indices, while waiving any and all cross-examination thereon.

h. Each intervenor must then serve a copy of the stipulation signed by its counsel upon all other parties, including the presiding Administrative Law Judge.

2. Responses to on-the-record data requests will be admitted into the record by stipulation, if so requested by the party that made the data request. Two copies of these

answers to data requests must be separately marked and identified, and to the extent possible, should be included in the general stipulation pursuant to the procedures outlined in the foregoing paragraphs, and filed with the Prothonotary with the general stipulation for admission into the record.

3. Unless an extension is received from the presiding Administrative Law Judge for good cause shown, all responses to on-the-record data requests must be made in hand no later than noon on Friday, January 9, 1998.

4. To the extent outstanding data requests have not yet been answered or otherwise cannot be included in the general stipulation, the parties may request their admission into the record by special stipulation pursuant to the following procedure:

a. Such a request must be made in writing to the presiding Administrative Law Judge no later than noon on Monday, January 12, 1998 and served upon all other parties. The request must be sufficiently specific to allow a determination of the relevancy of the subject matter of the response to this proceeding.

b. If no objection is received by the presiding Administrative Law Judge to the admission of the response to the data request by noon on Tuesday, January 13, 1998, the request will be deemed to have been granted without further action. The moving party may then file the subject response with the Prothonotary for the Commission pursuant to ¶2 above.

c. If a timely objection is received, the presiding Administrative Law Judge will rule thereon no later than Friday, January 16, 1998.


5. Failure by any party to follow the procedures outlined in this Order for filing testimony, exhibits or responses to data requests shall constitute sufficient grounds for striking the offending document from the record of this proceeding.

6. Pursuant to previous Orders entered on this subject, the coordinators for the groups shall agree upon a common outline for briefs to be submitted in this case. This common outline must be circulated among the parties and served upon the presiding Administrative Law Judge no later than noon on Monday, January 12, 1998.

7. The record in this proceeding shall close on Tuesday, January 20, 1998 upon the close of business for that day.

8. The parties are urged to consider revising the briefing schedule to permit the filing of briefs at an earlier date than now scheduled. The parties should communicate any agreement on this subject to the presiding Administrative Law Judge as soon as possible.

Dated: December 30, 1997


JOHN H. CORBETT, JR.
Administrative Law Judge

PA Public Utility Commission v. Duquesne Light Company
R-00974104

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