

# CITIZEN POWER, Inc.

October 20, 1998

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Via First Class Mail

DOCKETED <sup>KJR</sup>  
OCT 23 1998

James McNulty  
Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17120

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

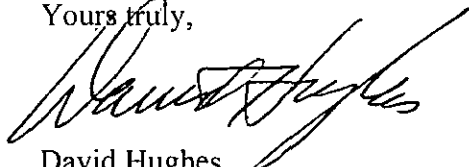
Dear Secretary McNulty:

Please add the following name to the service list for the above-referenced docket:

Dr. Roger Odisio  
170 Drake Road  
Bethel Park, PA 15102

Thank you for your attention to this matter.

Yours truly,



David Hughes  
Executive Director

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October 21, 1998

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

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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 Motion to Suspend Proceeding and Provide for Additional Comment Period of System Council U-10, International Brotherhood of Electrical Workers, 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. <sup>KJR</sup>

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 Quain  
Hon. Robert Bloom  
Hon. David Rolka  
Hon. Nora Mead Brownell  
Hon. Aaron Wilson, Jr.  
Office of Special Assistants

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BEFORE THE  
COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ORIGINAL

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

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Motion to Suspend Proceeding and Provide for Additional Comment Period  
of System Council U-10, International Brotherhood of Electrical Workers

Pursuant to 52 Pa. Code § 5.103, System Council U-10, International Brotherhood of Electrical Workers ("IBEW") files this Motion to Suspend Proceeding and Provide for Additional Comment Period. In support of this Motion, IBEW states as follows:

1. On May 29, 1998, the Pennsylvania Public Utility Commission ("Commission") entered an order in the above-captioned case that, *inter alia*, directed Duquesne Light Company ("Duquesne") to file a plan to divest its generating assets within 90 days of the date of entry of the order. May 29 order at 80 (item 1).

2. Other parties were given 60 days to file comments in response to Duquesne's plan, after which Duquesne would have 30 days to file responsive comments. May 29 order at 80 (items 3 and 4).

3. The May 29 order required Duquesne's divestiture plan to "include a discussion of the treatment of shares of nuclear and fossil units for whom Duquesne is a minority owner. Specifically, the plan shall delineate Duquesne's proposed treatment of nuclear ownership shares should no bids materialize for those shares, as well as Duquesne's ability to sell its stake in

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Beaver Valley 2 and Perry 1 to the other owners of those units or to swap Duquesne's stake in these units with the owners for the output of other fossil units." May 29 order at 80-81 (item 7).

4. The jointly owned plants are Beaver Valley 1-2, Mansfield 1-3, Sammis 7, Eastlake 5, and Perry. All of the plants are jointly owned by Duquesne and FirstEnergy Corporation ("FirstEnergy").

5. On August 27, 1998, Duquesne filed its Generation Auction Plan.

6. The Generation Auction Plan states that Duquesne is engaged in discussions with FirstEnergy concerning a possible arrangement for the jointly owned plants. Generation Auction Plan at 11. However, Duquesne also states that, as of the filing of the plan, it had not reached an agreement with FirstEnergy and it was not certain that such an agreement would be possible. *Id.* Consequently, the Generation Auction Plan also states that Duquesne might seek to auction its minority interest in the jointly owned plants. Generation Auction Plan at 17-18. In addition, Duquesne stated that it intended to engage in discussions with "qualified purchasers" of nuclear assets concerning the potential sale of its ownership interests in the jointly owned nuclear power plants. *Id.* at 18.

7. On October 14, 1998, Duquesne sent a letter to the Commission and the parties in this case (IBEW's counsel received his copy by first-class mail on Saturday, October 17). The letter discloses that Duquesne and FirstEnergy have entered into an agreement in principle to exchange Duquesne's ownership interest in all of the jointly owned plants for three FirstEnergy plants (Avon Lake, Niles, and New Castle). The October 14 letter included a copy of the agreement in principle between Duquesne and FirstEnergy.

8. The agreement in principle is not a final agreement between Duquesne and FirstEnergy and does not address all of the issues that will be covered by the definitive

agreement that ultimately is expected to be entered into between Duquesne and FirstEnergy. In fact, the agreement in principle explicitly states: it is “specifically agreed and understood by the parties that the terms set forth in this agreement in principle do not constitute all of the major terms which will be included in the Exchange Agreements, that the terms set forth herein are subject to further discussion, negotiation, due diligence, and that this agreement in principle is an expression of intent only and is not intended, nor will it be alleged by either party, to create or result in any legally binding obligation upon the parties ...” Agreement in principle, paragraph 14.

9. The agreement in principle and Duquesne’s Generation Auction Plan appear to be inconsistent in some respects. For example, the Generation Auction Plan states that Duquesne “intends to divest all of the assets and liabilities that are related to its generating stations *and to retain all that are related to its transmission assets*” and that “divestiture is not expected to require the assignment of the ... Transmission Facilities Agreement.” Generation Auction Plan, pages 16 and 21 (emphasis added). Yet, the agreement in principle states that Duquesne will transfer to FirstEnergy the transmission facilities “necessary and appropriate to permit the delivery of power from the Beaver Valley Power Station and the Bruce Mansfield Power Station to the FE [FirstEnergy] transmission system.” Agreement in principle, paragraph 10.

10. The agreement in principle leaves open for further negotiation several important issues. For example, the complex issue of what happens to the people who work at Beaver Valley 1-2 (the jointly owned plants that are operated by Duquesne) is scarcely addressed in the agreement in principle. It states only that Duquesne and FirstEnergy “will cooperate to resolve labor-related matters, including with respect to union contracts, workforce levels, severance, and employee benefits, in a matter that treats employees fairly and equitably apportions any related

costs between the parties. The definitive agreements for the Generation Exchange shall clearly define and apportion the rights and obligations of the parties regarding these matters.”

Agreement in principle, paragraph 6.

11. Similarly, Duquesne’s Generation Auction Plan does not address the impact on its employees either of its original plan or of the proposed transaction with FirstEnergy. The Generation Auction Plan states only that “Duquesne is currently developing the procedures for transferring non-union employees and preparing severance packages for those who may not be retained by the purchasers. Duquesne is also negotiating with its union concerning the effects of divestiture on its unionized employees. These negotiations are ongoing. Duquesne is hopeful that a mutually agreeable resolution of issues with the union will be reached in the near future.” Generation Auction Plan at 34-35.

12. That is, from either the Generation Auction Plan or the agreement in principle with FirstEnergy, there is no way to understand or assess the effect that the proposed exchange would have on Duquesne’s employees. However, the Commission required Duquesne to address in its divestiture plan “transitional issues and the resolution of those issues in a manner that is fair to customers, investors, the employees of the Company, local communities, and other affected parties.” May 29 order at 81 (item 16).

13. Neither the Generation Auction Plan nor the agreement in principle with FirstEnergy addresses any impacts of the proposed transactions on local communities. These impacts could include changes in the tax base and even changes in the relevant taxing authority. For example, there is a serious question whether the Pennsylvania Public Utility Realty Tax will continue to apply if the plants are transferred to non-utilities. It is unclear whether FirstEnergy would be considered a utility or a non-utility for purposes of property taxation. Further, if plants are

transferred at substantially less than their book value, there is a question about the effect that would have on the tax base for those properties and the resulting revenue impact on local communities.

14. It is not possible to fully assess the effects of Duquesne's proposed divestiture before the agreement with FirstEnergy is finalized. From the agreement in principle, it appears that the agreement with FirstEnergy may have a direct impact on several aspects of the divestiture plan that Duquesne is required to address, including: the treatment of jointly owned units (May 29 order, item 7), transmission rights and agreements (item 12), the continued sale of output to Duquesne to satisfy its provider of last resort obligations (item 15), and the effect on employees and local communities (item 16).

15. As a result of the timing of Duquesne's service of the agreement in principle, the time period for responding to a motion under 52 Pa. Code § 5.103 (10 days), and the deadline for filing comments (October 30, which is 33 days after Duquesne's service by mail of its Generation Auction Plan), it does not appear possible for the Commission to rule on this motion prior to the deadline for filing comments. Therefore, IBEW intends to file comments on or before the October 30 deadline. However, IBEW respectfully submits that it is not possible to fully and adequately address the effect of Duquesne's Generation Auction Plan, as modified by the potential agreement with FirstEnergy, until Duquesne has finalized its agreement with FirstEnergy and provided the parties with an opportunity to evaluate its impact on the Generation Auction Plan as a whole.

WHEREFORE, IBEW respectfully requests the Pennsylvania Public Utility Commission to suspend this proceeding until Duquesne files its definitive agreement with FirstEnergy. IBEW suggests that supplemental comments should be filed within 30 days after Duquesne files its

definitive agreement, with responsive comments from Duquesne to be filed within 15 days thereafter. IBEW submits that this would allow the Commission to make an informed decision about the merits of Duquesne's Generation Auction Plan as a whole, taking full account of the impact of Duquesne's proposed transaction with FirstEnergy and the other parties' comments about that transaction.

Respectfully submitted,



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Counsel for:  
System Council U-10, IBEW

Dated: October 21, 1998



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Board of Commissioners

ORIGINAL

BEA SCHULTE, Chairman  
DAN DONATELLA  
NANCY LOXLEY  
COUNTY COMMISSIONERS

ROBERT W. CYPHERT  
CHIEF CLERK



County of Beaver

810 THIRD STREET - BEAVER, PENNSYLVANIA 15009-2196  
TELEPHONE: Area Code 724-728-3934 Ext. 207  
724-728-5700

CHAIRMAN QUAIN'S OFFICE

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October 21, 1998

The Honorable John M. Quain, Chair  
Public Utility Commission  
P.O. Box 3265  
North Office Building  
Harrisburg, Pa. 17105-3265

R-00974104

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Dear Chairman Quain:

We the undersigned are submitting the enclosed petitions seeking to intervene in the application of Duquesne Light Company for approval of its restructuring plan under Section 2806 of the Pennsylvania Public Utility Code (Docket Number R-00974009) and its recently option plan (Docket Number R-00974101) as it affects the restructuring plan. We are petitioning to intervene bot as individual consumers within Duquesne Light service territory and as the elected representatives of consumers residing and working within that territory.

We have concerns about a number of issues related to this restructuring plan which we believe must be addressed by the Commission.

**Price and Quality of Service.** We are concerned that the price, terms or quality of service could affect various elements of the proposed restructuring plan. These would include arrangements which Duquesne Light made make with alternate suppliers; any proposal to separate or divest functions of Duquesne's current operations; the transfer of assets to other utilities; and the calculation of unbundled rates for generation, transmission and distribution of electricity. We believe that the rates established as a result of Duquesne's restructuring must be fair, reasonable and adequate. We also believe the safeguards must be established to ensure quality service for all affected consumers.

**Enviromental Safeguards.** Duquesne proposes to transfer its ownership interest in several generating facilities, including its interest in a nuclear facility located in Beaver County. However, according to the transfer agreement, which we believe has been incorporated into the restructuring proposal, Duquesne retains responsibility for its share of the cost for decommissioning that nuclear facility. Because the county has primary responsibility for emergency response, we are interested in requiring tha there are sufficient assets pledged to

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ensure this facility is safely and appropriately decommissioned, in a way that protects both the public health and safety and the natural environment.

**Fair Treatment of Employees.** The Electric Generation Consumer Choice Competition Act provided that companies have to treat employees affected by the restructuring, in a fair and reasonable manner. We are interested in ensuring that any employee affected by the restructuring proposal or by the sale or transfer of property related to the restructuring proposal will be assured in a legally binding fashion, that the current terms and conditions of their employment will continue. This would include any collective bargaining agreement currently enforce, as well as the current wages and benefits that they now enjoy, including pension coverage and health benefits. The failure to adequately address fair treatment of employees affected by the restructuring could have an adverse impact on county social service programs.

**Impact of Local Zoning and Planning.** We are concerned about the impact that the transfer of ownership of generation facilities or the divestiture of generating capacity will have on the ability of local governments to implement local zoning ordinances and comprehensive plans. We also are concerned about the potential impact restructuring could have on local economic development activities.

**Transfer of Generation Facilities.** There are several issues which relate to proposed "swap" in ownership of generating facilities between Duquesne Light and First Energy. We are concerned about whether the facilities to be transferred are of equal value, particularly considering the differences in generating capacity and fuel source, and could therefore affect the unbundled rates charged for generation, transmission and distribution of electricity. We are also concerned about how this transfer affects county emergency response activities.

**Continuation of Lifeline Service.** We are concerned that the price, terms or quality of electric service may be impacted by Duquesne Light's proposals for ratepayer protection, including programs for assistance to low income and elderly customers, consumer education and other measures that may impact the ability of the company or its successors to continue safe reliable and efficient service. At the same time, we are concerned that the other arrangements relating to the rates could adversely affect the ability of the company or an successor entity to provide ratepayer protection programs. We believe that the restructuring plan must clearly identify the provider of last resort for beaver County residents. The failure to do so could cause unnecessary strain on county human and social services.

**Impact on Local taxing Authority.** We are concerned about the implications that the restructuring plan may have on local taxing authority, including the ability to assess property, subject that property to taxation and collect taxes dues on owing under state and local legal authority.

For these reasons, we are seeking to intervene in review of Duquesne Light Company's restructuring proposals. We believe that we are uniquely positioned to represent these concerns, both as individual concerns and the elected representatives of ratepayers and workers who will be affected by this proposal. We look forward to working with you on this effort.

Sincerely,  
Beaver County Commissioners

  
Bea Schulte, Chairman

  
Dan Donatella

/da

# Board of Commissioners



# County of Beaver

BEA SCHULTE, Chairman  
DAN DONATELLA  
NANCY LOXLEY  
COUNTY COMMISSIONERS

ROBERT W. CYPHERT  
CHIEF CLERK

810 THIRD STREET - BEAVER, PENNSYLVANIA 15009-2196

TELEPHONE: Area Code 724-728-3934 Ext. 207

724-728-5700

Application of Duquesne Light Company :  
for Approval of its Restructuring Plan Under :  
Section 2806 of the Pennsylvania Public Utility Code as :  
Amended by Duquesne Option Plan :  
(Docket No. R-0097104)

: Docket No. R-00974104

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## MOTION TO INTERVENE OUT OF TIME OF BEAVER COUNTY COMMISSIONERS, AS INDIVIDUALS AND AS GOVERNING BODY OF BEAVER COUNTY

Commissioner Bea Schulte, and Commissioner Dan Donatella hereby move to intervene in the above-captioned "Restructuring Plan" proceedings. Ms. Schulte, and Mr. Donatella seek to intervene as an individual residential Duquesne Light ratepayer and in their capacity as the Board of Commissioners for Beaver County.

Through submission of its Restructuring Plan filing, Duquesne Light 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 Light will have a significant impact on the type and quality of electrical services available to Ms. Schulte and Mr. Donatella.

Ms. Schulte and Mr. Donatella are long time residents of the Commonwealth of Pennsylvania. Ms. Schulte resides in Midland, PA., and Mr. Donatella resides in Industry, PA. They are currently customers of Duquesne Light. They seek to participate in this proceeding in order to protect their interest as present and future customers of electrical services from Duquesne Light. They also seek to ensure that the price, terms or quality of electric service that at facilities owned or operated by Beaver County are not adversely affected by these proceedings.

The Board of Commissioners is the governing body of Beaver County. Beaver County currently owns, operates and maintains a number of facilities that purchase electricity through the Duquesne Light Company, including the County Prison, the County Courthouse, the

County Nursing Home and other facilities.

In support of its Motion, the Commissioners state as follows:

- 1) Title names and address of the persons seeking intervention is as follows:

Commissioner Bea Schulte  
Chairman, Beaver County Commissioners  
Beaver County Courthouse  
Beaver, PA 15009  
(724) 728-5700 ext 200

Commissioner Dan Donatella  
Beaver County Commissioners  
Beaver County Courthouse  
Beaver, PA 15009  
(724) 728-5700

The following representative should be placed on the Commission's service list and receive copies of all correspondence and other documents:

Commissioner Bea Schulte  
Chairman, Beaver County Commissioners  
Beaver County Courthouse  
Beaver, PA 15009

1. The commissioners are individually current customers of Duquesne Light and would pay any Competitive Transition Charge or Intangible Transition Charge that might be authorized in this proceeding or as a result of this proceeding.
4. The Commissioners are individually current customers of Duquesne Light and the price, terms or quality of that service may be impacted by proposed terms and conditions of Duquesne Light arrangements with alternative electric suppliers, the code of conduct to be adopted by Duquesne Light, and by any plan to implement function separation of its business.
5. The Commissioners are individually current customers of Duquesne Light and the price, terms or quality of that electric service may be impacted by the analysis and calculation of unbundled rates for the generation, transmission and distribution of electricity.
6. The Commissioners are current individual customers of Duquesne Light and the price, terms or quality of that electric service may be impacted by Duquesne Light's proposals for continued ratepayer protection, including programs for assistance to

low-income customers, consumer education and other measures that may impact the ability of Duquesne Light to continue safe, reliable and efficient service.

7. The Commissioners and Beaver County have a direct, substantial interest in this proceeding, which is not adequately represented by any other party for, among others,

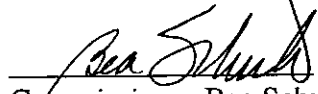
the following reasons:

- a) Each of the Commissioners is a long time resident in Beaver County, Pennsylvania and is familiar with socioeconomic backgrounds of many of the residents of the community and with the concerns of the workers and customers who may be affected by the elements of the Duquesne Light restructuring plan.
- b) Each of the Commissioners will be receiving residential consumer class power distribution and transmission services from Duquesne Light following these proceedings so each has interests in issues such as residential billing.
- c) Each of the Commissioners owns property that receives electric power from Duquesne Light so that he would be directly impacted by any potential changes in metering and maintenance services from these proceedings.
- d) The Board of Commissioners is the governing body of Beaver County, which also has the following substantial interest in the restructuring plan:
  - Beaver County owns, operates or maintains facilities, including but not limited to the County Courthouse, the County Nursing Home, the County Prison and other county offices, which are currently customers of Duquesne Light Company;
  - Beaver County has responsibility for comprehensive land use planning and zoning within the boundaries of the county which could be affected by the reorganization plan;
  - Beaver County is responsible for emergency management and emergency response, which could be affected by the reorganization plan; and
  - Beaver County is responsible for local tax assessments which could be affected by the reorganization plan.

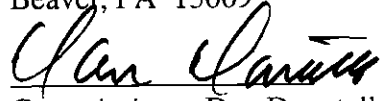
8. Because of their direct and substantial interest in this proceeding, which is not adequately represented by any other party, the Beaver County Commissioners individually and as the governing body of Beaver County, submit that they have "good cause" to intervene in this proceeding and that no other party will be prejudiced by their intervention at this stage of the process.

WHEREFORE, for all the foregoing reasons, the Beaver County Commissioners individually and collectively respectfully request that the Commission grant this petition and approve their intervention as an active party of record in this proceeding.

Respectfully submitted,



Commissioner Bea Schulte, Chairman  
Beaver County Commissioners  
Beaver County Courthouse  
Beaver, PA 15009



Commissioner Dan Donatella  
Chairman, Beaver County Commissioners  
Beaver County Courthouse  
Beaver, PA 15009

Dated: October 21, 1998

ORIGINAL  
COMMITTEES

COMMUNITY AND ECONOMIC DEVELOPMENT  
MINORITY CHAIRMAN  
TRANSPORTATION  
CONSUMER PROTECTION AND  
PROFESSIONAL LICENSURE  
EDUCATION  
LABOR AND INDUSTRY  
POLICY

PENNSYLVANIA EMERGENCY MANAGEMENT COUNCIL  
LEGISLATIVE BUDGET AND FINANCE COMMITTEE  
STATE TRANSPORTATION ADVISORY COMMITTEE  
LEGISLATIVE AUDIT ADVISORY COMMITTEE

47TH DISTRICT  
GERALD J. LAVALLE  
SENATE BOX 203047  
HARRISBURG, PA 17120-3047  
(717) 787-3076

239 BRIGHTON AVENUE  
ROCHESTER, PA 15074  
(724) 774-0444

301 CENTRAL BUILDING  
101 SOUTH MERCER STREET  
NEW CASTLE, PA 16101  
(724) 654-1444

E-MAIL: lavalle@dem.pasen.gov



Senate of Pennsylvania

October 21, 1998

R-00974104

The Honorable John M. Quain, Chair  
Public Utility Commission  
PO Box 3265  
North Office Building  
Harrisburg, PA 17105-3265

DOCUMENT  
FOLDER

RECEIVED  
98 OCT 30 AM 10:26  
CHAIRMAN QUAIN'S OFFICE

Dear Chairman Quain:

We, the undersigned, are submitting the enclosed petitions seeking to intervene in the application of Duquesne Light Company for approval of its restructuring plan under Section 2806 of the Pennsylvania Public Utility Code (Docket Number r-0097104). We are petitioning to intervene both as individual consumers within the Duquesne Light service territory and as the elected representatives of consumers residing and working within that territory.

We have concerns about a number of issues related to this restructuring plan which we believe must be addressed by the Commission.

Price and Quality of Service. We are concerned that the price, terms or quality of service could affect various elements of the proposed restructuring plan. These would include arrangements which Duquesne may make with alternative suppliers; any proposal to separate or divest functions of Duquesne's current operations; the transfer of assets to other utilities; and the calculation of unbundled rates for generation, transmission and distribution of electricity. We believe that the rates established as a result of Duquesne's restructuring must be fair, reasonable and adequate. And we believe that the safeguards must be established to ensure quality service for all affected consumers.

Fair Treatment of Employees. The Electricity Generation Customer Choice and Competition Act provided that companies have to treat employees affected by restructuring in a fair and reasonable manner. We are interested in ensuring that any employee affected by the restructuring proposal or by the sale or transfer of property related to the restructuring proposal will be assured in a legally binding fashion that the current terms and conditions of their employment will continue. This would include any collective bargaining agreement currently enforced, as well as the current wages and benefits that they now enjoy, including pension coverage and health benefits.

Environmental Safeguards. Duquesne proposes to transfer its ownership interest in several generating facilities, including its interest in a nuclear facility located in Beaver County. However, according to the transfer agreement, which we believe has been incorporated into the restructuring proposal, Duquesne retains responsibility for its share of the cost for decommissioning that nuclear facility. We are interested in requiring that there are sufficient assets pledged to ensure this facility is safely and appropriately decommissioned, in a way that protects both the public health and safety and the natural environment.

76

Continuation of Lifeline Service. We are concerned that the price, terms or quality of electric service may be impacted by Duquesne Light/Es proposals for ratepayer protection, including programs for assistance to low-income and elderly customers, consumer education and other measures that may impact the ability of the company or its successors to continue safe, reliable and efficient service. At the same time, we are concerned that other arrangements relating to the rates could adversely affect the ability of the company or any successor entity to provide ratepayer protection programs.

Impact on Local Zoning and Planning. We are concerned about the impact that the transfer of ownership of generation facilities or the divestiture of generating capacity will have on the ability of local governments to implement local zoning ordinances and comprehensive plans. We also are concerned about the potential impact restructuring could have on local economic development activities.

Impact on Local Taxing Authority. We are concerned about the implications that the restructuring plan may have on a local taxing authority, including the ability to assess property, subject that property to taxation and collect taxes due an owing under state and local legal authority.

For these reasons, we are seeking to intervene in review of Duquesne Light Company's restructuring proposal. We believe that we are uniquely positioned to represent these concerns, both as individual consumers and the elected representatives of ratepayers and workers who will be affected by this proposal. We look forward to working with you on this effort.

Sincerely,



GERALD J. LaVALLE  
STATE SENATOR

GJL:rm

DOCKETED

NOV 12 1998

Application of Duquesne Light Company  
for Approval of its Restructuring Plan Under  
Section 2806 of the Pennsylvania Public Utility Code as  
Amended by Duquesne Option Plan

DOCKET NUMBER: R-0094104.

MOTION TO INTERVENE OUT OF TIME OF  
MR. GERALD LaVALLE, AS AN INDIVIDUAL AND A  
STATE SENATOR

DOCUMENT  
FOLDER

Mr. Gerald LaValle (Mr. LaValle) hereby moves pursuant to 52 Pa. Code  $\text{°}$  5.71 to 5.74 , to intervene in the above-captioned "Restructuring Plan" proceedings. Mr. LaValle seeks to intervene as an individual residential Duquesne Light ratepayer and in his capacity as a duly elected State Senator from the 47th Senatorial District in Beaver County.

Through submission of its Restructuring Plan filing, Duquesne Light 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.  $\text{°}$ 2801, et. seq., which finds the Restructuring Plan to be just, reasonable, and in the public interest. Implementation of a Restructuring Plan for Duquesne Light will have a significant impact on the type and quality of electrical services available to Mr. LaValle.

Mr. LaValle is a long time resident of the Commonwealth of Pennsylvania and resides at 423 Deer Lane in Rochester, PA. He is currently a customer of Duquesne Light. Mr. LaValle seeks to participate in this proceeding in order to protect his interest as a present and future customer of electrical services from Duquesne Light. Senator LaValle also seeks to ensure that the price, terms or quality of electric service that his legislative district office in Rochester, PA receives is not adversely affected by these proceedings.

Mr. LaValle's current occupation is public service as the State Senator for the 47th Senatorial District. As an elected official representing the approximately 85,000 citizens in the Commonwealth of Pennsylvania, Senator LaValle also seeks to participate in this proceeding in order to protect the interests of his constituents. Moreover, Senator LaValle as a Member of the Senate of Pennsylvania has a direct and distinct interest in ensuring that the legislative intent of Act 138 of 1996 is followed in these proceedings.

In support of its Motion, Mr. LaValle states as follows:

Title name and address of the person seeking intervention is as

follows:

Gerald LaValle  
423 Deer Lane  
Rochester, PA 15074  
724-774-8706

Mr. LaValle will be represented in this proceeding by the following representative who should be placed on the Commission's service list and receive copies of all correspondence and other documents:

Senator Gerald LaValle  
Attn. R. David Myers  
16 East Wing  
Pennsylvania House of Representatives  
Harrisburg, PA 17120  
717-705-2063

Mr. LaValle is a current customer of Duquesne Light and would pay any Competitive Transition Charge or Intangible Transition Charge that might be authorized in this proceeding or as a result of this proceeding.

Mr. LaValle is a current customer of Duquesne Light and the price, terms or quality of that service may be impacted by proposed terms and conditions of Duquesne Light arrangements with alternative electric suppliers, the code of conduct to be adopted by Duquesne Light, and by any plan to implement function separation of its business.

Mr. LaValle is a current customer of Duquesne Light and the price, terms or quality of that electric service may be impacted by the analysis and calculation of unbundled rates for the generation, transmission and distribution of electricity.

Mr. LaValle is a current customer of Duquesne Light and the price, terms or quality of that electric service may be impacted by Duquesne Light's proposals for continued ratepayer protection, including programs for assistance to low-income customers, consumer education and other measures that may impact the ability of Duquesne Light to continue safe, reliable and efficient service.

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

Mr. LaValle is a long time resident at 423 Deer Lane in Rochester, Pennsylvania and he is familiar with socioeconomic backgrounds of many of the residents of the community and with the concerns of the workers and customers who may be affected by the elements of the Duquesne Light restructuring plan.

Mr. LaValle will be receiving residential consumer class power distribution and transmission services from Duquesne Light following these proceedings so he has interests in issues such as residential billing.

c.) Mr. LaValle owns property that receives electric power from Duquesne Light so that he would be directly impacted by any potential changes in metering and maintenance services from these proceedings.

Because of his direct and substantial interest in this proceeding, which is not adequately represented by any other party, Mr. LaValle submits he has "good cause" to intervene in this proceeding and that no other party will be prejudiced by his intervention at this stage of the process.

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

Respectfully submitted,



Gerald LaValle  
Pennsylvania Senate  
458 Main Capitol Building  
Harrisburg, PA 17102  
717-787-3076

Dated: October 22, 1998



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

IN REPLY PLEASE  
REFER TO OUR FILE

October 21, 1998

RECEIVED

The Honorable Tim Murphy  
Senate of Pennsylvania  
Senate Post Office - Main Capitol  
Harrisburg, PA

R-974104

OCT 22 1998

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Dear Senator Murphy:

Thank you for your joint letter of October 15, 1998, to Chairman John Quain of the Pennsylvania Public Utility Commission regarding the concerns by some of your constituents over the proposal of the Duquesne Light Company to divest itself of electric generation facilities.

Please know that I have taken the liberty of forwarding this matter to the Secretary of the Commission for inclusion into the official file of this proceeding.

As always, the Commission greatly appreciates having the benefit of your views.

Sincerely,

Rosemary Chivetta, Esq.  
Director of Legislative Affairs

cc: Chairman Quain  
Vice Chairman Bloom  
Commissioner Rolka  
Commissioner Brownell  
Commissioner Wilson  
Secretary McNulty

DOCKETED

NOV 10 1998

DOCUMENT  
FOLDER

40TH DISTRICT  
**MELISSA A. HART**

SENATE BOX 203040  
HARRISBURG, PA 17120-3040  
(717) 787-6538  
FAX (717) 787-8625

3380 BABCOCK BOULEVARD  
PITTSBURGH, PA 15237  
(412) 369-0525  
FAX (412) 565-2165

2400 LEECHBURG ROAD, SUITE 104A  
NEW KENSINGTON, PA 15068  
(412) 335-6709

2525 ROCHESTER ROAD, SUITE 202  
CRANBERRY TOWNSHIP, PA 16066  
(412) 772-3766  
FAX (412) 773-7844



## Senate of Pennsylvania

### COMMITTEES

FINANCE, CHAIR  
URBAN AFFAIRS & HOUSING, VICE CHAIR  
RULES AND EXECUTIVE NOMINATIONS  
JUDICIARY  
EDUCATION  
PUBLIC HEALTH & WELFARE  
PENNSYLVANIA FIREFIGHTERS  
LEGISLATIVE CAUCUS  
MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION  
LAND USE AND SPRAWL TASK FORCE

E-MAIL ADDRESS: [mhart@pasen.gov](mailto:mhart@pasen.gov)  
WEB PAGE: <http://trfn.cphg.org/senhart>

October 15, 1998

OCT 15 1998

Chairman John M. Quain  
Public Utility Commission  
North Office Building  
P.O. Box 3265  
Harrisburg, PA 17105-3256

DOCUMENT  
FOLDER

Dear Chairman Quain:

Recently, we have been contacted by constituents regarding the proposal of Duquesne Light Company to divest itself of electric generation facilities. Specifically, residents of Southwestern Pennsylvania are concerned about the effect of the divestiture of electric generation assets on their access to electricity and on employment.

We understand that Duquesne Light's plan to sell its generation facilities is part of the restructuring plan recently approved by the Pennsylvania Public Utility Commission. However, to the extent that the Pennsylvania Public Utility Commission may do so under the Electric Generation Competition and Choice Act of 1996, we respectfully request that the Commission consider the effects of this divestiture and similar such plans on employees and customers of electric companies.

Regulatory decisions regarding electricity deregulation are especially important given the problems that occurred during this summer's heat wave in the Southwestern United States. We urge the Commission to ensure that Pennsylvania consumers will be assured safe and affordable access to electricity in all types of weather.

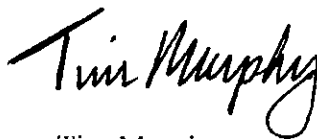
Because this divestiture will in all likelihood lead to a reduction in the workforce, we are also concerned that the industry may lack sufficient employees to address potential problems similar to what customers faced this summer in Southwestern Pennsylvania when strong winds ripped through the area. Many of Duquesne Light's customers were without electricity for up to five days, and out-of-state electrical workers were called in to help with the repair of downed lines.

Thank you for your continued consideration of these matters as Pennsylvania moves toward a competitive climate in the electricity generation industry.

Yours Very Truly,



Melissa A. Hart  
State Senator  
40<sup>th</sup> Senatorial District



Tim Murphy  
State Senator  
37<sup>th</sup> Senatorial District

cc: Vice Chairman Robert K Bloom  
Commissioner Nora Mead Brownell  
Commissioner David W. Rolka  
Commissioner Aaron Wilson, Jr.



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

IN REPLY PLEASE  
REFER TO OUR FILE

October 21, 1998

RECEIVED

The Honorable Melissa Hart  
Senate of Pennsylvania  
Senate Post Office - Main Capitol  
Harrisburg, PA

OCT 22 1998

R-00974104

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Dear Senator Hart:

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Please know that I have taken the liberty of forwarding this matter to the Secretary of the Commission for inclusion into the official file of this proceeding.

As always, the Commission greatly appreciates having the benefit of your views.

Sincerely,

Rosemary Chiavetta, Esq.  
Director of Legislative Affairs

cc: Chairman Quain  
Vice Chairman Bloom  
Commissioner Rolka  
Commissioner Brownell  
Commissioner Wilson  
Secretary McNulty

DOCKETED  
NOV 10 1998

DOCUMENT  
FOLDER

40TH DISTRICT  
MELISSA A. HART

SENATE BOX 203040  
HARRISBURG, PA 17120-3040  
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## Senate of Pennsylvania

### COMMITTEES

FINANCE, CHAIR  
URBAN AFFAIRS & HOUSING, VICE CHAIR  
RULES AND EXECUTIVE NOMINATIONS  
JUDICIARY  
EDUCATION  
PUBLIC HEALTH & WELFARE  
PENNSYLVANIA FIREFIGHTERS  
LEGISLATIVE CAUCUS  
MUNICIPAL POLICE OFFICERS'  
EDUCATION AND TRAINING COMMISSION  
LAND USE AND SPRAWL TASK FORCE

E-MAIL ADDRESS: [mhart@pasen.gov](mailto:mhart@pasen.gov)  
WEB PAGE: <http://trn.cipgh.org/senhart>

October 15, 1998

Chairman John M. Quain  
Public Utility Commission  
North Office Building  
P.O. Box 3265  
Harrisburg, PA 17105-3256

OCT 15 1998  
**DOCKETED**  
NOV 10 1998

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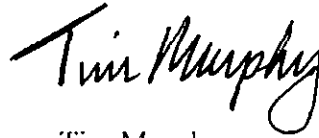
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Thank you for your continued consideration of these matters as Pennsylvania moves toward a competitive climate in the electricity generation industry.

Yours Very Truly,



Melissa A. Hart  
State Senator  
40<sup>th</sup> Senatorial District



Tim Murphy  
State Senator  
37<sup>th</sup> Senatorial District

cc: Vice Chairman Robert K Bloom  
Commissioner Nora Mead Brownell  
Commissioner David W. Rolka  
Commissioner Aaron Wilson, Jr.

NICHOLAS COLAFELLA, MEMBER

300 MAIN CAPITOL BUILDING  
HOUSE BOX 202020  
HARRISBURG, PENNSYLVANIA 17120-2020  
PHONE: (717) 787-5475  
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CENTER TOWNSHIP  
MONACA, PENNSYLVANIA 15061  
PHONE: (724) 728-7655  
FAX: (724) 773-7802



ORIGINAL COMMITTEES  
DEMOCRATIC CHAIRMAN  
INSURANCE COMMITTEE

PHEAA BOARD OF DIRECTORS

House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

October 22, 1998

The Honorable John M. Quain, Chair  
Public Utility Commission  
P.O. Box 3265 North Office Building  
Harrisburg, PA 17105-3265

R-00974104

DOCUMENT  
FOLDER

CHAIRMAN QUAIN'S OFFICE

98 OCT 30 AM 10:26

RECEIVED

Dear Chairman Quain:

I am submitting the enclosed petition seeking to intervene in the application of Duquesne Light Company for approval of its restructuring plan under Section 2806 of the Pennsylvania Public Utility Code (Docket Number r-0097.104.). I am petitioning to intervene both as an individual consumer within the Duquesne Light service territory and as the elected representative of consumers residing and working within that territory.

*I have concerns about a number of issues related to this restructuring plan which I believe must be addressed by the Commission.*

**Price and Quality of Service.** I am concerned that the price, terms or quality of service could be affected various elements of the proposed restructuring plan. These would include arrangements which Duquesne may make with alternative suppliers; any proposal to separate or divest functions of Duquesne's current operations; the transfer of assets to other utilities; and the calculation of unbundled rates for generation, transmission and distribution of electricity. I believe that the rates established as a result of Duquesne's restructuring must be fair, reasonable and adequate. And I believe that the safeguards must be established to ensure quality service for all affected consumers.

**Fair Treatment of Employees.** The Electricity Generation Customer Choice and Competition Act provided that companies have to treat employees affected by restructuring in a fair and reasonable manner. I am interested in ensuring that any employee affected by the restructuring proposal or by the sale or transfer of property related to the restructuring proposal will be assured in a legally binding fashion that the current terms and conditions or their employment will continue. This would include any collective bargaining agreement currently enforce, as well as the current wages and benefits that they now enjoy, including pension coverage and health benefits.

**Environmental Safeguards.** Duquesne proposed to transfer its ownership interest in several generating facilities, including its interest in a nuclear facility located in Beaver County. However, according to the transfer agreement, which I believe has been incorporated into the restructuring proposal, Duquesne retains responsibility for its share of the cost for decommissioning that nuclear facility. I am interested in requiring that there are sufficient assets pledged to ensure this facility is safely and appropriately decommissioned, in a way that protects both the public health and safety and the natural environment.

**Continuation of Lifeline Service.** I am concerned that the price, terms or quality of electric service may be impacted Duquesne Light's proposals for ratepayer protection, including programs for assistance to low-income and elderly customers, consumer education and other measures that may impact the ability of the company or its successors to continue safe, reliable and efficient service. At the same time, I am concerned that other arrangements relating to the rates could adversely affect the ability of the company or any successor entity to provide ratepayer protection programs.

**Impact on Local Zoning and Planning.** I am concerned about the impact that the transfer of ownership of generation facilities or the divestiture of generating capacity will have on the ability of local governments too implement local zoning ordinances and comprehensive plans. I am also concerned about the potential impact restructuring could have on local economic development activities.

Quain  
10/22/98  
Page 2

**Impact on Local Taxing Authority.** I am concerned about the implications that the restructuring plan may have on local taxing authority, including the ability to assess property, subject that property to taxation and collect taxes dues an owing understate and local legal authority.

For these reasons, I am seeking to intervene in review of Duquesne Light Company's restructuring proposal. I believe that I am uniquely positioned to represent these concerns, both as an individual consumer and the elected representative of ratepayers and workers who will be affected by this proposal. I look forward to working with you on this effort.

Sincerely,

A handwritten signature in black ink that reads "Nick Colafella". The signature is written in a cursive style with a large, prominent initial "N".

ensure that the price, terms or quality of electric service that his legislative district office in Monaca, PA receives is not adversely affected by these proceedings.

Mr. Colafella's current occupation is public service as the State Representative for the 15th Legislative District. As an elected official representing the approximately 59,000 citizens in the Commonwealth of Pennsylvania, Representative Colafella also seeks to participate in this proceeding in order to protect the interests of his constituents. Moreover, Representative Colafella as a Member of the Pennsylvania General Assembly was a supporter of the Electric Utility Retail Law and has a direct and distinct interest in ensuring that the legislative intent of Act 138 of 1996 is followed in these proceedings.

In support of its Motion, Mr. Colafella states as follows:

1. Title name and address of the person seeking intervention is as

follows:

Nicholas A. Colafella  
(home address) 111 ShadySide Drive, Aliquippa, PA 15001  
(home phone number) (724) 775-3168

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

Representative Nicholas Colafella  
Attn. R. David Myers  
16 East Wing  
Pennsylvania House of Representatives  
Harrisburg, PA 17120  
717-705-2063

3. Mr. Colafella is a current customer of Duquesne Light and would pay any

Competitive Transition Charge or Intangible Transition Charge that might be authorized in this proceeding or as a result of this proceeding.

4. Mr. Colafella is a current customer of Duquesne Light and the price, terms or quality of that service may be impacted by proposed terms and conditions of Duquesne Light arrangements with alternative electric suppliers, the code of conduct to be adopted by Duquesne Light, and by any plan to implement function separation of its business.

5. Mr. Colafella is a current customer of Duquesne Light and the price, terms or quality of that electric service may be impacted by the analysis and calculation of unbundled rates for the generation, transmission and distribution of electricity.

6. Mr. Colafella is a current customer of Duquesne Light and the price, terms or quality of that electric service may be impacted by Duquesne Light's proposals for continued ratepayer protection, including programs for assistance to low-income customers, consumer education and other measures that may impact the ability of Duquesne Light to continue safe, reliable and efficient service.

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

a) Mr. Colafella is a long time resident in Aliquippa, Pennsylvania and he is familiar with socioeconomic backgrounds of many of the residents of the community and with the concerns of the workers and customers who may be affected by the elements of the Duquesne Light restructuring plan.

b.) Mr. Colafella will be receiving residential consumer class power

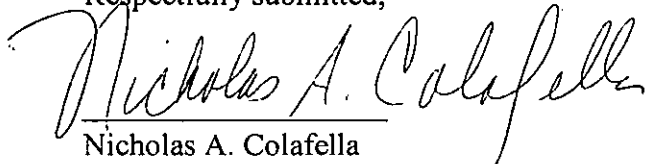
distribution and transmission services from Duquesne Light following these proceedings so he has interests in issues such as residential billing.

c.) Mr. Colafella owns property that receives electric power from Duquesne Light so that he would be directly impacted by any potential changes in metering and maintenance services from these proceedings.

8. Because of his direct and substantial interest in this proceeding, which is not adequately represented by any other party, Mr. Colafella submits he has "good cause" to intervene in this proceeding and that no other party will be prejudiced by his intervention at this stage of the process.

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

Respectfully submitted,



Nicholas A. Colafella  
Pennsylvania House of Representatives  
300 Main Capitol Building  
Harrisburg, PA 17102  
717-787-5475

Dated: October 22, 1998

Application of Duquesne Light Company  
for Approval of its Restructuring Plan Under  
Section 2806 of the Pennsylvania Public Utility Code as  
Amended by Duquesne Option Plan

:  
: **Docket No.** R-0097104  
:

**DOCKETED**  
NOV 12 1998

MOTION TO INTERVENE OUT OF TIME OF  
MR. NICHOLAS A. COLAFELLA, AS AN INDIVIDUAL AND A  
STATE REPRESENTATIVE

Mr. Nicolas Colafella ("Mr. Colafella") hereby moves pursuant to 52 Pa. Code §§ 5.71 to 5.74 , to intervene in the above-captioned "Restructuring Plan" proceedings. Mr. Colafella seeks to intervene as an individual residential Duquesne Light ratepayer and in his capacity as a duly elected State Representative from the 15th Legislative District in Beaver County.

Through submission of its Restructuring Plan filing, Duquesne Light 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 Light will have a significant impact on the type and quality of electrical services available to Mr. Colafella.

**DOCUMENT  
FOLDER**

Mr. Colafella is a long time resident of the Commonwealth of Pennsylvania and resides in Aliquippa, PA. He is currently a customer of Duquesne Light. Mr. Colafella seeks to participate in this proceeding in order to protect his interest as a present and future customer of electrical services from Duquesne Light. Representative Colafella also seeks to



ORIGINAL  
MAIN CAPITOL BUILDING  
HARRISBURG, PENNSYLVANIA 17120-2020  
PHONE (717) 787-1290

HOUSE OF REPRESENTATIVES  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

October 22, 1998

R-00974104

The Honorable John M. Quain, Chair  
Public Utility Commission  
PO Box 3265  
North Office Building  
Harrisburg, PA 17105-3265

DOCUMENT  
FOLDER

RECEIVED  
56 OCT 30 AM 10:25  
CHAIRMAN QUAIN'S OFFICE

Dear Chairman Quain:

I, the undersigned, am submitting the enclosed petitions seeking to intervene in the application of Duquesne Light Company for approval of its restructuring plan under Section 2806 of the Pennsylvania Public Utility Code (Docket Number R-0097104). I am petitioning to intervene both as individual consumers within the Duquesne Light service territory and as the elected representative of consumers residing and working within that territory.

I have concerns about a number of issues related to this restructuring plan which I believe must be addressed by the Commission.

**Price and Quality of Service.** I am concerned that the price, terms or quality of service could be affected various elements of the proposed restructuring plan. These would include arrangements which Duquesne may make with alternative suppliers; any proposal to separate or divest functions of Duquesne's current operations; the transfer of assets to other utilities; and the calculation of unbundled rates for generation, transmission and distribution of electricity. I believe that the rates established as a result of Duquesne's restructuring must be fair, reasonable and adequate. And I believe that the safeguards must be established to ensure quality service for all affected consumers.

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Quain  
Page 2  
October 22, 1998

**Environmental Safeguards.** Duquesne proposes to transfer its ownership interest in several generating facilities, including its interest in a nuclear facility located in Beaver County. However, according to the transfer agreement, which I believe has been incorporated into the restructuring proposal, Duquesne retains responsibility for its share of the cost for decommissioning that nuclear facility. I am interested in requiring that there are sufficient assets pledged to ensure this facility is safely and appropriately decommissioned, in a way that protects both the public health and safety and the natural environment.

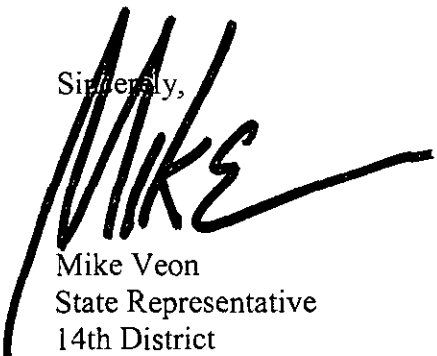
**Continuation of Lifeline Service.** I am concerned that the price, terms or quality of electric service may be impacted Duquesne Light's proposals for ratepayer protection, including programs for assistance to low-income and elderly customers, consumer education and other measures that may impact the ability of the company or its successors to continue safe, reliable and efficient service. At the same time, I am concerned that other arrangements relating to the rates could adversely affect the ability of the company or any successor entity to provide ratepayer protection programs.

**Impact on Local Zoning and Planning.** I am concerned about the impact that the transfer of ownership of generation facilities or the divestiture of generating capacity will have on the ability of local governments to implement local zoning ordinances and comprehensive plans. I also am concerned about the potential impact restructuring could have on local economic development activities.

**Impact on Local Taxing Authority.** I am concerned about the implications that the restructuring plan may have on local taxing authority, including the ability to assess property, subject that property to taxation and collect taxes dues an owing under state and local legal authority.

For these reasons, I am seeking to intervene in review of Duquesne Light Company's restructuring proposal. I believe that I am uniquely positioned to represent these concerns, both as individual consumers and the elected representative of ratepayers and workers who will be affected by this proposal. I look forward to working with you on this effort.

Sincerely,



Mike Veon  
State Representative  
14th District

Application of Duquesne Light Company :  
for Approval of its Restructuring Plan Under : **Docket No. R-0097104**  
Section 2806 of the Pennsylvania Public Utility Code as :  
Amended by Duquesne Option Plan :  
(Docket No. R-0097104)

**DOCKETED**  
NOV 12 1998

MOTION TO INTERVENE OUT OF TIME OF  
MR. MICHAEL R. VEON, AS AN INDIVIDUAL AND A  
STATE REPRESENTATIVE

Michael Veon ("Mr. Veon") hereby moves pursuant to 52 Pa. Code §§ 5.71 to 5.74 , to intervene in the above-captioned "Restructuring Plan" proceedings. Mr. Veon seeks to intervene as an individual residential Duquesne Light ratepayer and in his capacity as a duly elected State Representative from the 14th Legislative District in Beaver County.

**DOCUMENT  
FOLDER**

Through submission of its Restructuring Plan filing, Duquesne Light 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 Light will have a significant impact on the type and quality of electrical services available to Mr. Veon.

Mr. Veon is a long time resident of the Commonwealth of Pennsylvania and resides in Beaver Falls, PA. He is currently a customer of Duquesne Light. Mr. Veon seeks to participate in this proceeding in order to protect his interest as a present and future customer of electrical services from Duquesne Light. Representative Veon also seeks to ensure that the price, terms

or quality of electric service that his legislative district office in Beaver Falls receives is not adversely affected by these proceedings.

Mr. Veon's current occupation is public service as the State Representative for the 14th Legislative District and Chairman of House Democratic Policy Committee. As an elected official representing the approximately 59,000 citizens in the Commonwealth of Pennsylvania, Representative Veon also seeks to participate in this proceeding in order to protect the interests of his constituents. Moreover, Representative Veon as a Member of the Pennsylvania General Assembly was one of the principal architects of the Electric Utility Retail Law and has a direct and distinct interest in ensuring that the legislative intent of Act 138 of 1996 is followed in these proceedings.

In support of its Motion, Mr. Veon states as follows:

1. **Title** name and address of the person seeking intervention is as

follows:

Michael R. Veon  
2823 Fourth Avenue  
Beaver Falls, PA 15010  
724-891-0699

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

Representative Michael R. Veon  
Attn. R. David Myers  
16 East Wing  
Pennsylvania House of Representatives  
Harrisburg, PA 17120  
717-705-2063

3. Mr. Veon is a current customer of Duquesne Light and would pay any Competitive Transition Charge or Intangible Transition Charge that might be authorized in this proceeding or as a result of this proceeding.

4. Mr. Veon is a current customer of Duquesne Light and the price, terms or quality of that service may be impacted by proposed terms and conditions of Duquesne Light arrangements with alternative electric suppliers, the code of conduct to be adopted by Duquesne Light, and by any plan to implement function separation of its business.

5. Mr. Veon is a current customer of Duquesne Light and the price, terms or quality of that electric service may be impacted by the analysis and calculation of unbundled rates for the generation, transmission and distribution of electricity.

6. Mr. Veon is a current customer of Duquesne Light and the price, terms or quality of that electric service may be impacted by Duquesne Light's proposals for continued ratepayer protection, including programs for assistance to low-income customers, consumer education and other measures that may impact the ability of Duquesne Light to continue safe, reliable and efficient service.

7.) Mr. Veon has a direct, substantial interest in this proceeding, which is not adequately represented by any other party for, among others, the following reasons:

a) Mr. Veon is a long time resident in Beaver Falls, Pennsylvania and he is familiar with socioeconomic backgrounds of many of the residents of the community and with the concerns of the workers and customers who may be affected by the elements of the Duquesne Light restructuring plan.

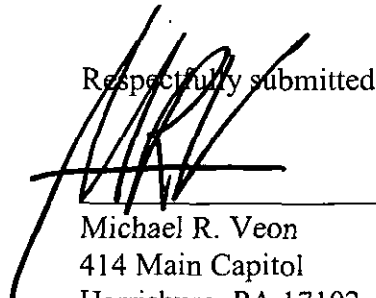
(b) Mr. Veon will be receiving residential consumer class power distribution and transmission services from Duquesne Light following these proceedings so he has interests in issues such as residential billing.

(c) Mr. Veon owns property that receives electric power from Duquesne Light so that he would be directly impacted by any potential changes in metering and maintenance services from these proceedings.

8.) Because of his direct and substantial interest in this proceeding, which is not adequately represented by any other party, Mr. Veon submits he has "good cause" to *intervene in this proceeding and that no other party will be prejudiced by his intervention at this stage of the process.*

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

Respectfully submitted,



Michael R. Veon  
414 Main Capitol  
Harrisburg, PA 17102  
717-787-1290

Dated: October 22, 1998



ORIGINAL

House of Representatives  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

October 27, 1998

The Honorable John M. Quain, Chair  
Public Utility Commission  
PO Box 3265  
North Office Building  
Harrisburg, PA 17105-3265

R-00974104

RECEIVED  
98 OCT 28 PM 12:21  
PA.P.U.C.  
SECRETARY'S BUREAU

DOCUMENT  
FOLDER

Dear Chairman Quain:

We are submitting the enclosed petition seeking to intervene in the application of Duquesne Light Company for approval of its restructuring plan under Section 2806 of the Pennsylvania Public Utility Code (Docket Number R-00974009). We are petitioning to intervene both as an individual consumer within the Duquesne Light service territory and as the elected representative of consumers residing and working within that territory.

We have concerns about a number of issues related to this restructuring plan which we believe must be addressed by the Commission.

**Price and Quality of Service.** We are concerned that the price, terms or quality of service could affect various elements of the proposed restructuring plan. These would include arrangements which Duquesne may make with alternative suppliers; any proposal to separate or divest functions of Duquesne's current operations; the transfer of assets to other utilities; and the calculation of unbundled rates for generation, transmission and distribution of electricity. We believe that the rates established as a result of Duquesne's restructuring must be fair, reasonable and adequate. And we believe that the safeguards must be established to ensure quality service for all affected consumers.

**Fair Treatment of Employees.** The Electricity Generation Customer Choice and Competition Act provided that companies have to treat employees affected by restructuring in a fair and reasonable manner. We are interested in ensuring that any employee affected by the restructuring proposal or by the sale or transfer of property related to the restructuring proposal will be assured in a legally binding fashion that the current terms and conditions of their employment will continue. This would include any collective bargaining agreement currently enforce, as well as the current wages and benefits that they now enjoy, including pension coverage and health benefits.

105

Quain  
Page 2  
October 27, 1998

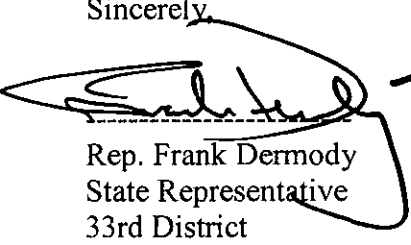
**Continuation of Lifeline Service.** We are concerned that the price, terms or quality of electric service may be impacted by Duquesne Light's proposals for ratepayer protection, including programs for assistance to low-income and elderly customers, consumer education and other measures that may impact the ability of the company or its successors to continue safe, reliable and efficient service. At the same time, we are concerned that other arrangements relating to the rates could adversely affect the ability of the company or any successor entity to provide ratepayer protection programs.

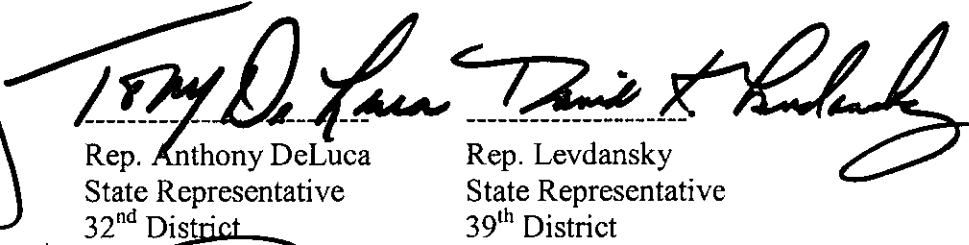
**Impact on Local Zoning and Planning.** We are concerned about the impact that the transfer of ownership of generation facilities or the divestiture of generating capacity will have on the ability of local governments to implement local zoning ordinances and comprehensive plans. We are also concerned about the potential impact restructuring could have on local economic development activities.

**Impact on Local Taxing Authority.** We are concerned about the implications that the restructuring plan may have on local taxing authority, including the ability to assess property, subject that property to taxation and collect taxes dues an owing under state and local legal authority.

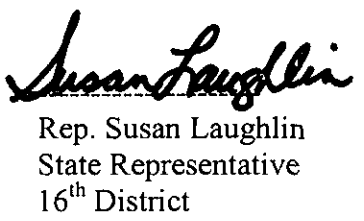
For these reasons, we are seeking to intervene in review of Duquesne Light Company's restructuring proposal. We believe that we are uniquely positioned to represent these concerns, both as individual consumers and the elected representatives of ratepayers and workers who will be affected by this proposal. We look forward to working with you on this effort.

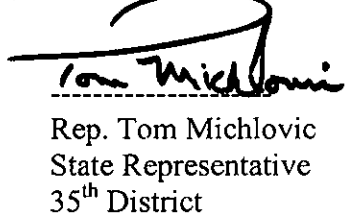
Sincerely,

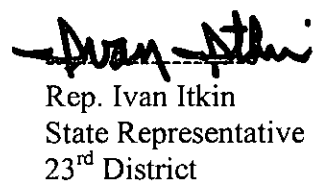
  
Rep. Frank Dermody  
State Representative  
33rd District

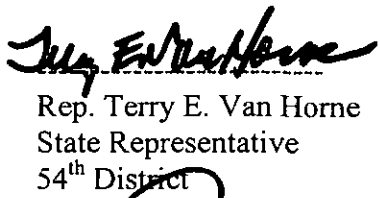
  
Rep. Anthony DeLuca  
State Representative  
32<sup>nd</sup> District

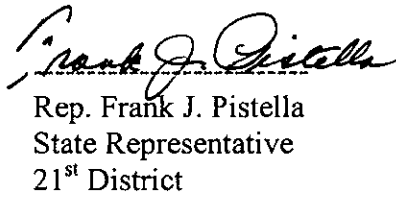
Rep. Levdansky  
State Representative  
39<sup>th</sup> District

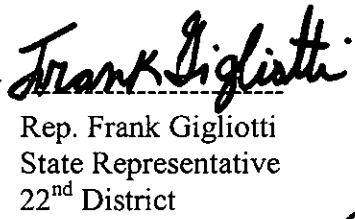
  
Rep. Susan Laughlin  
State Representative  
16<sup>th</sup> District

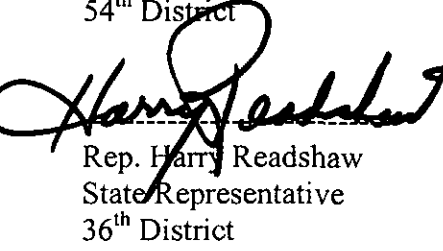
  
Rep. Tom Michlovic  
State Representative  
35<sup>th</sup> District

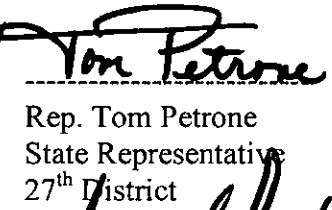
  
Rep. Ivan Itkin  
State Representative  
23<sup>rd</sup> District

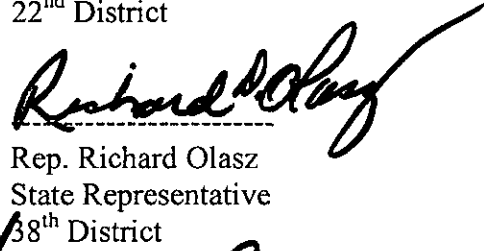
  
Rep. Terry E. Van Horne  
State Representative  
54<sup>th</sup> District

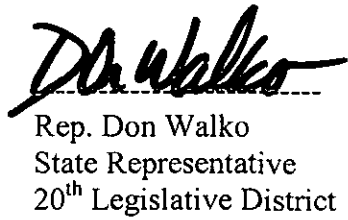
  
Rep. Frank J. Pistella  
State Representative  
21<sup>st</sup> District

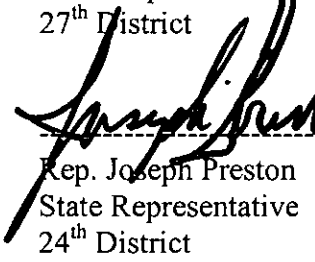
  
Rep. Frank Gigliotti  
State Representative  
22<sup>nd</sup> District

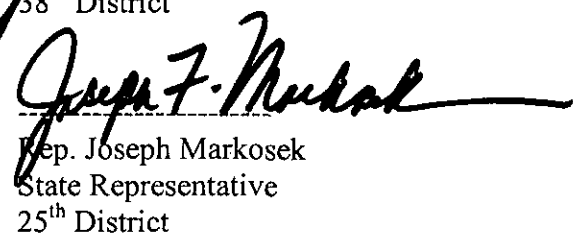
  
Rep. Harry Readshaw  
State Representative  
36<sup>th</sup> District

  
Rep. Tom Petrone  
State Representative  
27<sup>th</sup> District

  
Rep. Richard Olasz  
State Representative  
38<sup>th</sup> District

  
Rep. Don Walko  
State Representative  
20<sup>th</sup> Legislative District

  
Rep. Joseph Preston  
State Representative  
24<sup>th</sup> District

  
Rep. Joseph Markosek  
State Representative  
25<sup>th</sup> District

  
Rep Dave Mayernik  
State Representative  
29 District

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Application of Duquesne Light Company  
for Approval of its Restructuring Plan Under  
Section 2806 of the Pennsylvania Public Utility Code as  
Amended by Duquesne Option Plan  
(Docket No. R-0097104)

PA P.U.C.  
SECRETARY'S BUREAU

:  
: Docket No. R-00974009  
:

DOCKETED

NOV 12 1998

MOTION TO INTERVENE OUT OF TIME OF  
MEMBERS OF THE ALLEGHENY COUNTY DEMOCRATIC DELEGATION TO THE  
PENNSYLVANIA HOUSE OF REPRESENTATIVES, AS INDIVIDUALS AND AS  
STATE REPRESENTATIVE

Rep. Anthony DeLuca, Rep. Frank Dermody, Rep. David Levdansky, Rep. Ivan Itkin,  
Rep. Frank Gigliotti, Rep. Susan Laughlin, Rep. Tom Michlovic, , Rep. Terry Van Horne, Rep.  
Frank Pistella, Rep. Harry Readshaw, Rep. Tom Petrone, Rep. Richard Olasz, Rep. Don  
Walko. Rep. Joseph Preston, Jr., Rep. Joseph Markosek, Rep. Dave Mayernik ("Members of  
the Allegheny County Democratic Delegation") hereby move pursuant to 52 Pa. Code §§ 5.71  
to 5.74 , to intervene in the above-captioned "Restructuring Plan" proceedings. Members of the  
Allegheny County Democratic Delegation seek to intervene as individual residential Duquesne  
Light ratepayers and in their capacity as a duly elected State Representatives to the  
Pennsylvania State Legislature from Allegheny County.

DOCUMENT  
FOLDER

Through submission of its Restructuring Plan filing, Duquesne Light 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 Light will have a significant impact on the type and quality of  
electrical services available to Members of the Allegheny County Democratic Delegation.

Members of the Allegheny County Democratic Delegation are long time residents of the Commonwealth of Pennsylvania and reside in Allegheny County. They are currently customers of Duquesne Light. Members of the Allegheny County Democratic Delegation seek to participate in this proceeding in order to protect their interests as present and future customers of electrical services from Duquesne Light. Members of the Allegheny County Democratic Delegation also seek to ensure that the price, terms or quality of electric service that their legislative district offices within Allegheny County receives are not adversely affected by these proceedings.

Members of the Allegheny County Democratic Delegation's current occupations are as public servants in the State House of Representatives. As elected officials, each representing approximately 59,000 citizens in the Commonwealth of Pennsylvania, Members of the Allegheny County Democratic Delegation also seek to participate in this proceeding in order to protect the interests of their constituents.

Duquesne Light Company has several Power Generating Facilities located in Allegheny County represented by Members of the Allegheny County Democratic Delegation and it is in their interest to participate in the proceedings to protect the communities and workers of Allegheny County in the disposition of Duquesne Light Company's Power Generation Facilities in Allegheny County, Pennsylvania.

In support of its Motion, Members of the Allegheny County Democratic Delegation

state as follows:

1. **Title** name and address of the persons seeking intervention are as follows:

Rep. Frank Dermody  
801 Freeport Road  
Cheswick PA 15024-1209  
724-274-4770

Rep. Anthony DeLuca  
11609 Penn Hills Drive  
Pittsburgh PA 15235-3329  
412-241-3120

Rep. David Levdansky  
112 2<sup>nd</sup> Avenue  
Elizabeth PA 15037-1549  
412-384-2258

Rep. Susan Laughlin  
555 Merchant Street  
Ambridge PA 15003-2464  
724-266-7774

Rep. Tom Michlovic  
519 Penn Avenue  
Turtle Creek PA 15145  
412-823-9228

Rep. Ivan Itkin  
1148 Greenfield Avenue  
Pittsburgh PA 15217-2953  
412-421-7330

Rep. Terry E. Van Horne  
1625 Fifth Avenue  
Arnold PA 15068-4415  
724-339-1990

Rep. Frank J. Pistella  
506 South Millvale Avenue  
Pittsburgh PA 15224-2118  
412-621-4625

Rep. Frank Gigliotti  
2023 East Carson Street  
Pittsburgh PA 15203-1929  
412-488-2002

Rep. Harry Readshaw  
5101 Old Clairton Road  
Pittsburgh PA 15236  
412-881-4208

Rep. Tom C. Petrone  
179 Steuben Street  
P.O. Box 8557  
Pittsburgh PA 15220  
412-928-9514

Rep. Richard D. Olasz  
3702 Greensprings Avenue  
West Mifflin PA 15122-1753  
412-4615219

Rep. Don Walko  
3722 Brighton Road  
Pittsburgh PA 15212  
412-734-9740

Rep. Joseph Preston, Jr.  
6203 Penn Avenue  
Pittsburgh PA 15206-4005  
412-361-3692

Rep. Joseph Markosek  
4232 Northern Pike  
Monroeville PA 15146-2732  
412-856-8284

Rep. Dave Mayernik  
440 Perry Highway  
Pittsburgh, PA 15229  
412-931-2295

2. Members of the Allegheny County Democratic Delegation will be represented in these proceedings by the following representative who should be placed on the Commission's service list and receive copies of all correspondence and other documents:

Rep. Frank Dermody  
801 Freeport Road  
Cheswick PA 15024-1209  
724-274-4770

Rep. Anthony DeLuca  
11609 Penn Hills Drive  
Pittsburgh PA 15235-3329  
412-241-3120

Rep. David Levdansky  
112 2<sup>nd</sup> Avenue  
Elizabeth PA 15037-1549  
412-384-2258

Rep. Susan Laughlin  
555 Merchant Street  
Ambridge PA 15003-2464  
724-266-7774

Rep. Tom Michlovic  
519 Penn Avenue  
Turtle Creek PA 15145  
412-823-9228

Rep. Ivan Itkin  
1148 Greenfield Avenue  
Pittsburgh PA 15217-2953  
412-421-7330

Rep. Terry E. Van Horne  
1625 Fifth Avenue  
Arnold PA 15068-4415  
724-339-1990

Rep. Frank J. Pistella  
506 South Millvale Avenue  
Pittsburgh PA 15224-2118  
412-621-4625

Rep. Frank Gigliotti  
2023 East Carson Street  
Pittsburgh PA 15203-1929  
412-488-2002

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Pittsburgh PA 15236  
412-881-4208

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179 Steuben Street  
P.O. Box 8557  
Pittsburgh PA 15220  
412-928-9514

Rep. Richard D. Olasz  
3702 Greensprings Avenue  
West Mifflin PA 15122-1753  
412-4615219

Rep. Don Walko  
3722 Brighton Road  
Pittsburgh PA 15212  
412-734-9740

Rep. Joseph Preston, Jr.  
6203 Penn Avenue  
Pittsburgh PA 15206-4005  
412-361-3692

Rep. Joseph Markosek  
4232 Northern Pike  
Monroeville PA 15146-2732  
412-856-8284

Rep. Dave Mayernik  
440 Perry Highway  
Pittsburgh, PA 15229  
412-931-2295

3. Members of the Allegheny County Democratic Delegation are current customers of Duquesne Light and as customers would be affected by any Competitive Transition Charge or

Intangible Transition Charge that might be authorized in this proceeding or as a result of this proceeding.

4. Members of the Allegheny County Democratic Delegation are current customers of Duquesne Light and the price, terms or quality of that service may be impacted by proposed terms and conditions of Duquesne Light arrangements with alternative electric suppliers, the code of conduct to be adopted by Duquesne Light, and by any plan to implement function separation of its business.

5. Members of the Allegheny County Democratic Delegation are current customers of Duquesne Light and the price, terms or quality of that electric service may be impacted by the analysis and calculation of unbundled rates for the generation, transmission and distribution of electricity.

6. Members of the Allegheny County Democratic Delegation are current customers of Duquesne Light and the price, terms or quality of that electric service may be impacted by Duquesne Light's proposals for continued ratepayer protection, including programs for assistance to low-income customers, consumer education and other measures that may impact the ability of Duquesne Light to continue safe, reliable and efficient service.

7. Members of the Allegheny County Democratic Delegation have a direct, substantial interest in this proceeding, which is not adequately represented by any other party for, among others, the following reasons:

- a) Members of the Allegheny County Democratic Delegation are long time residents of Allegheny County, Pennsylvania and are familiar with the socioeconomic backgrounds of many of the residents of the

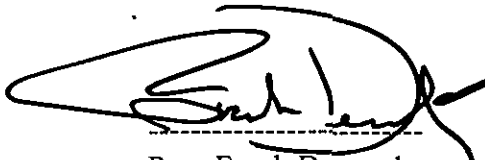
community and with the concerns of the workers and customers who may be affected by the elements of the Duquesne Light restructuring plan.

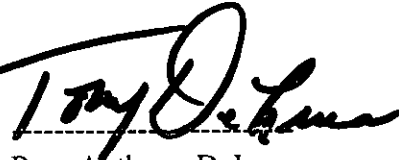
- b) Members of the Allegheny County Democratic Delegation will be receiving residential consumer class power distribution and transmission services from Duquesne Light following these proceedings so they have interests in issues such as residential billing.
- c) Members of the Allegheny County Democratic Delegation own property that receives electric power from Duquesne Light so that they would be directly impacted by any potential changes in metering and maintenance services from these proceedings.
- d) For decades, Duquesne Light Co. facilities have been incorporated into the communities in this region and have been good neighbors to the citizens of those communities providing jobs, tax revenues and civic participation. We are concerned about losing these jobs and Duquesne Light Co. as a good neighbor.

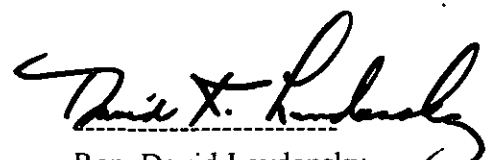
8. *Because of their direct and substantial interest in this proceeding, which is not adequately represented by any other party, Members of the Allegheny County Democratic Delegation submits they have "good cause" to intervene in this proceeding and that no other party will be prejudiced by their intervention at this stage of the process.*

WHEREFORE, for all the foregoing reasons, Members of the Allegheny County Democratic Delegation respectfully requests that the Commission grant this petition and approve Members of the Allegheny County Democratic Delegation's intervention as an active party of record in this proceeding.


Respectfully submitted,


  
Rep. Frank Dermody  
801 Freeport Road  
Cheswick PA 15024-1209  
724-274-4770

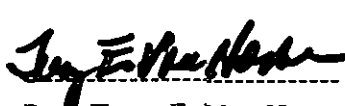
  
Rep. Anthony DeLuca  
11609 Penn Hills Drive  
Pittsburgh PA 15235-3329  
412-241-3120

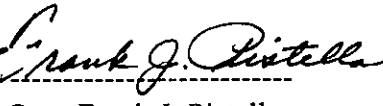
  
Rep. David Levdansky  
112 2<sup>nd</sup> Avenue  
Elizabeth PA 15037-1549  
412-384-2258

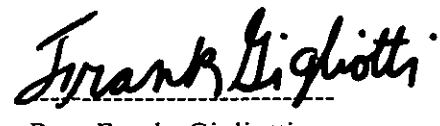
  
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Ambridge PA 15003-2464  
724-266-7774

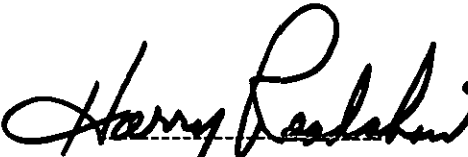
  
Rep. Tom Michlovic  
519 Penn Avenue  
Turtle Creek PA 15145  
412-823-9228


  
Rep. Ivan Itkin  
1148 Greenfield Avenue  
Pittsburgh PA 15217-2953  
412-421-7330

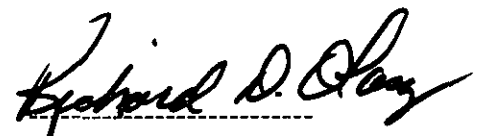
  
Rep. Terry E. Van Horne  
1625 Fifth Avenue  
Arnold PA 15068-4415  
724-339-1990


  
Rep. Frank J. Pistella  
506 South Millvale Avenue  
Pittsburgh PA 15224-2118  
412-621-4625

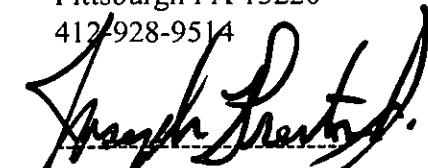
  
Rep. Frank Gigliotti  
2023 East Carson Street  
Pittsburgh PA 15203-1929  
412-488-2002


  
Rep. Harry Readshaw  
5101 Old Clairton Road  
Pittsburgh PA 15236  
412-881-4208

  
Rep. Tom C. Petrone  
179 Steuben Street  
P.O. Box 8557  
Pittsburgh PA 15220  
412-928-9514


  
Rep. Richard D. Olasz  
3702 Greensprings Avenue  
West Mifflin PA 15122  
412-461-5219

  
Rep. Don Walko  
3722 Brighton Road  
Pittsburgh PA 15212  
412-734-9740

  
Rep. Joseph Preston, Jr.  
6203 Penn Avenue  
Pittsburgh PA 15206-4005  
412-361-3692

  
Rep. Joseph Markosek  
4232 Northern Pike  
Monroeville PA 15146  
412-856-8284

Dated: October 27, 1998

  
Rep. Dave Mayernik  
440 Perry Highway  
Pittsburgh, PA 15229  
412-931-2295

DOCUMENT  
FOLDER

COMMONWEALTH OF PENNSYLVANIA

DATE: October 23, 1998

SUBJECT: R-00974104

TO: Law Bureau

FROM: *WJZ* James J. McNulty, Secretary

**DOCKETED**  
OCT 23 1998

KJR

R-00974104 APPLICATION OF DUQUESNE LIGHT FOR  
APPROVAL OF ITS RESTRUCTURING PLAN

---

Attached is copy of a Motion to Suspend Proceeding and Provide for Additional Comment Period of the System Council U-10, International Brotherhood of Electrical Workers filed in connection with the above docketed proceeding.

This matter is assigned to your Bureau for appropriate action.

Attachment

cc: BFUS

wjz

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

1440 NEW YORK AVENUE, N.W.

WASHINGTON, D.C. 20005-2111

TEL: (202) 371-7000

FAX: (202) 393-5760

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SYDNEY  
TOKYO  
TORONTO

DIRECT DIAL  
371-7310  
DIRECT FAX  
371-7939

**ORIGINAL**

October 23, 1998

**EMERGENCY PETITION – REQUIRES IMMEDIATE ATTENTION**

By facsimile and overnight delivery

James J. McNulty  
Secretary  
Office of the Prothonotary  
Pennsylvania Public Utility Commission  
North Office Building  
Harrisburg, Pa. 17105-3265

**RECEIVED**

OCT 23 1998

KJR  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

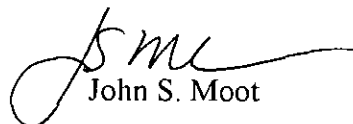
Re: Duquesne Light Company Restructuring Case,  
Docket No. R-00974104

**DOCUMENT  
FOLDER**

Dear Secretary McNulty:

In accordance with an agreement among all the active parties to this case, Duquesne Light Company hereby files a petition to modify the schedule for filing comments on Duquesne's Generation Auction Plan. The parties are requesting that the Commission grant the petition by secretarial letter or other expeditious means that will provide interested parties adequate assurance prior to October 27 that their comments need not be filed by that date. Thank you for your prompt attention to this matter.

Sincerely,

  
John S. Moot

Enclosure

cc: All persons on official service list (via facsimile)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**DOCKETED**  
OCT 28 1998

Pennsylvania Public Utility )  
Commission, )  
v. )  
Duquesne Light Company )  
Application to approve )  
restructuring plan pursuant )  
to 66 Pa. C.S. § 2806(d) )

Docket No. R-00974104

**RECEIVED**

OCT 23 1993

**ORIGINAL**

EMERGENCY PETITION  
TO  
MODIFY SCHEDULE FOR FILING COMMENTS ON GENERATION AUCTION PLAN  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Pursuant to an agreement among all active parties to this proceeding, Duquesne Light Company, on behalf of itself, the Office of Consumer Advocate, the Duquesne Industrial Intervenors, the Office of Small Business Advocate, the Environmentalists, Hospital Shared Services/Administrative Resources, Inc., the Pennsylvania Retailers Association, the International Brotherhood of Electrical Workers,<sup>1</sup> and the Office of Trial Staff (the "Supporting Parties"), requests that the Commission extend the time for filing comments and reply comments on Duquesne's Generation Auction Plan. In support thereof, Duquesne states as follows:

**DOCUMENT  
FOLDER**

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<sup>1</sup> The IBEW's support for this petition is without prejudice to its Motion to Suspend Proceeding, filed October 21, 1998, which requests that the proceeding be suspended until definitive agreements with FirstEnergy regarding the generation exchange are filed.

1. The Commission's Restructuring Order in this case provides that interested parties must file comments, if any, on the Generation Auction Plan 60 days following submission of the plan, with Duquesne filing reply comments 30 days thereafter. Because Duquesne filed the Auction Plan by overnight delivery to the Commission on August 27, 1998, comments from interested parties would be due, depending on the mode of delivery, either October 27 or October 30.

2. At a technical conference that was convened on October 21, 1998 to discuss the Auction Plan, several parties requested additional time to prepare comments on the Auction Plan, particularly with respect to the generation exchange with FirstEnergy Corp. that was announced on October 14, 1998.

3. At the conference, the Supporting Parties agreed, and no party in attendance objected, to:

(a) extend the date for the filing of comments by interested parties to and including November 6, 1998, with such parties reserving the right to file such comments on November 9, 1998 if such additional time is necessary to evaluate additional information received from Duquesne regarding the generation exchange; and

(b) modify the date for Duquesne filing reply comments to 14 days following the receipt of the comments of the intervenors, with Duquesne using its best efforts to file such reply comments at an earlier date to facilitate Commission

review of the Auction Plan and the issuance of an order at one of its scheduled meeting dates in December 1998.<sup>2</sup>

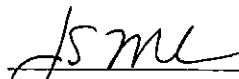
4. The Supporting Parties request that the Commission grant this Petition by secretarial letter or other expeditious means that will provide interested parties adequate assurance prior to October 27 that their comments need not be filed by that date.

5. No party will be harmed by a delay in the time for filing comments under the agreement embodied in this Petition.

WHEREFORE, the requested modification of the schedule for filing comments and reply comments should be granted, consistent with the terms set forth in paragraph 3 hereof.

Respectfully submitted,

Larry R. Crayne  
Assistant General Counsel  
Richard S. Herskovitz  
Corporate Attorney  
Duquesne Light Company  
411 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 393-6049

  
\_\_\_\_\_  
John S. Moot  
Victor A. Contract  
Skadden, Arps, Slate,  
Meagher & Flom LLP  
1440 New York Ave., N.W.  
Washington, D.C. 20005  
(202) 371-7310

Dated: October 23, 1998

---

<sup>2</sup> The IBEW, for the reasons stated in its motion, does not, at present, support the issuance of an order by that date.


**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

<b>Pennsylvania Public Utility</b>	)	
<b>Commission,</b>	)	
<b>v.</b>	)	<b>Docket No. R-00974104</b>
<b>Duquesne Light Company</b>	)	
<b>Application to approve</b>	)	
<b>restructuring plan pursuant</b>	)	
<b>to 66 Pa. C.S. § 2806(d)</b>	)	

**CERTIFICATE OF SERVICE**

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

Dated this 23d day of October, 1998.

  
\_\_\_\_\_  
John S. Moot  
Skadden, Arps, Slate,  
Meagher & Flom LLP  
1440 New York Ave., N.W.  
Washington, D.C. 20005  
(202) 371-7310

Counsel to  
Duquesne Light Company