



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
February 21, 2002

R-00974104

To All Parties

DOCKETED
MAR 08 2002

Petition for Approval of Revised Competitive
Transition Charge Reconciliation and Auction
Accounting Compliance Filing and Petition for
Approval of Request for Expedited Consideration.

**DOCUMENT
FOLDED**

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in Public Meeting on February 21, 2002 in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty
James J. McNulty
Secretary

Enclosure
Certified Mail
LJM

See attached list for additional
parties of record

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA. 17105-3265

Public Meeting held February 21, 2002

Commissioners Present:

Glen R. Thomas, Chairman
Kim Pizzingrilli
Aaron Wilson, Jr.
Terrance J. Fitzpatrick

DOCKETED
MAR 08 2002

Petition for Approval of Revised Competitive
Transition Charge Reconciliation and Auction
Accounting Compliance Filing. Petition for
Approval of Request for Expedited
Consideration.

Docket Number:
R-00974104

ORDER

DOCUMENT
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BY THE COMMISSION:

On January 28, 2002, the Duquesne Light Company submitted a revised Competitive Transition Charge Reconciliation and Auction Accounting Compliance Filing to reflect an Internal Revenue Service private letter ruling issued on November 29, 2001. On February 14, 2002, the Company filed a Request for Expedited Consideration of its revised Compliance Filing.

This proceeding commenced on August 1, 1997, when the Company filed its restructuring plan. In the Commission's May 29, 1998 Opinion and Order at Docket No. R-00974104, the Commission approved this proposal and ordered the Company to auction its generating plants to determine its stranded costs. In compliance with that order, the Company filed its Auction Plan on August 27,

1998. The Auction Plan included a proposal to recover the costs incurred as a result of the auction, an accounting protocol for the auction proceeds, and a reconciliation of stranded cost collections. By order dated December 18, 1998, the Commission approved the Company's proposal to recover the transaction costs associated with its divestiture, holding that "Duquesne is authorized to recover, as modified by this order and as an offset to auction proceeds, the categories of transaction costs identified in the Auction Plan and supplemental materials." The Company revised its accounting protocols and the Commission approved them, holding in its order dated July 15, 1999 "the accounting protocols proposed by Duquesne are reasonable and shall be used to account for the net proceeds from the Auction." On August 4, 2000, the Company filed its Competitive Transition Charge Reconciliation and Auction Accounting Compliance Filing. The Company noted that it had requested private letter rulings from the Internal Revenue Service permitting it to make the necessary contributions to its tax qualified decommissioning trust funds prior to the transfer of the Beaver Valley and Perry nuclear units. The Company submitted that the transaction agreements between the Company and FirstEnergy Corp. provided that if the necessary private letter rulings were not obtained from the Internal Revenue Service, the Company would contribute an additional sum that would represent a make-whole payment (on and after-tax basis) to FirstEnergy. The Company states that at the time the Commission was considering Auction Accounting Compliance Filing the Internal Revenue Service had expressed no opinion concerning whether nonqualified funds transferred to FirstEnergy were taxable. In the order of January 18, 2001, approving the Company's Auction Accounting Compliance Filing, the Commission stated "future IRS rulings concerning the decommissioning liability may result in revisions to the Auction Accounting Filing," and that the Commission would "preserve Duquesne's ability to request recovery of any

additional decommissioning liability that results from remaining IRS rulings in this matter.”

On November 29, 2001, the Internal Revenue Service released its ruling that nonqualified decommissioning funds transferred to FirstEnergy are taxable income. The Company claims that based upon its review of the transaction agreement and its understanding of FirstEnergy’s tax position, the Company owes FirstEnergy an additional payment of \$10,597,065.89, including interest. The Company states that the Internal Revenue Service concluded that, because FirstEnergy treated the entire generation exchange as a “like-kind exchange” for federal tax purposes, the application of section 1031 of the Internal Revenue Code of 1986 to that exchange results in a taxable event to FirstEnergy in an amount up to the total value of the nonqualified decommissioning funds received by FirstEnergy.

In its Request for Expedited Consideration the Company states that the extension to the competitive transition charge amortization occasioned by this filing is an average of approximately 17 days. The Company states that the late release of the Internal Revenue Service ruling means that the Company may complete the competitive transition charge amortization for Rate Class RS (approximate 500,000 of the Company’s 600,000 customers) before the Commission has an opportunity to address the Company’s January 28, 2002 filing. The Company believes that this would cause customers to experience unnecessary confusion and for the Company to incur unnecessary accounting and billing expenses brought about by the cessation of the competitive transition charge, its reinstatement after the Commission’s ruling, and its subsequent cessation after a few weeks. The Company requests that the Commission review its revised Competitive Transition Charge Reconciliation and Auction Accounting

Compliance Filing prior to the anticipated competitive transition charge amortization date for Rate Class RS which is anticipated to be in early March 2002. The Company requests that the Commission rule on its Auction Accounting Filing revision at the February 21, 2002 public meeting. The Company states that it has contacted the Office of Trial Staff, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Duquesne Industrial Intervenors, who are among the parties that commented on the Company's original Auction Accounting Filing. The Company states that it has been informed that these parties do not intend to file comments and do not object to the Company's request for expedited consideration.

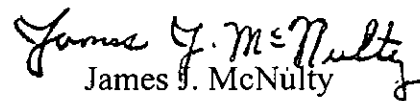
As we noted in our order of January 18, 2001 the parties anticipated further Internal Revenue Service private letter rulings concerning the nonqualified decommissioning funds. Based on a review of all material that have been presented to us we will adopt the revisions to the Competitive Transition Charge Reconciliation and the Auction Accounting Filing as proposed by the Company. Furthermore, in view of the potential for consumers to be confused by the cessation of and subsequent reinitiation of the competitive transition charges we will grant the Company's request for expedited consideration. **THEREFORE,**

IT IS ORDERED:

1. That the Request for Expedited Consideration is granted.

2. That the revised Competitive Transition Charge Reconciliation and the Auction Accounting Compliance Filing to reflect the Internal Revenue Service private letter ruling issued November 29, 2001 is approved.

BY THE COMMISSION


James J. McNulty

Secretary

(SEAL)

ORDER ADOPTED: February 21, 2002

ORDER ENTERED: **FEB 21 2002**

LARRY R CRAYNE
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ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this _____ day of _____, 20__,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of an Order an official Commission document entered, issued, or otherwise promulgated under date of February 21, 2002 at Docket No. R-00974104 on behalf of

ANGELA JONES ESQUIRE
SMALL BUSINESS ADVOCATE
COMMERCE BLDG STE 1102
300 N SECOND STREET
HARRISBURG PA 17101
MESSENGER

RECEIVED

MAR 11 2002

OFFICE OF SMALL
BUSINESS ADVOCATE

Signature

Kindly sign and date this acceptance of service and acknowledgement of receipt, and, return the same for filing to:

SECRETARY'S BUREAU RECORD RETENTION
PA PUBLIC UTILITY COMMISSION
KEYSTONE BUILDING 2ND FLOOR
400 NORTH STREET
Harrisburg, PA 17105-3265

RECEIVED
02 MAR 18 PM 4:02
PA PUBLIC
SECRETARY'S BUREAU

FEB 22 2002

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

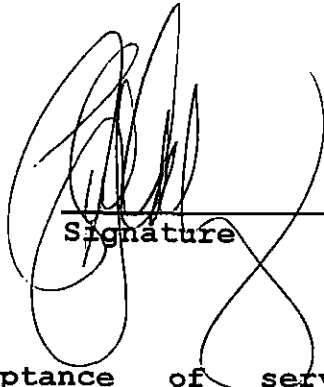
AND NOW, to wit, this

25th day of Feb, 2002

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of an Order an official Commission document entered, issued, or otherwise promulgated under date of February 21, 2002 at Docket No. R-00974104 on behalf of:

HONORABLE PETER J DALEY II
HOUSE OF REPRESENTATIVES
HOUSE PO MAIN CAPITOL
HARRISBURG PA 17120

MESSENGER



Signature

Kindly sign and date this acceptance of service and acknowledgement of receipt, and, return the same for filing to:

SECRETARY'S BUREAU RECORD RETENTION
PA PUBLIC UTILITY COMMISSION
KEYSTONE BUILDING 2ND FLOOR
400 NORTH STREET
Harrisburg, PA 17105-3265

RECEIVED
2002 FEB 27 AM 9:36
SECRETARY'S BUREAU

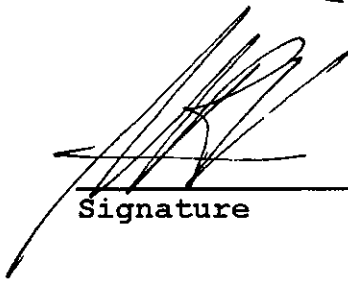
ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 22nd day of February, 2002

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of an Order an official Commission document entered, issued, or otherwise promulgated under date of February 21, 2002 at Docket No. R-00974104 on behalf of

SECRETARY'S BUREAU
2002 FEB 21 9:23
RECORDED

HONORABLE MICHAEL R VEON
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MAIN CAPITOL
HARRISBURG PA 17120-2020
MESSENGER



Signature

Kindly sign and date this acceptance of service and acknowledgement of receipt, and, return the same for filing to:

SECRETARY'S BUREAU RECORD RETENTION
PA PUBLIC UTILITY COMMISSION
KEYSTONE BUILDING 2ND FLOOR
400 NORTH STREET
Harrisburg, PA 17105-3265

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 22nd day of February, 2002,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of an Order an official Commission document entered, issued, or otherwise promulgated under date of February 21, 2002 at Docket No. R-00974104 on behalf of:

HONORABLE H WILLIAM DEWESE
HOUSE OF REPRESENTATIVES
HOUSE PO MAIN CAPITOL
HARRISBURG PA 17120

MESSENGER


Signature

Kindly sign and date this acceptance of service and acknowledgement of receipt, and, return the same for filing to:

SECRETARY'S BUREAU RECORD RETENTION
PA PUBLIC UTILITY COMMISSION
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02 FEB 25 PM 2:40
SECRETARY'S BUREAU

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 25th day of Feb., 2002,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of an Order an official Commission document entered, issued, or otherwise promulgated under date of February 21, 2002 at Docket No. R-00974104 on behalf of:

HONORABLE JACK WAGNER
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MESSENGER


Signature

Kindly sign and date this acceptance of service and acknowledgement of receipt, and, return the same for filing to:

SECRETARY'S BUREAU RECORD RETENTION
PA PUBLIC UTILITY COMMISSION
KEYSTONE BUILDING 2ND FLOOR
400 NORTH STREET
Harrisburg, PA 17105-3265

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SECRETARY'S BUREAU

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 22nd day of Feb., 2002

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of an Order an official Commission document entered, issued, or otherwise promulgated under date of February 21, 2002 at Docket No. R-00974104 on behalf of:

KANDACE F MELILLO ESQUIRE
WAYNE T SCOTT ESQUIRE
PA PUC OFFICE OF TRIAL STAFF
PO BOX 3265
HARRISBURG PA 17105-3265
MESSENGER

Elaine C. Meisinger
Signature

Kindly sign and date this acceptance of service and acknowledgement of receipt, and, return the same for filing to:

To: →

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0117

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 21st day of February, 2002,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of an Order an official Commission document entered, issued, or otherwise promulgated under date of February 21, 2002 at Docket No. R-00974104 on behalf of:

MARISA SIFONTES
EDMUND J BERGER
OFFICE OF CONSUMER ADVOCATE
555 WALNUT STREET
FORUM PLACE 5TH FLOOR
HARRISBURG PA 17121-1921


Signature

Kindly sign and date this acceptance of service and acknowledgement of receipt, and, return the same for filing to:

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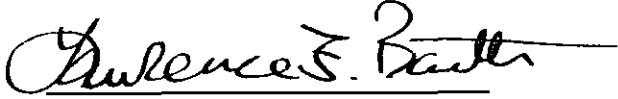
02 FEB 22 PM 3:50
SECRETARY'S BUREAU

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 21st day of February, 2004

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of an Order an official Commission document entered, issued, or otherwise promulgated under date of February 21, 2002 at Docket No. R-00974104 on behalf of:

LAWRENCE BARTH ASST CNSL
PA PUC LAW BUREAU
P O BOX 3265
2ND FLOOR NORTH OFFICE BLDG
HARRISBURG PA 17105-3265
MESSENGER


Signature

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SECRETARY'S BUREAU RECORD RETENTION
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400 NORTH STREET
Harrisburg, PA 17105-3265

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