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ORIGINAL

COMMONWEALTH OF PENNSYLVANIA
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

FORMAL COMPLAINT

KJR

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

FORMAL COMPLAINT PROTEST AND PETITION TO INTERVENE
OF APPLICATION OF DUQUESNE LIGHT COMPANY
FOR APPROVAL OF ITS RESTRUCTURING PLAN UNDER SECTION
2806 OF THE PUBLIC UTILITY CODE
DOCKET NO. R-00974104

RECEIVED

For Commission Use Only:

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

NOV 4 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

PLEASE PRINT:

1. YOUR NAME, ADDRESS AND TELEPHONE NUMBER.

Name Community Action Association of Pennsylvania
Street 222 Pine Street
City Harrisburg State PA Zip 17101
County Dauphin Work Telephone-Area Code (717)233-1075

DOCKETED
NOV 7 1997

3. WHAT IS YOUR COMPLAINT? (DESCRIBE PROBLEM)

BACKGROUND

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

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Act establishes certain public purposed responsibilities participants in the electric industry must meet in order to do business in the Commonwealth.

2. To implement these restructuring changes, the Competition Act adds Chapter 2 to the Public Utility Code, 66 Pa.C.S. § 101, et. seq. Specifically, 66 Pa.C.S. § 2806(D) requires all electric utilities in Pennsylvania to file restructuring plans with the Pennsylvania Public Utility Commission ("Commission") on a schedule to be developed by the Commission.
3. On February 13, 1997, the Commission issued its Order Re Restructuring Filings at Docket No. M-00960890F0003, setting forth requirements and procedures for filing restructuring plans pursuant to Section 2806(D) of the code.
4. On August 1, 1997, Duquesne Light Company filed with the Commission for approval of its Restructuring Plan.
5. Among other things, Duquesne Light Company's application addresses public purpose programs under the general headings of Universal Service and Energy Conservation, and Consumer Education.

INTERESTS

6. The Community Action Association of Pennsylvania (CAAP) is a statewide association of local Community Action Agencies in Pennsylvania. Its membership covers each of the counties in Duquesne Light Company's service territory. Community Action Agencies have as a primary mission to serve the needs and represent the interests of low income citizens. As such, we have a direct and substantial interest in this proceeding which cannot be adequately represented by any other party.
7. CAAP's participation as an active party in this proceeding is required to protect its substantial interest and the substantial interest of the low income ratepayers it represents in ensuring that the Customer Choice Act is implemented fairly. CAAP participation in this proceeding will thereby serve the public interest.

POSITIONS

8. A preliminary examination of Duquesne Light Company's Restructuring Plan indicates that it does not meet that Customer Choice Act's requirements that:
 - a. electric service should be available to all customers on reasonable terms and

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conditions §2802 (9);

- b. universal service and energy conservation policies, activities and services are appropriately funded and available in each electric distribution territory as required under Section §2804(9); and
- c. each electric distribution company shall implement a consumer education program that provides consumers with information necessary to help them make appropriate choices as to their electric service.

4. WHAT DO YOU WANT US TO DO?

WHEREFORE, CAAP requests that the Commission:

- a. Receive for filing and docket this Formal Complaint, Protest, and Intervention;
- b. Order that CAAP be a party to such proceedings, that they be placed on the service list, and that each party to the proceeding provide them with all papers filed therein;
- c. Grant the relief requested in this Formal Complaint, Protest and Intervention;
- d. Grant all other relief to which CAAP is entitled; and
- e. Grant such other relief which the Commission may deem to be necessary and proper.

YOU MUST SIGN AND DATE YOUR COMPLAINT.

Respectfully submitted and verified,



John Wilson, Executive Director
Community Action Association of Pennsylvania

Dated: October 31, 1997

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

Lawyer's Name: A request for a waiver of legal representation will be filed with the Commission.

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DATE FILED ____/____/____ **MONITOR** _____ **BUREAU** _____

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P O BOX 3265, HARRISBURG PA 17105-3265
NOVEMBER 7, 1997

LARRY R CRAYNE, ASST GEN COUNS
411 SEVENTH AVENUE PO BOX 1930
PITTSBURGH PA 15230-1930

KJR

RE: PA PUC vs DUQUESNE LIGHT COMPANY
Docket Number R-00974104C0003

Dear Sir/Madam:

A Complaint has been filed against you in the above-captioned matter before the Pennsylvania Public Utility Commission by COMMUNITY ACTION ASSOCIATION OF PA.

This complaint, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. The Pennsylvania Public Utility Code, 66 Pa. C.S., requires the Commission to serve on each party named in a complaint a copy of the complaint.

Within twenty (20) days from the date on which this complaint is served, you may either satisfy this complaint or comply with the provisions of 52 Pa. Code, Section 5.61 et seq., as amended.

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NOV 7 1997

Very truly yours,

James J. McNulty

James J. McNulty
Acting Secretary

(SEAL)

Certified Mail
Return Receipt Requested
jiy

DOCUMENT
FOLDER

SENDER:

- Complete items 1 and/or 2 for additional services.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- The Return-Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

R-00974104 C 0003
PC
Larry Creane

4a. Article Number

P 968 631 493

4b. Service Type **CERTIFIED**

7. Date of Delivery:

11/10/97

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X *Bauman*

PS Form 3811, January 1996

Domestic Return Receipt

COMMONWEALTH OF PENNSYLVANIA

DATE: NOVEMBER 7, 1997

SUBJECT: R-00974104C0003

KJR

TO: Office of Administrative Law Judge

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

DOCKETED
NOV 7 1997

COMMUNITY ACTION ASSOCIATION OF PA
v.
DUQUESNE LIGHT COMPANY

Attached is copy of a formal complaint filed in connection with the above docketed proceeding.

This matter is assigned to your office for necessary action.

Attachment - copy of complaint

cc:

Bureau of Fixed Utility Services - w/copy of complaint
Office of Trial Staff - w/copy of complaint
Office of ALJ, Charles Hilmer - w/copy of complaint
Office of Special Assistants - w/copy of complaint

jiy

DOCUMENT
FOLDER