



Allegheny Power

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DQE

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FOLDER

R-00973981

FOR IMMEDIATE RELEASE

**Allegheny Power and DQE File Major Applications Related To  
Restructuring/Merger Approval**

Hagerstown, Md., and Pittsburgh, Pa., Aug. 1, 1997 - Allegheny Power System, Inc. (NYSE: AYP) and DQE, Inc. (NYSE: DQE) today filed applications for several major approvals related to the proposed merger of the two companies to form Allegheny Energy. The companies announced their intent to merge in April.

In filings made with the Federal Energy Regulatory Commission (FERC), Maryland Public Service Commission (MD PSC), and Pennsylvania Public Utility Commission (PA PUC), Allegheny Power and DQE outlined their restructuring and merger plans.

"These filings represent a major step toward the goal of combining Allegheny Power and DQE for the benefit of customers, employees, and shareholders," according to Alan J. Noia, Allegheny Power Chairman, President, and Chief Executive Officer. "We have outlined numerous measures that we have taken or will take to show that Allegheny Energy will be a strong but fair competitor in an era of customer choice. We also have provided detailed plans to our regulators indicating our willingness to work with them to ensure a thorough and prompt review of our proposals."

- MORE -

### The FERC Filing

Allegheny Power and DQE have asked the FERC to approve the merger as expeditiously as possible, recognizing the many significant customer benefits that would be realized, including the pro-competitive effects of creating a more efficient electricity provider to serve the region. The filing includes commitments concerning rate freezes, rate reductions, and electrical transmission system access options that will spread the positive effects of the merger to many stakeholders.

While the filing points out that Allegheny Energy will not be able to exert market power with the rate caps now in effect in Pennsylvania, it does address FERC merger guidelines and offers, contingent on merger approval, a series of mitigation strategies and merger conditions that should remedy any potential market power issues that may arise. These steps include:

- Providing retail customer benefits;
- Offering a single transmission rate which is less than the stand-alone rates for the two companies;
- Offering partial rate freezes to wholesale customers which have contracts expiring after 1998 and extending the generation rate cap (imposed in Pennsylvania) to wholesale customers;
- Committing to join or form an independent system operator; and
- Committing to work with other utilities to eliminate the accumulation of charges as electricity is transported from one company to another, known as transmission rate "pancaking," including a commitment to purchase a transmission path for customers' use after 2005, if market power issues exist at that time.

### The Pennsylvania Filings

Allegheny Power/West Penn and DQE (Duquesne Light) filed individual restructuring plans with the PA PUC and, as part of a joint restructuring plan, have also filed their merger application. The filings address unbundled rates for generation,

transmission, and distribution services; stranded costs; merger synergy benefits; and other issues as required by Pennsylvania's *Electricity Generation Customer Choice and Competition Act*.

The Duquesne Light restructuring filing includes a redesign of rates and provides for benefits to customers, including:

- Existing customers who increase their use of electricity will receive an average 25% discount on the price of additional power, which will be available even if customers choose an electricity supplier other than Duquesne Light.
- Residential customers who increase their use of electricity will benefit most, with their discount for increased use to average 50%.
- New commercial and industrial customers which locate in qualifying industrial development zones will be eligible for discounts on their total electric bill of 20% to 25% averaged over five years. These economic development features are consistent with the objectives of Governor Ridge's Team Pennsylvania, the Pittsburgh Urban Redevelopment Authority, and other economic development organizations.
- The rate redesign provides for implementation of the PA PUC-approved plan associated with the sale of the company's Fort Martin Power Station, which called for aggressive steps to mitigate stranded costs, and authorization to include the energy cost rate in base rates, resulting in an overall increase of 1.7%. The energy cost rate reflects the price of fuel, and is directly flowed through to customers.

The Allegheny Power/West Penn restructuring filing unbundles West Penn's rates and tariffs separate from those of Duquesne Light and:

- Adds new, optional transmission services;
- Includes a new transmission tariff to facilitate shopping by retail customers; and
- Locks in West Penn's current low transmission and distribution rates.

The merger filing offers additional detail on the expected synergy benefits of the merger and an allocation of the benefits to customers and shareholders of the two companies. In order to share the synergy benefits, Allegheny Power and DQE propose, contingent upon merger approval, that:

- Allegheny Power/West Penn will share equitably between customers and shareholders synergy savings achieved after it earns its approved return on equity and agrees to freeze distribution rates at the current level until the end of the transition period to full customer choice.
- Duquesne Light proposes to reduce its distribution rates by \$25 million in 2001 and has agreed to freeze rates at this level until the end of the transition period to full customer choice. Duquesne Light will use the generation-related portion of its share of net operating synergy savings to shorten the stranded cost recovery period and will commit to a specific stranded cost amortization schedule. Duquesne Light will also agree to use any earnings achieved above its allowed return on equity to further write down stranded costs.

#### The Maryland Filing

Allegheny Power has filed with the MD PSC requesting approval for the issuance of stock to exchange for DQE stock upon merger approval. Allegheny Power is a Maryland corporation.

The filing provides the vehicle by which merger-related information, including the FERC and PA PUC filings, will be provided to the MD PSC. The filing also discusses the benefits of the merger to Maryland, including:

- Lower rates for customers, over the long term, as a result of merger-related efficiencies and synergies;
- Improved operating efficiencies for Allegheny Power, which provides electric service to customers in Western Maryland; and
- A larger, more efficient, more reliable, and innovative corporation headquartered in Western Maryland.

### Future Filings

Later in the year, additional filings related to the merger will be made with other federal agencies, including the Securities and Exchange Commission, the Department of Justice, and the Federal Trade Commission, and affiliated interest filings related to the restructuring will be made with the Virginia State Corporation Commission and the Public Service Commission of West Virginia.

### Obtaining Required Approvals

"We look forward to working with the various regulators and other interested parties to provide them with information about this strategic combination and help obtain the required merger, restructuring, and related approvals so that the many benefits of Allegheny Energy can be realized by all concerned," said David D. Marshall, DQE President and Chief Executive Officer. "Our goal is to obtain all approvals so that the merger can be consummated by May 1, 1998."

In addition to the various regulatory filings, Allegheny Power and DQE are seeking shareholder approval for the merger at meetings to be held by each company on Aug. 7, 1997.

-###-

For additional background information, visit our Internet sites at [www.alleghenypower.com](http://www.alleghenypower.com) or [www.dqe.com](http://www.dqe.com) or call Terri Glueck at 412-393-4060 or Cyndi Shoop at 301-665-2718.

**DATE:** August 6, 1997

**SUBJECT:** R-00973981

**TO:** Office of Administrative Law Judge

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

Re: West Penn Power Company  
Restructuring Plan Filing  
R-00973981

---

Attached is a copy of West Penn Power  
Company's Restructuring Filing.

This matter is being assigned to your Office  
for appropriate action.

Attachment

cc: Office of Trial Staff  
Bureau of Fixed Utility Services  
Bureau of Audits  
Bureau of CEEP  
Bureau of Consumer Services

ddt

DOCUMENT  
FOLDER

**UNDOCKETED**  
AUG 06 1997

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PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

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Via Overnight Mail

August 6, 1997

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

R-00973981

Re: West Penn Power Company Restructuring Plan Filing, Docket No. R00973981

Dear Mr. McNulty:

Please find the enclosed an original and three (3) copies of the Complaint and Petition to Intervene of Armco, Inc., in the above-referenced matter.

Copies have also been served on West Penn Power and Allegheny Power as shown on the attached Certificate of Service.

Respectfully submitted,



Michael L. Kurtz, Esq.  
BOEHM, KURTZ & LOWRY

MLKkew

cc: Attached Certificate of Service

38

Certificate of Service

I hereby certify that on this 6th day of August, 1997 a true and correct copy of the foregoing was served via first-class, postage prepaid on the following:

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Theresa Colecchia, Esq.  
Thomas K. Henderson, Esq.  
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Raymond B. Wuslich, ESQ.  
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Winston & Strawn  
1400 L. Street, N.W.  
Washington, DC 20005-3502  
(COUNSEL FOR ALLEGHENY POWER COMPANY AND  
WEST PENN POWER COMPANY)



Michael L. Kurtz, Esq.

Attorney I.D. No. 71687

**BOEHM, KURTZ & LOWRY**

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

West Penn Power Company Restructuring  
Plan Filing :

Docket No. ~~R-0097981~~

R-00973981

**ORIGINAL**

COMPLAINT AND  
PETITION TO INTERVENE OF  
ARMCO, INC.

AND NOW, comes Armco, Inc. ("Armco"), by its counsel and files the instant Complaint and Petition to Intervene pursuant to Section 701 of the Public Utility Code, 66 Pa. C.S. § 701, and Sections 5.21, 5.51, and 5.71 of the Commission's Regulations, 52 Pa. Code §§ 5.21, 5.51, and 5.71. In support of its Complaint and Petition, Armco represents the following:

1. The Complainant is:  
Armco, Inc.

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AUG 20 1997

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2. The name and address of Complainant's attorneys are:

Michael L. Kurtz, Esq.  
**BOEHM, KURTZ & LOWRY**  
2110 CBLD Center  
36 East Seventh Street  
Cincinnati, Ohio 45202

3. Respondent utility is:

West Penn Power Company d/b/a Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601

4. Armco is one of the largest industrial customers on the West Penn Power ("West Penn") system, trading and doing business as Allegheny Power ("Allegheny Power"), and is one of only two customers on Rate Schedule 46. The rates paid by Armco for electric service under Rate Schedule 46 will be

significantly affected if the relief requested herein is granted. Therefore, Armco has a direct and substantial interest in the Commission's determination in this matter. The interests of Armco cannot adequately be represented by any other party to this proceeding.

5. By its filing in the above captioned proceeding, West Penn has requested approval of its Restructuring Plan pursuant to Chapter 28 of the Pennsylvania Public Utility Code (66 Pa. C.S. §§ 2801 et. seq.). The Restructuring Plan requests the recovery of Transition and Stranded Costs, the imposition of unbundled rates and Competitive Transition Charges ("CTCs") and certain specific tariff provisions. All of these requests affect Armco.

6. Armco has been an active party in each of the major West Penn proceedings over at least the past decade. Armco intends to play a constructive role in the Commission's investigation into this matter and its participation will not unduly prejudice any party.

**WHEREFORE**, for the reasons stated above, Armco respectfully requests that its Petition to Intervene be granted and that it be afforded full party status in this proceeding.

Respectfully submitted,



---

Michael L. Kurtz, Esq., Pa. I.D. #71687

**BOEHM, KURTZ & LOWRY**

2110 CBLD Center

36 East Seventh Street

Cincinnati, Ohio 45202

**Attorneys for Armco, Inc.**

**August 6, 1997**

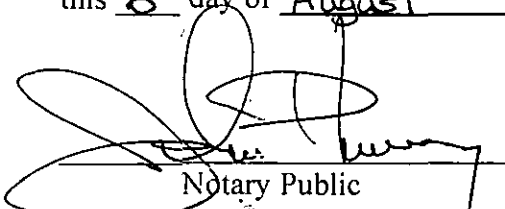
A F F I D A V I T

STATE OF OHIO                    )  
  )  
COUNTY OF HAMILTON         )        SS:

I, MICHAEL L. KURTZ, being duly sworn and according to law, deposes and says that he is Counsel for Armco, Inc., set forth in the foregoing document are true and correct to the best of his knowledge, information and belief.

  
MICHAEL L. KURTZ, ESQ.

SWORN to me and subscribed  
before me, a notary public  
and for the State of Ohio  
this 6 day of August, 1997.

  
Notary Public  
JAMES B. LORRY, Attorney at Law  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration  
Date Section 137.03 O.R.C.



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

IN REPLY PLEASE  
REFER TO OUR FILE

August 12, 1997

In Re: **R-00973981,**  
**R-00974104**

(See attached list)

**R-00973981**  
**West Penn Power Company**

Application for approval of a Restructuring Plan

**R-00974104**  
**Duquesne Light Company**

KJR

Application for approval of Restructuring Plan

**NOTICE**

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

Type: **Initial**  
Date: **Thursday, September 4, 1997**  
Time: **10:00 a.m.**  
Location: **11th floor hearing room  
Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, Pennsylvania**

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

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AUG 26 1997

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**All parties have the option of participating by telephone in Harrisburg in Hearing Room 1, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, Pennsylvania, or in-person in Pittsburgh in an available Hearing Room, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania.**

***Attention:*** Please see the attached notice for additional information.

If you intend to file exhibits or documents, 2 copies of all hearing exhibits or documents to be presented into evidence **must** be submitted to the reporter. An additional copy **must** be furnished to the presiding officer. A copy **must** also be provided to each party of record.

The Commission's rules require that all parties, except for those individuals appearing on their own behalf, be represented by counsel. Therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call Norma Lewis at the Public Utility Commission:

- Scheduling Office: 717-787-1399
- AT&T Relay Service number for persons who are deaf or hearing impaired: 1-800-654-5988.

pc: Judge Corbett  
Judge Gesoff  
Kevin Cadden - BPL 111  
John Frazier - BPL 101  
Office of Trial Staff (2)  
Consumer Advocate  
Small Business Advocate  
Bill Barrett - FUS  
Norma Lewis  
Steve L. Springer, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File

**R-00973981**  
**West Penn Power Company**

Application for approval of a Restructuring Plan

**R-00974104**  
**Duquesne Light Company**

Application for approval of Restructuring Plan

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

IN REPLY PLEASE  
REFER TO OUR FILE

August 13, 1997

In Re: **R-00973981,**  
**R-00974104**

(See letter dated 08/12/97)

**R-00973981 West Penn Power Company**

Application for approval of a Restructuring Plan. KJR

**R-00974104 Duquesne Light Company**

Application for approval of a Restructuring Plan

**NOTICE**

An Initial Prehearing Conference on the above-captioned cases will be held as follows:

Date/Time: **Thursday, September 4, 1997 at 10:00 a.m.**

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

Presiding Officers: **Administrative Law Judge John H. Corbett, Jr. (Duquesne)**  
**Administrative Law Judge Larry Gesoff (West Penn)**

**All parties have the option of participating by telephone in Harrisburg in Hearing Room 1, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, Pennsylvania, or in-person in Pittsburgh in an available Hearing Room, 1103 Pittsburgh State Office Building, 300 Liberty Avenue, Pittsburgh, Pennsylvania.**

**Certain additional information was inadvertently omitted from the original notice dated 08/12/97 scheduling this conference. That additional information is attached to this notice.**

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## ADDITIONAL INFORMATION

The purpose of this initial prehearing conference will be to lay the foundation, in broad terms, for the litigation of these restructuring cases. The emphasis will be upon establishing those guidelines and procedures that will most efficaciously promote timely, efficient and thorough advocacy, while assuring due process to all parties. At this initial prehearing conference, the topics for discussion may include: the need for technical conferences, the desirability of separate informal or formal settlement conferences or mediation sessions (where portions, if not all, of these cases can be settled), any special discovery problems, the desirability of informal discovery where possible, the need for proprietary orders, the possible location and number of public input hearings, and such other topics as may be reasonably necessary to discuss at this stage of the litigation. After this conference, the parties will then be expected to implement the procedures agreed upon or directed at this conference. **ONLY THOSE PARTIES ATTENDING THIS INITIAL Prehearing CONFERENCE WILL BE DEEMED ACTIVE PARTIES TO THESE PROCEEDINGS. PARTIES NOT ATTENDING THIS INITIAL PREHEARING CONFERENCE WILL BE DEEMED INACTIVE PARTIES, UNLESS GRANTED ACTIVE STATUS BY A PRESIDING ADMINISTRATIVE LAW JUDGE UPON PETITION FOR GOOD CAUSE SHOWN.** Following the conference, the parties will also be expected to prepare a litigation schedule, which will then be submitted at a second prehearing conference that will be held approximately one month later. Finally, the presiding Administrative Law Judges anticipate the assignment of the merger application of DQE, Inc. Allegheny Power System, Inc. and AYP Sub, Inc. at Docket No. A-110150F0015. This latter case will be a topic for further discussion at the second prehearing conference.

pc: Judge Corbett  
Judge Gesoff  
Kevin Cadden - BPL 111  
John Frazier - BPL 101  
Office of Trial Staff (2)  
Consumer Advocate  
Small Business Advocate  
Bill Barrett - FUS  
Norma Lewis  
Steve L. Springer, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File

**ORIGINAL**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

003556

97 AUG 25 AM 8:43

Pennsylvania Public Utility  
Commission

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v.

Docket No.  
R-00973981

West Penn Power Company

**NOTICE OF APPEARANCE**

KJR

To The Secretary:

Please enter the appearance of the Office of Trial Staff of the Pennsylvania Public Utility Commission in the above-captioned proceeding.

Prosecutor(s) for the Office of Trial Staff, in addition to the undersigned, will be:

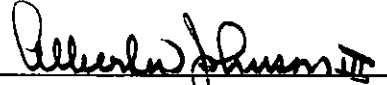
Robert F. Frazier

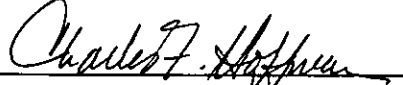
All service on and communications to the Office of Trial Staff in this proceeding should be addressed to:

**DOCUMENT  
FOLDER**

Robert F. Frazier  
Prosecutor, Office of Trial Staff  
Pa. Public Utility Commission  
Post Office Box 3265  
Harrisburg, PA 17105-3265  
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AUG 25 1997

  
Albert W. Johnson, III  
Deputy Chief Prosecutor

  
Charles F. Hoffman  
Chief Prosecutor

Date: August 18, 1997

52

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AND  
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A PROFESSIONAL CORPORATION

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August 14, 1997

James J. McNulty, Esquire  
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Pennsylvania Public Utility Commission  
Box 3265  
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**RE: West Penn Power Company  
Restructuring Plan Filing  
Docket No. R00973981**

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KJR

Dear Mr. McNulty:

Enclosed for filing are the original and eight (8) copies of a Notice of Appearance on behalf of Allegheny Teledyne, Inc.

Very truly yours,

*Steven F. Baicker-McKee*  
Steven F. Baicker-McKee

SBM/tmp

Enclosures

cc: The Honorable Larry Gesoff  
All Counsel of Record

Two Gateway Center  
Pittsburgh, Pennsylvania 15222  
412 / 394-5400  
Fax 412 / 394-6576

**ORIGINAL**

**IN THE COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In the Matter of  
WEST PENN POWER COMPANY  
Restructuring Plan Filing

Docket No. R-00973981

**NOTICE OF APPEARANCE**

Pursuant to the Commission's Rules of Practice and Procedure, Allegheny Teledyne, Inc. ("Allegheny Teledyne"), by and through its undersigned counsel, hereby enters its appearance in the above proceeding on this 14th day of August 1997. Allegheny Teledyne requests to be placed on the service list in this proceeding. Allegheny Teledyne further requests that copies of all documents filed in this proceeding also be served on:

**DOCUMENT  
FOLDER**

Joseph Kubacki  
Alex Galatic  
Mark Kleinginna  
Strategic Energy Ltd.  
Two Gateway Center  
Pittsburgh, PA 15222  
Telephone: (412) 394-5600  
Fax: (412) 394-6574

**DOCKETED**  
AUG 20 1997

Respectfully submitted,

*Steven F. Baicker-McKee*

Steven F. Baicker-McKee, Esquire  
Babst, Calland, Clements and Zomnir, P.C.  
Two Gateway Center, 8th Floor  
Pittsburgh, PA 15222  
Telephone: (412) 394-5400  
Fax: (412) 394-6576

Attorneys for Allegheny Teledyne, Inc.

RECEIVED  
PROTHONOTARY'S OFFICE

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002577

**CERTIFICATE OF SERVICE**

I hereby certify that this 14th day of August, 1997 a true and correct copy of the foregoing Notice of Appearance has been served upon the following persons or entities:

The Honorable John M. Quain  
PAA Public Utility Commission  
North Office Building  
Commonwealth Avenue & North Street  
Harrisburg, PA 17105-3265

Mr. Donald H. Muth  
PA Public Utility Commission  
North Office Building  
Commonwealth Avenue & North Street  
Harrisburg, PA 17105-3265

The Honorable Robert K. Bloom  
PA Public Utility Commission  
North Office Building  
Commonwealth Avenue & North Street  
Harrisburg, PA 17105-3265

Dr. Z. Ahmed Kaloko  
PA Public Utility Commission  
North Office Building  
Commonwealth Avenue & North Street  
Harrisburg, PA 17105-3265

The Honorable John R. Hanger  
PA Public Utility Commission  
North Office Building  
Commonwealth Avenue & North Street  
Harrisburg, PA 17105-3265

Mr. Glenn Bartron  
PA Public Utility Commission  
North Office Building  
Commonwealth Avenue & North Street  
Harrisburg, PA 17105-3265

The Honorable David R. Rolka  
PA Public Utility Commission  
North Office Building  
Commonwealth Avenue & North Street  
Harrisburg, PA 17105-3265

John F. Povilaitis, Esquire  
PA Public Utility Commission  
North Office Building  
Commonwealth Avenue & North Street  
Harrisburg, PA 17105-3265

The Honorable Nora Mead Brownell  
PA Public Utility Commission  
North Office Building  
Commonwealth Avenue & North Street  
Harrisburg, PA 17105-3265

Bernard A. Ryan, Esquire  
Office of Small Business Advocate  
Suite 1102 Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

The Honorable Robert A. Christianson  
Chief Administrative Law Judge  
PA Public Utility Commission  
North Office Building  
Commonwealth Avenue & North Street  
Harrisburg, PA 17105-3265

Charles F. Hoffman, Esquire  
Office of Trial Staff  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105

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97 AUG 18 PM 3:40

Irwin A. Popowsky, Esquire  
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Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

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P.O. Box 1166  
100 Pine Street  
Harrisburg, PA 17108

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Executive Director  
Anthracite Region Independent  
Power Producers Assoc.  
1300 Market Street, Suite 7  
Lemoyne, PA 17043

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Wif Block Schorr & Solis-Cohen  
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City of Industry, CA 91746

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Philadelphia, PA 19103

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Off. Judge Advocate General  
Dept. of Army (DAJA-RL 3797)  
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Mont Alto, PA 17237

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Office of Attorney  
Division of consumer Counsel  
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The Board of Public Education of  
The School District of Pittsburgh  
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Maryland Public Service Commission  
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Timothy Moran  
System Council U-10 IBEW  
986 Greentree Road  
Pittsburgh, PA 19004

Jacquelyn Morrow, Esquire  
City Solicitor  
City of Pittsburgh  
313 City-County Building  
Pittsburgh, PA 15219



---

Steven F. Baicker-McKee, Esquire

DOCUMENT  
FOLDER

COMMONWEALTH OF PENNSYLVANIA

DATE: August 18, 1997

SUBJECT: R-00973981

TO: Office of Administrative Law Judge

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

**DOCKETED**  
AUG 20 1997

KJR

WEST PENN POWER COMPANY  
RESTRUCTURING PLAN

---

Attached is copy of a Petition to Intervene of Armco, Inc. filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

*Thomas, Thomas, Armstrong & Niesen*  
*Attorneys and Counsellors at Law*

CHARLES E. THOMAS  
CARROLL F. PURDY  
CHARLES E. THOMAS, JR.  
D. MARK THOMAS  
PATRICIA ARMSTRONG  
THOMAS T. NIESEN  
JOHN A. ALZAMORA  
REGINA L. MATZ

SUITE 500  
212 LOCUST STREET  
P. O. BOX 9500  
HARRISBURG, PA 17108-9500

FIRM (717) 255-7600

FAX (717) 236-8278  
(VERIFY (717) 255-7816)

OF COUNSEL  
JOHN E. FULLERTON

JACK F. ASCHINGER  
(1914-1995)

WRITER'S DIRECT DIAL NUMBER

717/255-7627

KJR

August 18, 1997

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

**ORIGINAL**

In re: West Penn Power Company  
Docket No. R-00973981

and

Duquesne Light Company  
Docket No. R-00974104

PROTHONOTARY'S OFFICE  
P.A.P.U.C.

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RECEIVED

Dear Prothonotary McNulty:

Enclosed for filing on behalf of Allegheny Electric Cooperative, Inc. are an original and three (3) copies of its Petition to Intervene in the above referenced proceedings. Copies of the Petition to Intervene have been served in accordance with the attached Certificate of Service.

Very truly yours,

**THOMAS, THOMAS, ARMSTRONG & NIESEN**

By *Patricia Armstrong*  
Patricia Armstrong

Encls.

cc: Robert F. Young, Esquire (w/encl.)

\\CLIENTS\UTILITY\PREAIR-973981\LETTER\081897.LTR

**DOCUMENT  
FOLDER**

22

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: West Penn Power Company :  
Application for approval of a : Docket No. R-00973981  
Restructuring Plan :  
In re: Duquesne Light Company :  
Application for approval of a : Docket No. R-00974104  
Restructuring Plan :

**ORIGINAL**

PETITION OF  
ALLEGHENY ELECTRIC COOPERATIVE, INC.

AND NOW, comes Allegheny Electric Cooperative, Inc. ("AEC") (sometimes hereinafter referred to as "Petitioner") by its attorneys, pursuant to 52 Pa. Code §5.71 et seq., and petitions to intervene in the above referenced proceeding of West Penn Power Company and Duquesne Light Company ("Applicants"). In support thereof Petitioner represents as follows:

1. The address of Petitioner for this purpose is:

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

2. The names and addresses of attorneys for Petitioner are:

Patricia Armstrong, Esquire  
Regina L. Matz, Esquire  
John A. Alzamora, Esquire  
THOMAS, THOMAS, ARMSTRONG & NIESEN  
212 Locust Street  
P.O. Box 9500  
Harrisburg, PA 17108-9500

and

PA.P.U.C.  
PROTHONOTARY'S OFFICE

97 AUG 19 PM 4:26

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AUG 22 1997

DOCUMENT  
FOLDER

Robert F. Young, Esquire  
Allegheny Electric Cooperative, Inc.  
212 Locust Street  
P.O. Box 1266  
Harrisburg, PA 17108-1266

The above-listed attorneys are authorized to receive service on behalf of Petitioner, and a copy of all correspondence, discovery, Commission notices and Orders and any other documents filed in this proceeding should be served at each address provided hereinabove.

3. AEC is a wholesale, non-profit electric generation and transmission cooperative incorporated and doing business under the Electric Cooperative Law of 1990 (15 Pa. C.S. §7301 et seq.).

4. AEC is a transmission dependent utility. AEC is provided transmission services by West Penn, as well as other utilities. AEC in Particular areas has no realistic alternative to the transmission services provided by West Penn.

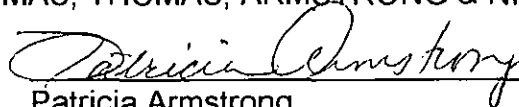
5. Petitioner's intervention is necessary to develop a record on the reasonableness of Applicants' proposal and the Petitioner's participation directly relates to the protection of Petitioner's interests. As a cooperative supplier of electricity in the Commonwealth, AEC has a unique perspective which is otherwise not represented and which must be considered by this Commission if the public interest of the entire Commonwealth is to be protected. The very "important issues raised by the filing" are issues of importance to Petitioner. As a supplier in this Commonwealth, including areas adjacent to those served by Applicant, AEC has an undisputable interest in the outcome of this proceeding and is entitled to participate to protect its unique and significant interests.

WHEREFORE, Petitioner hereby requests that its intervention be granted.

Respectfully submitted

THOMAS, THOMAS, ARMSTRONG & NIESEN

By



Patricia Armstrong  
Regina L. Matz  
John A. Alzamora  
Robert F. Young

Attorneys for  
Allegheny Electric Cooperative, Inc.

THOMAS, THOMAS, ARMSTRONG  
& NIESEN  
212 Locust Street  
P.O. Box 9500  
Harrisburg, PA 17108-9500  
(717) 255-7600

ALLEGHENY ELECTRIC COOPERATIVE,  
INC.  
212 Locust Street  
P.O. Box 1266  
Harrisburg, PA 17108-1266  
(717) 233-5704

DATED: August 18, 1997

\\CLIENTS\UTILITY\PREAIR-973981\DOCUMENT\001.DOC

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

West Penn Power Company  
Application for approval of a  
Restructuring Plan

Docket No. R-0097398

Duquesne Light Company  
Application for approval of a  
Restructuring Plan

Docket No. R-0097410

PROTHONOTARY  
OFFICE  
P.A.P.U.C.

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RECEIVED

CERTIFICATE OF SERVICE

I hereby certify that I have this 18th day of August, 1997 served a true and correct copy of the foregoing Petition to Intervene on behalf of Allegheny Electric Cooperative, Inc. in the above referenced proceeding upon the persons listed below by first class mail, postage prepaid:

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

Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

Honorable Larry Gesoff  
Administrative Law Judge  
Pennsylvania Public Utility  
Commission  
1103 Pittsburgh State Office Building  
100 Liberty Avenue  
Pittsburgh, PA 15222

John Munsch, Esquire  
West Penn Power Company  
800 Cabin Hill Drive  
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Patricia Armstrong



STRATEGIC CONSULTING  
VENTURE DEVELOPMENT  
MARKET RESEARCH  
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RECRUITING

28 GARRETT AVENUE  
ROSEMONT, PA 19010  
PHONE: 610-526-2010  
FAX: 610-526-2016  
NET: skippingstone.com

003242  
August 18, 1997

STAUS 21 AM 11:43  
RECEIVED  
PROTHONOTARY'S OFFICE

Mr. James McNulty  
Secretary  
Penn. PUC  
North Office Building  
PO Box 3265  
Harrisburg, PA. 17105-3265

# DOCUMENT FOLDER

Dear Mr. Secretary:

I am writing this letter requesting to become an active party in the proceedings I have identified below. Skipping Stone is an energy consulting firm which specializes in the deregulation of the electric utility industry. Our firm now represents a number of power marketers and aggregators who plan on selling power in Pennsylvania once the Pilot Program begins and also for the duration of the restructuring. Our clients have been active in many other Pilot programs throughout the country as well as restructuring proceeding. As such we feel that our input in the proceedings would benefit all parties. The following are the proceedings we plan on being active in:

**DOCKETED**  
**AUG 26 1997**

- Restructuring Plans:
- PP&L R0097394
- Allegheny/ R00973981
- West Penn
- GPU R00974008
- PECO R00973953

- Pilots
- Met Ed P00971168
- Penn Elec. P00971169
- PECO P.00971170
- West Penn/Allegheny P00971172
- Duquesne P00971175
- PP&L P00971183



**ALBERT M. BENINCASA**  
DIRECTOR REGULATORY AFFAIRS

46 9TH AVENUE  
SEA CLIFF, NY 11579  
PHONE: 516-674-4186  
FAX: 516-676-6984  
76440.3017@compuserve.com


28 GARRETT AVENUE  
ROSEMONT, PA 19010  
PHONE: 610-526-2010  
FAX: 610-526-2016

CREATING RIPPLES FOR CLIENTS ACROSS THE ENERGY SPECTRUM

Please forward all correspondence to Albert M. Benincasa  
Director of Regulatory Affairs  
46<sup>th</sup> Ave.  
Sea Cliff NY 11579

If there are any questions please call me @ 516-674-4186. My fax number is  
516- 676- 6984.

Sincerely

  
Albert M. Benincasa

SODINI & COMPANY, INC.

*Certified Public Accountants*

*A Professional Corporation*

**ORIGINAL**

DJH

1527 FREEPORT ROAD  
NATRONA HEIGHTS, PA 15065  
TARENTUM: (412) 226-2211  
PITTSBURGH: (412) 363-3331  
226-9790

VINCENT J. SODINI, C.P.A.

003233

97 AUG 21 FAX 14120

ROBERT W. SODINI, C.P.A.

JOHN C. LUTMAN, C.P.A.

RECEIVED  
PROTHONOTARY'S OFFICE

August 19, 1997

Pennsylvania Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

RE: Allegheny Power restructuring plan  
West Penn Power Company  
Docket No. R-00973981

**DOCKETED**

**AUG 25 1997**

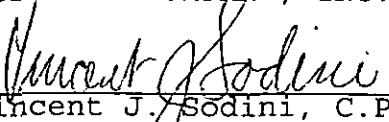
Dear Sirs:

We have received, with our current invoice, information about Allegheny Power's request to the PUC for approval of its restructuring plan as well as approval of its merger with DQE, Inc.

Allegheny Power proposes to recover approximately \$2 billion dollars in "Competitive Transition Charges". What is the definition of "Competitive Transition Charges"? We believe the public have a right to know what charges they will be facing.

Very truly yours,

SODINI & COMPANY, INC.

  
Vincent J. Sodini, C.P.A.

VJS/sp

**DOCUMENT  
FOLDER**

52

# ORIGINAL

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August 20, 1997

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PA PUBLIC  
UTILITY  
COMMISSION  
57 AUG 20 PM 4:00  
RECEIVED  
PAPPHOTARY'S OFFICE

**VIA HAND DELIVERY**

KJR

James J. McNulty, Acting Secretary  
Pennsylvania Public Utility Commission  
Room B-20, North Office Building  
Harrisburg, PA 17120

**Re: West Penn Power Industrial Intervenors, United States Department of Defense v. Allegheny Power Company; Docket Nos. R-00973937C0001 and R-00973937C0002**

**Application of West Penn Power Company for Approval of Restructuring Plan Under Section 2806 of the Public Utility Code; Docket No. R-00973981**

Dear Mr. McNulty:

Enclosed for filing with the Commission are the original and three (3) copies of the Motion of West Penn Power Industrial Intervenors for Consolidation in the above-referenced proceedings.

As evidenced by the attached Certificate of Service, all parties to this proceeding have been duly served. Please date stamp the extra copy of this transmittal letter and kindly return for our filing purposes.

Very truly yours,

McNEES, WALLACE & NURICK

By

*Derrick P. Williamson*  
Derrick P. Williamson

Counsel to West Penn Power Industrial Intervenors

DPW/aeH  
Enclosures  
c: Certificate of Service

DOCUMENT  
FOLDER

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Ludlum Corporation, and the U.S. Department of Defense all requested similar relief in their respective submittals to the Commission.

3. On April 25, 1997, the Commission issued a Secretarial Letter (attached) that approved West Penn's STAS roll-in, but only conditionally approved West Penn's request to roll its ECR into base rates. At page 2 of the Secretarial Letter, the Commission stated: "The request to roll the energy cost rate into base rates is conditionally approved pending interested parties' right to challenge all relevant aspects of the roll-in during the upcoming restructuring proceedings" (emphasis added). Clearly, the Commission prefers to resolve all outstanding ECR roll-in issues (to include those raised by WPPII in its Complaint) in conjunction with West Penn's restructuring proceeding.

4. On August 1, 1997, West Penn filed with the Commission its Restructuring Plan at Docket No. R-00973981 ("restructuring proceeding").

5. Both the ECR roll-in proceeding and the restructuring proceeding involve common questions of law or fact that should be consolidated. 52 Pa. Code § 5.81. As recognized in the PUC's Secretarial Letter, West Penn's ECR roll-in request and its Restructuring Plan involve common issues. For example, both proceedings must define, identify, and quantify alleged "regulatory assets" (66 Pa.C.S. § 2803) that may be recoverable as stranded costs pursuant to Commission decision in the restructuring case. Thus consolidation is appropriate and consistent with the Commission's previously expressed intent.

6. A failure to pursue these proceedings, and issues common to both, on a consolidated basis would be inefficient and illogical. Absent consolidation the Commission

and the parties may incur unnecessary costs in time and resources (52 Pa. Code § 5.81), which are already strained.

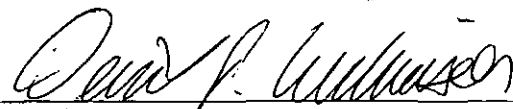
7. Consistent with 52 Pa. Code §§ 5.103 and 5.81 and the Commission's April 25, 1997, Secretarial Letter, WPPII's Motion for Consolidation of the roll-in proceeding and the restructuring proceeding should be granted.<sup>2</sup>

**WHEREFORE**, the West Penn Power Industrial Intervenors respectfully request that the Commission grant this Motion for Consolidation.

Respectfully submitted,

McNees, Wallace & Nurick

By



David M. Kleppinger  
Derrick P. Williamson  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
(717) 237-5446

Counsel to West Penn Power Industrial Intervenors

Dated: August 20, 1997

K:\146\02496\CONSOLID.DOC

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<sup>2</sup>WPPII has also filed a Motion requesting that the prehearing conferences for these separate proceedings be conducted jointly on September 4, 1997. A copy of the Motion is attached.



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

IN REPLY PLEASE  
 REFER TO OUR FILE

April 25, 1997

Mr. John L. Munsch

Allegheny Power Company / West Penn  
 800 Cabin Hill Drive  
 Greensburg, PA 15601

PROTHONOTARY'S OFFICE

97 AUG 20 PM 4:01

RECORDED

RE: Application To File Tariff Supplement To Roll Energy Cost Rate  
 And State Tax Adjustment Surcharge Into Base Rates  
 R-00973937

Dear Mr. Munsch:

At public meeting held April 24, 1997, the Commission, approved in part and denied in part, the Company's Application docketed at R-00973937. The Commission's specific action regarding this Application is as follows.

The Company's request to roll its state tax adjustment surcharge into base rates has been approved. The request to roll the energy cost rate (ECR) into base rates has been conditionally approved. The Commission believes it appropriate to allow for this roll-in for administrative purposes only. That is, the Commission believes it appropriate for the Company to inactivate its effective ECR rider and roll that portion of its energy costs currently being recovered through the ECR into base rates, under the condition that all issues associated with the roll-in are subject to final review and resolution during the Company's restructuring proceeding. These issues include, but are not limited to; the Company's normalized energy cost level, the use of energy cost rate revenues, and all other issues concerning recoveries, refunds, or over-or-under collections associated with the Company's energy costs. This conditional approval will eliminate the administrative cost and burden associated with continued application of the ECR while at the same time preserve the rights of all interested parties concerning the ECR roll-in.

The Commission denies the Company's request to defer, as a regulatory asset, the difference between the level of energy costs rolled into base rates and an anticipated future level of such costs. As stated previously, the Commission believes it appropriate that interested parties be provided an opportunity to challenge all aspects of the ECR roll-in. The recognition of the requested unrecovered energy costs, if any, as a

regulatory asset, prior to interested parties opportunity to be heard during the Company's restructuring proceeding is not appropriate. The Commission believes this to be especially true in this instance since the current ECR is producing over rather than under recovered energy costs.

In paragraph 9 of its Application, the Company requests the Commission to determine that the ECR should be rolled into base rates because over-recovered energy costs are being used to mitigate stranded costs for the benefit of ratepayers. Since there simply is no support whatsoever in the Application regarding stranded cost mitigation, the Commission is unable to make the requested determination at this time.

Paragraph 10 of the Application states that the Company does not seek a determination of the prudence of its energy costs for the period ending January 31, 1997, as those costs are still subject to Commission auditing procedures. The Commission objects to this statement insofar as the January 31, 1997, date is concerned. The Commission believes that all aspects, especially the prudence of energy costs, of the Company's ECR up through the effective date of its base rate roll-in, is subject to audit verification. The Commission's Bureau of Audits is hereby directed to audit, pursuant to 66 C.S. § 1307(d), all aspects of the Company's ECR up through and including April 30, 1997.

The Commission notes that the ECR and STAS roll-ins, which are theoretically to be rate neutral, have resulted in a very slight increase in revenues. Since this increase is attributable solely to rounding differences, there is nothing that can be done to make the roll-ins be any more mathematically accurate. However, since the Electricity Generation Customer Choice and Competition Act (Act), caps jurisdictional electric utility rates at the level as of January 1, 1997, we believe it appropriate that any rate increase resulting from the roll-ins, be applied against any stranded costs to be claimed in the Company's restructuring filing.

In summary, the Commission approves the Company's instant Application with regards to the state tax adjustment surcharge roll-in. The request to roll the energy cost rate into base rates is conditionally approved pending interested parties' right to challenge all relevant aspects of the roll-in during the upcoming restructuring proceedings. The Company's request to defer, as a regulatory asset, the difference between the level of the ECR roll-in and anticipated future energy costs is denied. Since the Application contained insufficient information regarding the Company's stranded cost mitigation efforts, the Commission can not determine if stranded costs are being properly mitigated or not. Additionally, the Commission has directed that all

Mr. John L. Munsch  
Allegheny Power Company  
Page 3

aspects of the Company's ECR, up through the effective date of its base rate roll-in, is subject to Commission conducted audit. Finally, any increase in revenues associated with the ECR and STAS roll-ins should be applied as an offset to any stranded cost claim contained in the Company's restructuring filing.

Very truly yours,



John G. Alford  
Secretary

Contact Person: Richard Wallace  
(717) 787-7236

**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving a true copy of the foregoing Motion of the West Penn Power Industrial Intervenors upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

**VIA HAND DELIVERY:**

Honorable Robert A. Christianson  
Chief Administrative Law Judge  
Pennsylvania Public Utility Commission  
Room G-06, North Office Building  
Harrisburg, PA 17120

Bernard A. Ryan, Jr., Esq.  
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Suite 1102, Commerce Building  
300 North Second Street  
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Pennsylvania Public Utility Commission  
Office of Trial Staff  
901 Rear North 7th Street  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**VIA FACSIMILE & FIRST CLASS MAIL:**

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Administrative Law Judge  
Pennsylvania Public Utility Commission  
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Pittsburgh, PA 15222

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John L. Munsch, Esq.  
West Penn Power Company  
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David A. McCormick, Esq.  
DA Legal Services Agency  
Regulatory Office  
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PROTHONOTARY'S OFFICE  
P.A.P.U.C.

97 AUG 20 PM 4:00

RECEIVED

  
Derrick P. Williamson, Esquire

Dated this 20th day of August, 1997, in Harrisburg, Pennsylvania.



**PECO ENERGY**

Legal Department

PECO Energy Company  
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PO Box 8699  
Philadelphia, PA 19101-8699  
215 841 5544  
Fax 215 568 3389

KJR

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and General Counsel

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Deputy General Counsel

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Ellen M. Cavanaugh  
Jessica N. Cone

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Gregory Golazeski  
John C. Halderman  
Mary McFall Hopper  
Conrad O. Kattner  
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Ward L. Smith  
Delia W. Stroud  
Dawn Getty Sutphin  
Noel H. Trask  
Ronald L. Zack  
Assistant General Counsel

**ORIGINAL**

**DOCKETED**

**AUG 28 1997**

FedEx

James J. McNulty  
Acting Secretary  
Pennsylvania Public Utility Commission  
North Office Building, Room G-23  
Harrisburg, Pennsylvania 17101

RE: West Penn Power Company  
Restructuring Plan Filing, Docket No. R-00973981

Direct Dial: 215 841 4917

August 20, 1997

**RECEIVED**

**AUG 20 1997**

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

Dear Acting Secretary McNulty:

Enclosed for filing on behalf of PECO Energy Company are an original and fifteen (15) copies of its Petition to Intervene. Copies of this document have been served upon all those listed on the official service list.

Pursuant to 52 Pa. Code § 1.11, the enclosed document is deemed filed on August 20, 1997, which is the date it was deposited with an overnight express delivery service as shown on the delivery receipt attached to the mailing envelope.

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

**DOCUMENT  
FOLDER**

Respectfully submitted,

*Mary McFall Hopper*  
Mary McFall Hopper

Enclosures

cc: Official Service List

96023

57

**ORIGINAL**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**DOCUMENT  
FOLDER**

West Penn Power Company  
Restructuring Plan Filing

Docket No. R-00973981

**DOCKETED**

**AUG 28 1997**

**RECEIVED**

PETITION TO INTERVENE  
OF PECO ENERGY COMPANY

**AUG 20 1997**

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

Pursuant to 52 Pa. Code § 5.71 and various Commission orders, PECO Energy

Company ("PECO Energy") hereby files this Petition to Intervene in the above-captioned proceeding involving West Penn Power Company's ("West Penn") Restructuring Plan. In support of its petition, PECO Energy states as follows:

1. PECO Energy is a public utility providing electric service in southeastern Pennsylvania subject to the jurisdiction of the Pennsylvania Public Utility Commission ("PUC" or the "Commission"). PECO Energy's principal place of business is:

2301 Market Street  
Philadelphia, Pennsylvania 19103

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

Mary McFall Hopper  
PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, Pennsylvania 19103  
(215) 841-4941  
(215) 568-3389 (FAX)

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

4. To implement these restructuring changes, the Act adds Chapter 28 to the Public Utility Code (the "Code"), 66 Pa. C.S. § 2801, et seq. The Act requires electric utilities to file Restructuring Plans on a schedule developed by the PUC.

5. As an existing electric utility in the Commonwealth, PECO Energy may participate in West Penn's electric market as an electric generation supplier. Moreover, the review of West Penn's plan simultaneously with PECO Energy's plan could lead to either partially or fully litigated proceedings involving common issues of first impression for the Commission<sup>1</sup>.

6. PECO Energy's participation as a party in this proceeding is required to protect its substantial, individual interests both with regard to supplying customers on West Penn's system and with regard to restructuring issues generally.

7. PECO Energy's participation will be in the public interest because the Company can comment and provide input for the record from the perspective of an electric utility, other than West Penn, familiar with the requirements of the Act and the Commission orders related to Restructuring Plans, including the practical and substantive concerns that arise in the course of attempting to comply with the Act and Commission orders. PECO Energy can assist in the development of a full and complete record for review either by the Commission itself or by an ALJ in any proceeding established pursuant to Commission orders.

8. The parties that will be participating in this case may well take positions on the issues that support their specific interests, and those positions may be inconsistent with positions that PECO Energy would take. For this reason, no other party in this proceeding can adequately represent PECO Energy or protect its interests.

9. PECO Energy will attempt to limit its comments, testimony and other participation in this matter to that required to support its specific interests and positions, and will not attempt to expand its participation in this proceeding beyond that which is necessary.

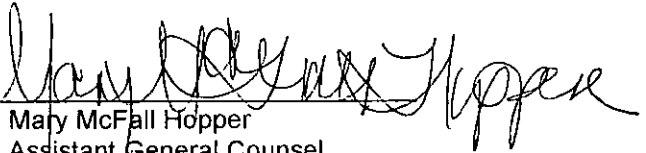
---

<sup>1</sup> PECO Energy filed its Restructuring Plan on April 1, 1997, at Docket No. R-00973953

WHEREFORE, the petition to intervene should be granted.

Respectfully submitted,

PECO ENERGY COMPANY

By: 

Mary McFall Hopper  
Assistant General Counsel  
PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(215) 841-4941  
(215) 568-3389 (FAX)

August 20, 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Duquesne Light Company  
Restructuring Plan Filing

**RECEIVED** Docket No. R-00974104

**AUG 20 1997**

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

West Penn Power Company  
Restructuring Plan Filing

Docket No. R-00973981

---

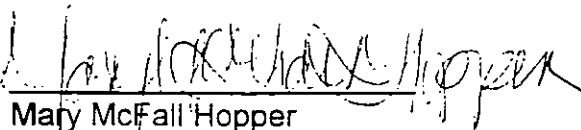
CERTIFICATE OF SERVICE

---

I hereby certify that I have this day served a true copy of the foregoing documents upon the attached list.

Respectfully submitted,

PECO ENERGY COMPANY

By 

Mary McFall Hopper  
Assistant General Counsel  
PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(215) 841-4917

August 20, 1997

Application for approval of a Restructuring Plan

R-00974104  
Duquesne Light Company

Application for approval of Restructuring Plan

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ARLINGTON VA 22203-1837

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COMPANY  
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ALLENTOWN PA 18101

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LOCAL 102 UWUA  
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**VIA FEDERAL EXPRESS**

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**RE: West Penn Power Company  
Restructuring Plan Filing  
Docket No. R00973981**

**RECEIVED**

**AUG 22 1997**

**PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE**

Dear Mr. McNulty:

Enclosed for filing are the original and eight (8) copies of a Petition to Intervene on behalf of Allegheny Teledyne, Inc. in the above matter. Copies of this document have been served upon all those listed on the official service list.

Pursuant to 52 Pa. Code § 1.11, the enclosed document is deemed filed on August 22, 1997, which is the date it was deposited with an overnight express delivery service as shown on the delivery receipt attached to the mailing envelope.

Very truly yours,

*Ste Baicker-McKee*  
Steven F. Baicker-McKee

SBM/tmp  
Enclosures

cc: The Honorable Larry Gesoff  
Official Service List

Two Gateway Center  
Pittsburgh, Pennsylvania 15222  
412 / 394-5400  
Fax 412 / 394-6576

**DOCUMENT  
FOLDER**

9

**ORIGINAL**

**IN THE COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In the Matter of  
WEST PENN POWER COMPANY  
Restructuring Plan Filing

Docket No. R-00973981

**RECEIVED**

AUG 22 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

**PETITION OF  
ALLEGHENY TELEDYNE, INC.  
TO INTERVENE IN PROCEEDING**

Allegheny Teledyne, Inc. ("Allegheny Teledyne"), by and through its counsel in this matter, Babst, Calland, Clements and Zomnir, P.C., and pursuant to 52 Pa. Code §§ 5.71 and 5.72, hereby files this Petition to Intervene in the above-captioned proceeding. In support of its Petition, Allegheny Teledyne represents as follows:

1. The address of Allegheny Teledyne is:  
  
1000 Six PPG Place  
10th Floor  
Pittsburgh, PA 15222
2. The names and address of Allegheny Teledyne's attorneys are:  
  
Steven F. Baicker-McKee, Esquire  
Wanda M. Schiller, Esquire  
Babst, Calland, Clements and Zomnir, P.C.  
Two Gateway Center, 8th Floor  
Pittsburgh, PA 15222  
Telephone: (412) 394-5600  
Fax: (412) 394-6574

Allegheny Teledyne's attorneys are authorized to accept service on behalf of Allegheny Teledyne in this proceeding. Allegheny Teledyne requests that the Pennsylvania Public Utility Commission ("Commission") and all parties of record serve copies of all discovery requests and answers,

**DOCKETED**  
AUG 27 1997

**DOCUMENT  
FOLDER**

correspondence, Commission Orders, and any other documents issued in this proceeding on Allegheny Teledyne's attorneys.

3. Allegheny Teledyne conducts business in Allegheny County and Western Pennsylvania and is a retail customer of West Penn Power Company ("West Penn").

4. On August 1, 1997, in accordance with the electricity Generation Customer Choice and Competition Act, 66 Pa. C.S. § 2801, et seq., West Penn filed its Restructuring Plan ("Restructuring Plan") with the Commission. The Restructuring Plan contains West Penn's proposal and intended rate design for the unbundling of West Penn's current retail rate and functional service elements which allow West Penn customers to choose an alternative generation supplier within the competitive environment of the restructured electric industry. The Restructuring Plan also contains, but is not limited to, West Penn's proposals for the (a) recovery of Stranded Costs; (b) implementation of Competitive Transition Charges and specific tariff revisions; and (c) functional separation of West Penn's electric delivery activities (i.e., distribution and transmission) and its generation supply and marketing activities.

5. Allegheny Teledyne, as one of West Penn's largest retail customers, will be directly and substantially affected by the Restructuring Plan.

6. Allegheny Teledyne believes that no other party can adequately protect its interests in this proceeding.

WHEREFORE, for all of the foregoing reasons, Allegheny Teledyne respectfully requests that its Petition to Intervene in this proceeding be granted.

Respectfully submitted,



---

Steven F. Baicker-McKee, Esquire  
Babst, Calland, Clements and Zomnir, P.C.  
Two Gateway Center, 8th Floor  
Pittsburgh, PA 15222  
Telephone: (412) 394-5400  
Fax: (412) 394-6576

Attorneys for Allegheny Teledyne, Inc.

DATED: August 22, 1997

CERTIFICATE OF SERVICE

I hereby certify that this 22nd day of August, 1997 a true and correct copy of the foregoing Petition to Intervene has been served upon the following persons or entities:

Bernard A. Ryan, Esquire  
Office of Small Business Advocate  
Suite 1102 Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

Charles F. Hoffman, Esquire  
Office of Trial Staff  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105

Irwin A. Popowsky, Esquire  
PA Consumer Advocate  
Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

Leonard W. Belter, Esquire  
Raymond B. Wuslich, Esquire  
Winston & Strawn  
1400 L Street, N.W.  
Washington, DC 20005-3502

John L. Munsch, Esquire  
Allegheny Power Company  
800 Cabin Hill Drive  
Greensburg, PA 15601

  
\_\_\_\_\_  
Steven F. Baicker-McKee, Esquire



**Pennsylvania Power & Light Company**

2 N 9TH ST ALLENTOWN PA 18101-1179 • 610/774-5151

KJR

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

FAX: 610/774-6726

**ORIGINAL**

August 22, 1997

**VIA HAND DELIVERY**

Mr. James McNulty, Prothonotary  
Pennsylvania Public Utility Commission  
North Office Building  
North Street and Commonwealth Avenue  
Harrisburg, PA 17105-3265

**DOCKETED  
DOCUMENT  
AUG 28 1997  
FOLDER**

PA.P.U.C.  
PROTHONOTARY'S OFFICE

97 AUG 22 PM 1:06

RECEIVED

Re: Application of West Penn Power Company (Allegheny Power) For Approval of Its Restructuring Plan Under Section 2806 of the Public Utility Code, Docket No. R-00973981; **Petition to Intervene; Motions for Admission Pro Hac Vice**

Dear Mr. McNulty:

Enclosed for filing in the above-captioned proceeding are an original and three (3) copies of the following:

- Petition to Intervene of Pennsylvania Power & Light Company;
- Motion for Admission Pro Hac Vice of Donald A. Kaplan; and
- Motion for Admission Pro Hac Vice of Lisa M. Helpert.

Upon receipt of this filing, please date and time-stamp the enclosed extra copy of this letter to reflect a filing date of August 22, 1997 and return it to Pennsylvania Power & Light Company in the envelope provided. If you have any questions regarding this filing, please call.

Respectfully submitted,

Paul E. Russell

Enclosures

cc: Certificate of Service

10

**ORIGINAL**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

West Penn Power Company : Docket No. R-00973981  
(Allegheny Power) Application for :  
Approval of Restructuring Plan Under :  
Section 2806 of the Public Utility Code :

RECEIVED  
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P.A.P.U.C.  
PROTHONOTARY'S OFFICE

**DOCUMENT  
FOLDER**

**PETITION TO INTERVENE OF  
PENNSYLVANIA POWER & LIGHT COMPANY**

Pursuant to 52 Pa. Code Sec. 5.71, Pennsylvania Power & Light Company ("PP&L" or the "Company"), by its attorney, hereby files this Petition to Intervene in the above-captioned proceeding involving the application of Allegheny Power ("Allegheny") for approval of its Restructuring Plan. In support of its petition, PP&L states as follows:

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

Pennsylvania Power & Light Company  
Two North Ninth Street  
Allentown, Pennsylvania 18101

**DOCKETED**

AUG 28 1997

2. PP&L will be represented in this proceeding by the following counsel, who should be placed on the Commission's service list and receive copies of all correspondence and other documents:

Paul E. Russell, Esq.  
Pennsylvania Power & Light Company  
Two North Ninth Street  
Allentown, Pennsylvania 18101

DOCUMENT  
FOLDER

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

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

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

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

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

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

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

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

8. The instant proceeding may raise issues of first impression. Some examples of these issues include the procedures and methodology for projecting conditions and prices in future competitive markets, calculating utility stranded costs, unbundling of utility rates, designing a competitive transition charge, establishing rules for direct retail access, establishing conditions for retail competition in Allegheny's service areas and developing utility obligations as the supplier of last resort. In addition, some parties may contend that the resolution of issues in the instant proceeding should be considered precedent for other proceedings under the Act, including PP&L's Restructuring Plan filing.

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

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

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

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

12. Active party status will permit the Company to receive and review all of the documents filed in the case. In addition, as an active party, the Company will have an opportunity to attend and participate fully in all evidentiary hearings and settlement discussions.

13. At this time, PP&L does not expect to present testimony in this proceeding. However, the Company expressly reserves the right to submit both direct and rebuttal testimony should it determine that it is necessary to do so to protect and advance its position. Whether PP&L files rebuttal testimony and the

nature of that testimony will depend upon the positions developed by PP&L and positions taken by the other parties on the major issues raised by these proceedings. Accordingly, the Company cannot identify, at this time, the issues that may be raised in any testimony it might submit, or the witness(es) that it will present. As soon as PP&L identifies these issues and witnesses, it will notify the Administrative Law Judges and all parties.

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

Respectfully submitted,



---

Paul E. Russell  
Associate General Counsel  
Pennsylvania Power & Light Company  
Two North Ninth Street  
Allentown, Pennsylvania 18101

Dated: August 22, 1997

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

West Penn Power Company : Docket No. R-00973981  
(Allegheny Power) Application for :  
Approval of Restructuring Plan Under :  
Section 2806 of the Public Utility Code :

RECORDED  
51 AUG 22 PM 1:08  
FAP/US  
PROTHONOTARY'S OFFICE

---

**CERTIFICATION OF SERVICE**

---

I hereby certify that on August 22, 1997, I served a true copy of the foregoing document upon the active participants listed below, in accordance with the requirements of §1.54 (relating to service by a participant):

**By U.S. Mail:**

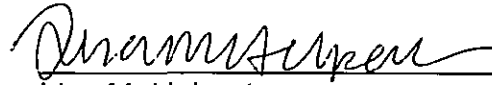
Raymond B. Wuslich  
Leonard W. Belter  
Winston and Strawn  
1400 L Street, N.W.  
Washington, D.C. 20005-3502  
*for Allegheny Power/West Penn Power*

John L. Munsch  
Theresa Colecchia  
Thomas K. Henderson  
800 Cabin Hill Drive  
Greensbug, PA 15601  
*for Allegheny Power*

Michael L. Kurtz, Esquire  
Boehm, Kurtz & Lowry  
2110 CBLD Center  
36 E. Seventh Street  
Cincinnati, OH 45202  
*for Armco, Inc. (POR)*

Steven F. Baicker-McKee  
Babst Calland Clements & Aomnir  
Two Gateway Center  
Pittsburgh, PA 15222  
*for Allegheny Teledyne, Inc.*

Dated: August 22, 1997

  
\_\_\_\_\_  
Lisa M. Helpert

RECEIVED  
97 AUG 22 P11 1:08  
F.A.P.U.C.  
PROTHONOTARY'S OFFICE

**ORIGINAL**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

West Penn Power Company : Docket No. R-00973981  
(Allegheny Power) Application for :  
Approval of Restructuring Plan Under :  
Section 2806 of the Public Utility Code :

---

**MOTION FOR ADMISSION PRO HAC VICE OF  
DONALD A. KAPLAN**

---

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97 AUG 22 PM 1:06  
PA P.U.C.  
PROTHONOTARY'S OFFICE

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

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

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

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

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

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

Respectfully submitted,



Paul E. Russell  
Pennsylvania Power & Light Company  
Two North Ninth Street  
Allentown, Pennsylvania 18101  
(610) 774-4254

Dated: August 22, 1997

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

Allegheny Power Application for : Docket No. R-00974008  
Approval of Restructuring Plan Under :  
Section 2806 of the Public Utility Code :  
:

---

**ORDER GRANTING ADMISSION PRO HAC VICE**

---

On August 4, 1997, Allegheny Power filed its Restructuring Plan with the Pennsylvania Public Utility Commission.

On or about August 22, 1997, Paul E. Russell, Esq., a member of the bar of the Commonwealth of Pennsylvania, moved the admission pro hac vice of Donald A. Kaplan, Esq., Preston Gates Ellis & Rouvelas Meeds LLP, Suite 500, 1735 New York Avenue, NW, Washington, DC, 20006, in this case, pursuant to Pa.B.A.R. 301.

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

The Motion for Admission Pro Hac Vice is unopposed.

RECORDED  
57 AUG 22 PM 1:07  
PROTHONOTARY'S OFFICE

THEREFORE,

IT IS ORDERED:

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

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

\_\_\_\_\_

Date

\_\_\_\_\_

(name)  
Administrative Law Judge

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

West Penn Power Company : Docket No. R-00973981  
(Allegheny Power) Application for :  
Approval of Restructuring Plan Under :  
Section 2806 of the Public Utility Code :

---

**CERTIFICATION OF SERVICE**

---

I hereby certify that on August 22, 1997, I served a true copy of the foregoing document upon the active participants listed below, in accordance with the requirements of §1.54 (relating to service by a participant):

**By U.S. Mail:**

Raymond B. Wuslich  
Leonard W. Belter  
Winston and Strawn  
1400 L Street, N.W.  
Washington, D.C. 20005-3502  
*for Allegheny Power/West Penn Power*

John L. Munsch  
Theresa Colecchia  
Thomas K. Henderson  
800 Cabin Hill Drive  
Greensbug, PA 15601  
*for Allegheny Power*

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F.A.U.C.  
PROTHONOTARY'S OFFICE

Michael L. Kurtz, Esquire  
Boehm, Kurtz & Lowry  
2110 CBLD Center  
36 E. Seventh Street  
Cincinnati, OH 45202  
*for Armco, Inc. (POR)*

Steven F. Baicker-McKee  
Babst Calland Clements & Aomnir  
Two Gateway Center  
Pittsburgh, PA 15222  
*for Allegheny Teledyne, Inc.*

Dated: August 22, 1997

  
Lisa M. Helpert

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

West Penn Power Company : Docket No. R-00973981  
(Allegheny Power) Application for :  
Approval of Restructuring Plan Under :  
Section 2806 of the Public Utility Code :

**MOTION FOR ADMISSION PRO HAC VICE OF  
LISA M. HELPERT**

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F.A.P.U.C.  
PROTHONOTARY'S OFFICE

Pennsylvania Power & Light Company ("PP&L"), through its

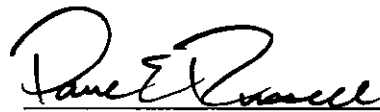
undersigned attorney of record, moves the Pennsylvania Public Utility Commission ("PUC") to allow the admission pro hac vice of attorney Lisa M. Helpert as co-counsel and as grounds therefore states:

1. PP&L is a Pennsylvania corporation and has as its attorney of record in this proceeding the undersigned Paul E. Russell, who is a practicing attorney duly admitted to and in good standing with the bar of the Commonwealth of Pennsylvania (Attorney No. 21643).
2. Lisa M. Helpert, an associate in the law firm of Preston Gates Ellis & Rouvelas Meeds LLP, is a practicing attorney duly admitted to and in good standing with the bar of the State of Washington.
3. PP&L desires that Ms. Helpert represent it in this action and respectfully requests that Ms. Helpert be admitted pro hac vice to practice before the

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

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

Respectfully submitted,



---

Paul E. Russell  
Pennsylvania Power & Light Company  
Two North Ninth Street  
Allentown, Pennsylvania 18101  
(610) 774-4254

Dated: August 22, 1997

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

Allegheny Power Application for : Docket No. R-00974008  
Approval of Restructuring Plan Under :  
Section 2806 of the Public Utility Code :  
:

---

**ORDER GRANTING ADMISSION PRO HAC VICE**

---

On August 4, 1997, Allegheny Power filed its Restructuring Plan with the Pennsylvania Public Utility Commission.

On or about August 22, 1997, Paul E. Russell, Esq., a member of the bar of the Commonwealth of Pennsylvania, moved the admission pro hac vice of Lisa M. Helpert, Esq., Preston Gates Ellis & Rouvelas Meeds LLP, Suite 500, 1735 New York Avenue, NW, Washington, DC, 20006, in this case, pursuant to Pa.B.A.R. 301.

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

The Motion for Admission Pro Hac Vice is unopposed.

THEREFORE,

IT IS ORDERED:

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

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

---

Date

---

(name)

Administrative Law Judge

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

---

West Penn Power Company : Docket No. R-00973981  
(Allegheny Power) Application for :  
Approval of Restructuring Plan Under :  
Section 2806 of the Public Utility Code :

---

**CERTIFICATION OF SERVICE**

---

I hereby certify that on August 22, 1997, I served a true copy of the foregoing document upon the active participants listed below, in accordance with the requirements of §1.54 (relating to service by a participant):

**By U.S. Mail:**

Raymond B. Wuslich  
Leonard W. Belter  
Winston and Strawn  
1400 L Street, N.W.  
Washington, D.C. 20005-3502  
*for Allegheny Power/West Penn Power*

John L. Munsch  
Theresa Colecchia  
Thomas K. Henderson  
800 Cabin Hill Drive  
Greensbug, PA 15601  
*for Allegheny Power*

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F.A.P.U.C.  
PROTODONOTARY'S OFFICE

Michael L. Kurtz, Esquire  
Boehm, Kurtz & Lowry  
2110 CBLD Center  
36 E. Seventh Street  
Cincinnati, OH 45202  
*for Armco, Inc. (POR)*

Steven F. Baicker-McKee  
Babst Calland Clements & Aomnir  
Two Gateway Center  
Pittsburgh, PA 15222  
*for Allegheny Teledyne, Inc.*

Dated: August 22, 1997

  
Lisa M. Helpert

ORIGINAL

P.O. Box 339

Champion Pa 15622

August 19, 1997

003484

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P/c

DOCUMENT

RECEIVED  
PROTHONOTARY'S OFFICE

KJR

P.O. Box 3265

FOLDER

Harrisburg Pa 17105-3265

Re: West Penn Power Co + Rocket to R-00973981  
(now Allegheny Power)

DOCKETED

AUG 25 1997

Gentlemen:

In regards to the Competitive Transition Charge for the referenced - I strongly oppose passing on to customers the charge proposed. Customers should not be penalized for poor business decisions made by management. Shareholders should be the ones to absorb these costs through lower dividends + lower profits!

Please consider the small consumers. The utilities would not reduce my billing if I made a poor decision in selecting a high energy product. I live in an area where gas is not an option and would be greatly penalized by these increased charges - difficult for retirees!

Sincerely,  
Maryann Luska

15



1 East Washington Street  
P. O. Box 891  
New Castle, PA 16103-0891  
412-652-5531

Pennsylvania Power Company

Direct Dial 412 - 656-5382

KJR

LEGAL DEPARTMENT  
ROBERT P. WUSHINSKE, Vice President  
and General Counsel  
HARRY A. FLANNERY, Attorney  
STEPHEN L. FELD, Attorney

August 26, 1997

ORIGINAL

FEDERAL EXPRESS

RECEIVED

James J. McNulty, Esquire  
Acting Secretary  
Pennsylvania Public Utility Commission  
North Office Building  
Commonwealth Avenue and North Street  
Harrisburg, PA 17120

AUG 26 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

DOCUMENT  
FOLDER

Re: Docket No. R-00973981  
Restructuring Plan Filing  
of West Penn Power Company

Dear Secretary McNulty:

Enclosed are an original and three (3) copies of Pennsylvania Power Company's Petition to Intervene in the above proceeding. As shown below, copies of this filing have been served on all parties included on the active service list.

Please date and time-stamp the enclosed additional copy of this letter and return it to me in the attached stamped, self-addressed envelope.

Very truly yours,

Stephen L. Feld, Attorney

amw  
Enclosures

cc: Thomas P. Gadsden, Morgan, Lewis & Bockius  
Service List

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**ORIGINAL**

West Penn Power Company :  
Restructuring Plan Filing :

Docket No. R-00973981

**RECEIVED**

AUG 26 1997

PETITION TO INTERVENE  
OF PENNSYLVANIA POWER COMPANY  
PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

Pursuant to 52 Pa. Code §5.71, et seq., Pennsylvania Power Company ("Penn Power") hereby files this Petition to Intervene in the above docket involving West Penn Power Company's ("West Penn") Restructuring Plan. In support of its petition, Penn Power states as follows:

1. Penn Power is a public utility providing electric service in western Pennsylvania subject to the jurisdiction of the Pennsylvania Public Utility Commission ("PUC" or the "Commission").

Penn Power's address is:

1 East Washington Street  
P. O. Box 891  
New Castle, PA 16103-0891

**DOCKETED**  
AUG 29 1997

**DOCUMENT  
FOLDER**

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

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

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


3. On January 1, 1997 the Electricity Generation Customer Choice and Competition Act (the "Act") became effective. The Act restructures the electric utility industry in Pennsylvania to provide customers with choice of their electricity generation suppliers. Section 2806(D) of the Act requires electric utilities to file restructuring plans with the PUC. On August 1, 1997 West Penn filed its plan which is the subject of this proceeding.

4. Penn Power may participate in West Penn's service territory as an electric generation supplier. In addition, Penn Power will be filing its restructuring plan on September 30, 1997. Penn Power's participation in this proceeding is therefore required to protect its substantial interests both with regard to supplying customers on West Penn's system and with regard to common restructuring issues.

5. Penn Power's participation will be in the public interest because the Company is the only Pennsylvania member of the East Central Area Reliability Council ("ECAR") not affiliated with West Penn or the related filing of Duquesne Light Company. Penn Power's perspective on the energy markets and operational situation in ECAR and on other issues may be different than that of other parties to this proceeding. For this reason, no other party in this proceeding can adequately represent Penn Power or protect its interests. Penn Power's participation will assist in the development of a full and complete record in the proceeding established pursuant to Commission orders in this docket.

WHEREFORE, Pennsylvania Power Company requests that it be permitted to intervene in  
this docket.

Respectfully submitted,



Stephen L. Feld, Esq.  
Pennsylvania Power Company  
1 East Washington Street  
P.O. Box 891  
New Castle, PA 16103-0891  
(412) 656-5382

Thomas P. Gadsden, Esq.  
Morgan, Lewis & Bockius  
2000 One Logan Square  
Philadelphia, PA 19103-6993  
(215) 963-5234

DATED: August 26, 1997

I:\HOME\AWALCZAK\8350\LEGAL\FELD\INTRV-WP.PET

COMMONWEALTH OF PENNSYLVANIA

DATE: August 21, 1997

SUBJECT: R-00973981, R-00974104

TO: Office of Administrative Law Judge

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

KJR

R-00973981 WEST PENN POWER COMPANY  
RESTRUCTURING PLAN

R-00974101 DUQUESNE LIGHT COMPANY  
RESTRUCTURING PLAN

---

Attached is copy of a Petition to Intervene of Allegheny Electric Cooperative, Inc. filed in connection with the above docketed proceedings.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

DOCKETED

AUG 22 1997

DOCUMENT  
FOLDER

DATE: August 27, 1997

SUBJECT: R-00973981

TO: Office of Administrative Law Judge

FROM: James J. McNulty, Acting Secretary

LAF

DOCKETED

AUG 28 1997

WEST PENN POWER COMPANY RESTRUCTURING PLAN

---

Attached is copy of a Petition to Intervene of Peco Energy Company filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

laf

DOCUMENT  
FOLDER

COMMONWEALTH OF PENNSYLVANIA

DATE: August 27, 1997

SUBJECT: R-00973981

TO: Office of Administrative Law Judge

FROM: James J. McNulty, Acting Secretary

LAF

WEST PENN POWER COMPANY RESTRUCTURING PLAN

---

Attached is copy of a Petition to Intervene of ALLEGHENY TELEDYNE, INC. filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

laf

DOCKETED

AUG 27 1997

DOCUMENT FOLDER

## COMMONWEALTH OF PENNSYLVANIA

**DATE:** August 27, 1997

**SUBJECT:** R-00973981

**TO:** Office of Administrative Law Judge

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

LAF

DOCKETED

AUG 28 1997

DOCUMENT  
FOLDERWEST PENN POWER COMPANY RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of Pennsylvania Power & Light Company; with Motions for Admission Pro Hac Vice for Donald A. Kaplan and Lisa M. Helpert filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

laf

LEGAL SERVICES

RECEIVED

AUG 27 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE



800 Cabin Hill Drive  
Greensburg, PA 15601-1689  
Phone: (412) 837-3000  
FAX: (412) 838-6177

Writer's Direct Dial No. (412) 838-6210

E-mail: [jmunsch@alleghenypower.com](mailto:jmunsch@alleghenypower.com)

August 27, 1997

**VIA FEDERAL EXPRESS**

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


KJR

**Re: West Penn Power Company Restructuring Plan Filing**  
**Docket No. R-00973981**

Dear Mr. McNulty:

Enclosed please find an original and three (3) copies of the Answer of West Penn Power Company, d/b/a Allegheny Power, to the Petition to Intervene of Armco, Inc.

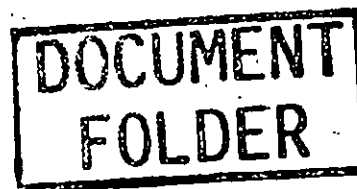
Respectfully submitted,

  
John L. Munsch  
Attorney

Enclosure

cc: Certificate of Service

Administrative Law Judge Larry Gesoff  
PA Public Utility Commission  
1103 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222



86

ORIGINAL RECEIVED

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

AUG 27 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

West Penn Power Company,  
d/b/a Allegheny Power,  
Restructuring Plan Filing

:  
:  
:

Docket No. R-0097981

---

ANSWER OF  
WEST PENN POWER COMPANY  
TO PETITION TO INTERVENE  
OF ARMCO, INC.

---

AND NOW comes West Penn Power Company, d/b/a Allegheny Power ("West Penn"), by its counsel and answers the Petition to Intervene of Armco, Inc.

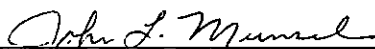
1. West Penn does not oppose the intervention of Armco, Inc.
2. The Intervention Petition of Armco, Inc., does not contain a Complaint

and, therefore, an answer to a complaint is not required.

Respectfully submitted,

Date: August 27, 1997

By:



John L. Munsch, Esquire  
800 Cabin Hill Drive  
Greensburg, PA 15601  
(412) 838-6210

**DOCKETED**  
AUG 28 1997

Raymond B. Wuslich, Esquire  
Leonard W. Belter, Esquire  
Winston & Strawn  
1400 L. Street  
Washington, DC 20005-3502

**DOCUMENT  
FOLDER**

Attorneys for  
ALLEGHENY POWER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

West Penn Power Company  
Restructuring Plan Filing


:  
:

Docket No. R-0097981

CERTIFICATE OF SERVICE

I hereby certify that on this 27<sup>th</sup> day of August 1997, a true and correct copy of  
the foregoing was served via first-class mail, postage prepaid, on the following:

Michael L. Kurtz, Esquire  
Boehm, Kurtz & Lowry  
2110 CBLD Center  
36 East Seventh Street  
Cincinnati, OH 45202

  
John L. Munsch, Esq.  
Attorney for  
ALLEGHENY POWER

**JOHN & HENGERER**  
A LAW PARTNERSHIP  
1200 17TH STREET, N.W.  
SUITE 600  
WASHINGTON, D.C. 20036-3006

KJR

DOUGLAS F. JOHN  
EDWARD W. HENGERER  
KEVIN M. SWEENEY  
KIM M. CLARK  
GORDON J. SMITH  
SHELBY L. PROVENCHER

August 27, 1997

**RECEIVED**

TELEPHONE  
202/429-8809  
TELECOPIER  
202/429-8806

*Via Overnight Mail*

**DOCUMENT  
FOLDER**

AUG 27 1997  
PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

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

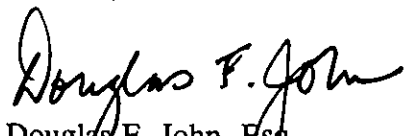
**RE: Petition for Approval of Restructuring Plan (Docket No. R-00973981)**

Dear Sirs:

I've included for filing an original, 5 copies and 2 diskette copies of the Petition for Leave to Intervene and Participate of NorAm Energy Management, Inc. in the above-referenced docket. Please return two stamped copies in the attached envelope for our records.

Thank you for your attention to this matter.

Sincerely,



Douglas F. John, Esq.  
Counsel For  
NorAm Energy Management, Inc.

RECEIVED ORIGINAL

AUG 27 1997

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of West Penn Power Company for Approval of its Restructuring Plan )

Docket No. R-00973981

PETITION FOR LEAVE TO INTERVENE AND PARTICIPATE OF NORAM ENERGY MANAGEMENT, INC.

This Petition for Leave to Intervene and Participate in the above-referenced proceeding is filed by NorAm Energy Management, Inc. (NorAm) pursuant to the Public Utility Commission's (Commission) Rules of Procedure and Practice, 52 Pa. Code § 5.71, et. seq., and the Notice issued on August 12, 1997. NorAm requests that this Motion be granted for the reasons set forth below:

I.

Communications and correspondence concerning this Motion should be directed to:

Douglas F. John, Esq.
Gordon J. Smith, Esq.
JOHN & HENGERER
1200 17th Street, N.W.
Suite 600
Washington, D.C. 20036-3006
Telephone: (202) 429-8814
Facsimile: (202) 429-8805

Keith M. Sappenfield, II
Director of Marketing Support
NORAM ENERGY MANAGEMENT, INC.
P.O. Box 2 628
Houston, TX 77252-2628
Telephone: (713) 654-5864

DOCKETED
AUG 29 1997

II.

NorAm is a Delaware corporation. NorAm's principal place of business is located at 1600 Smith Street, Houston, Texas 77002. NorAm is involved in the retail marketing of natural gas and electricity nationwide. NorAm intends to serve customers on West Penn Power Company's (West Penn) distribution system and has significant interest in the Pennsylvania electricity market in general.

DOCUMENT FOLDER

III.

On January 24, 1997, the Commission issued an order directing West Penn to file its restructuring plan. On August 1, 1997, West Penn filed its restructuring plan.

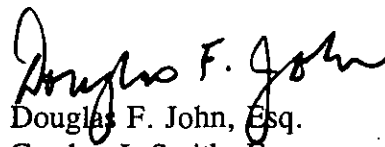
IV.

As a potential marketer of electricity to customers presently served in West Penn's service territory, NorAm will be directly and specifically affected by the outcome of this proceeding. NorAm's interests in this proceeding cannot be adequately represented or protected by any other party hereto. Moreover, as a power marketer, NorAm likely can contribute to the development of a complete record in this case as well as settlement discussions. Under the circumstances, NorAm submits that good cause exists to grant it leave to intervene and participate herein.

V.

WHEREFORE, NorAm requests that the Commission grant this Motion and that NorAm be made a party to this proceeding for all purposes.

Respectfully submitted,



Douglas F. John, Esq.  
Gordon J. Smith, Esq.  
JOHN & HENGERER  
1200 17th Street, N.W.  
Suite 600  
Washington, D.C. 20036

Counsel for NorAm Energy Management,  
Inc.

I hereby certify that I have this day served a true copy of the foregoing document upon each person designated on the official service list in this proceeding.

Dated at Washington D.C.: August 27, 1997

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

*Application of West Penn Power Company for )  
Approval of its Restructuring Plan )*

*Docket No.  
R-00973981*

**PETITION FOR LEAVE TO INTERVENE AND PARTICIPATE OF  
NORAM ENERGY MANAGEMENT, INC.**

*This Petition for Leave to Intervene and Participate in the above-referenced proceeding is filed by NorAm Energy Management, Inc. (NorAm) pursuant to the Public Utility Commission's (Commission) Rules of Procedure and Practice, 52 Pa. Code § 5.71, et. seq., and the Notice issued on August 12, 1997. NorAm requests that this Motion be granted for the reasons set forth below:*

**I.**

*Communications and correspondence concerning this Motion should be directed to:*

*Douglas F. John, Esq.  
Gordon J. Smith, Esq.  
JOHN & HENGERER  
1200 17<sup>th</sup> Street, N.W.  
Suite 600  
Washington, D.C. 20036-3006  
Telephone: (202) 429-8814  
Facsimile: (202) 429-8805*

*Keith M. Sappenfield, II  
Director of Marketing Support  
NORAM ENERGY MANAGEMENT, INC.  
P.O. Box 2 628  
Houston, TX 77252-2628  
Telephone: (713) 654-5864*

**II.**

NorAm is a Delaware corporation. NorAm's principal place of business is located at 1600 Smith Street, Houston, Texas 77002. NorAm is involved in the retail marketing of natural gas and electricity nationwide. *NorAm intends to serve customers on West Penn Power Company's (West Penn) distribution system and has significant interest in the Pennsylvania electricity market in general.*

III.

*On January 24, 1997, the Commission issued an order directing West Penn to file its restructuring plan. On August 1, 1997, West Penn filed its restructuring plan.*

IV.

*As a potential marketer of electricity to customers presently served in West Penn's service territory, NorAm will be directly and specifically affected by the outcome of this proceeding. NorAm's interests in this proceeding cannot be adequately represented or protected by any other party hereto. Moreover, as a power marketer, NorAm likely can contribute to the development of a complete record in this case as well as settlement discussions. Under the circumstances, NorAm submits that good cause exists to grant it leave to intervene and participate herein.*

V.

*WHEREFORE, NorAm requests that the Commission grant this Motion and that NorAm be made a party to this proceeding for all purposes.*

*Respectfully submitted,*

*Douglas F. John, Esq.  
Gordon J. Smith, Esq.  
JOHN & HENGERER  
1200 17th Street, N.W.  
Suite 600  
Washington, D.C. 20036*

*Counsel for NorAm Energy Management,  
Inc.*

*I hereby certify that I have this day served a true copy of the foregoing document upon each person designated on the official service list in this proceeding.*

*Dated at Washington D.C.: August 27, 1997*

ORIGINAL

RECEIVED

AUG 28 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE  
TELEPHONE 202/429-8805  
TELECOPIER 202/429-8805

**JOHN & HENGERER**  
A LAW PARTNERSHIP  
1200 17TH STREET, N.W.  
SUITE 600  
WASHINGTON, D.C. 20036-3006

**August 28, 1997**

DOUGLAS F. JOHN  
EDWARD W. HENGERER  
KEVIN M. SWEENEY  
KIM M. CLARK  
GORDON J. SMITH  
SHELBY L. PROVENCHER

*Via Overnight Mail*

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

KJR

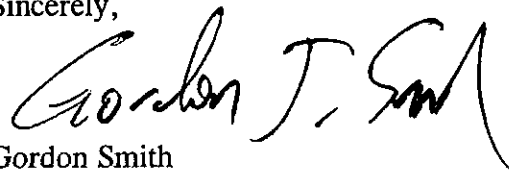
**RE: Petition for Approval of Restructuring Plan (Docket No. R-00973981)**

Dear Sirs:

I've included for filing an original, 5 copies and 2 diskette copies of the Petition for Leave to Intervene and Participate of Duke Energy Trading and Marketing, L.L.C. in the above-referenced docket. Please return two stamped copies in the attached envelope for our records.

Thank you for your attention to this matter.

Sincerely,



Gordon Smith

Counsel For  
Duke Energy Trading and Marketing,  
L.L.C.

DOCUMENT  
FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

Application of West Penn Power )  
Company for Approval of its Restructuring )  
Plan )

Docket No.  
R-00973981 AUG 28 1997

PA PUBLIC UTILITY COMMISSION

PROTHONOTARY'S OFFICE

PETITION FOR LEAVE TO INTERVENE AND PARTICIPATE OF  
DUKE ENERGY TRADING AND MARKETING, L.L.C.

This Petition for Leave to Intervene and Participate in the above-referenced proceeding is filed by Duke Energy Trading and Marketing, L.L.C. (DETM) pursuant to the Public Utility Commission's (Commission) Rules of Procedure and Practice, 52 Pa. Code § 5.71, *et seq.*, and the Notice issued on August 12, 1997. DETM requests that this Motion be granted for the reasons set forth below:

I.

Communications and correspondence concerning this Motion should be directed to:

Gordon J. Smith, Esq.  
JOHN & HENGERER  
1200 17<sup>th</sup> Street, N.W.  
Suite 600  
Washington, D.C. 20036-3006  
Telephone: (202) 429-8814  
Facsimile: (202) 429-8805

John R. Orr, Esq.  
DUKE ENERGY TRADING  
AND MARKETING, L.L.C.  
One Westchase Center, 10777 Westheimer  
Suite 650  
Houston, Texas 77042  
Telephone: (713) 260-1800  
Facsimile: (713) 260-6511

II.

DETM is a wholly-owned subsidiary of Duke Energy Natural Gas Corporation and is an independent power marketer. DETM — which received authorization from the Federal Energy Regulatory Commission on October 2, 1996 to sell electricity at market-based rates<sup>1</sup> —

<sup>1</sup> *PanEnergy Trading and Market Services, L.L.C.*, Docket No. ER96-2921-000, Letter Order dated October 2, 1996. DETM changed its name from *PanEnergy Trading and Market Services, L.L.C.*, effective June 18, 1997.

DOCUMENT FILED  
FOLDER  
TOCKETED  
SEP 02 1997

markets electric power and provides value-added services for utility and non-utility generators. DETM intends to serve customers on West Penn Power Company's (West Penn) distribution system and has significant interest in the Pennsylvania electricity market in general.

### III.

On January 24, 1997, the Commission issued an order directing West Penn to file its restructuring plan. On August 1, 1997, West Penn filed its restructuring plan.

### IV.

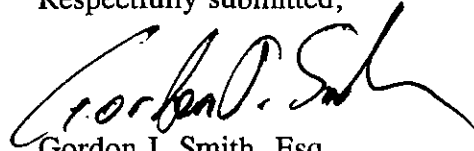
As a potential marketer of electricity to customers presently served in West Penn's service territory, DETM will be directly and specifically affected by the outcome of this proceeding. DETM's interests in this proceeding cannot be adequately represented or protected by any other party hereto. Moreover, as a power marketer, DETM likely can contribute to the development of a complete record in this case as well as settlement discussions. Under the circumstances, DETM submits that good cause exists to grant it leave to intervene and participate herein.

---

V.

WHEREFORE, DETM requests that the Commission grant this Motion and that DETM be made a party to this proceeding for all purposes.

Respectfully submitted,



Gordon J. Smith, Esq.  
JOHN & HENGERER  
1200 17th Street, N.W.  
Suite 600  
Washington, D.C. 20036

Counsel for Duke Energy Trading and  
Marketing, L.L.C.

I hereby certify that I have this day served a true copy of the foregoing document upon each person designated on the official service list in this proceeding.

Dated at Washington D.C.: August 28, 1997

F:\WORD\204\PLEADING\PA-WPP.MLJ

# SPIEGEL & MCDIARMID

GEORGE SPIEGEL, PC  
ROBERT C. MCDIARMID  
SANDRA J. STREBEL  
ROBERT A. JABLON  
JAMES N. HORWOOD  
ALAN J. ROTH  
FRANCES E. FRANCIS  
DANIEL I. DAVIDSON  
THOMAS C. TRAUER  
JOHN J. CORBETT  
CYNTHIA S. BOGORAD  
GARY J. NEWELL  
SCOTT H. STRAUSS  
BEN FINKELSTEIN  
LISA G. DOWDEN  
RISE J. PETERS  
PETER J. HOPKINS  
DAVID E. POMPER  
MARK S. HEGEDUS

1350 NEW YORK AVENUE, NW  
WASHINGTON, DC 20005-4798

TELEPHONE (202) 879-4000  
FACSIMILE (202) 393-2866  
EMAIL SPIEGEL@SPIEGEL.BECLTD.COM

CAROLYN P. CARMODY  
MATTHEW W. WARD  
JEFFREY A. SCHWARZ  
THOMAS J. BYRNE

OF COUNSEL  
LEE C. WHITE  
P. DANIEL BRUNER  
MARGARET A. MCGOLDRICK

PUBLIC AFFAIRS DIRECTOR

KENNETH A. BROWN  
(NOT A MEMBER OF THE BAR)

GOVERNMENT AFFAIRS DIRECTOR  
ROBERT L. ROACH

MEMBER OF MD BAR ONLY  
MEMBER OF NJ BAR ONLY

August 28, 1997

RECEIVED

AUG 28 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE KJR

Via Overnight Courier

James J. McNulty, Esq.  
Prothonotary/Acting Secretary  
Pennsylvania Public Utility Commission  
North Office Building, Room G-23  
Harrisburg, PA 17101

**Re: West Penn Power Company  
Restructuring Plan Filing, Docket No. R-00973981**

Dear Mr. McNulty:

We have enclosed for filing, on behalf of System Local No. 102, Utility Workers Union of America, AFL-CIO, an original and three copies of its Petition To Intervene in the above-captioned proceeding. Copies of this document have been served upon all those listed on the official service list. In addition, we have enclosed an original and three copies of our Motion To Admit *Pro Hac Vice*, which also has been served upon the official service list.

Pursuant to 52 Pa. Code § 1.11(a)(2), the enclosed documents are deemed filed on August 28, 1997, which is the date it was deposited with an overnight express delivery service as shown on the delivery receipt attached to the mailing envelope.

Upon receipt of this filing, please date and time-stamp the enclosed extra copies of the Petition and Motion and return them to me in the self-addressed, stamped envelope provided.

Respectfully submitted,

*Cynthia S. Bogorad*  
Cynthia S. Bogorad  
Scott H. Strauss  
David E. Pomper

DOCUMENT  
FOLDER

CSB:rjm

Enclosures

cc/encl Official Service List

Administrative Law Judge John H. Corbett

Administrative Law Judge Larry Gesoff

82

RECEIVED

AUG 28 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

West Penn Power Company  
Restructuring Plan Filing

Docket No. R-00973981

**ORIGINAL**

**PETITION TO INTERVENE OF SYSTEM LOCAL  
NO. 102, UTILITY WORKERS UNION OF  
AMERICA, AFL-CIO**

Pursuant to 52 Pa. Code § 5.71, System Local No. 102 of the Utility Workers Union of America, AFL-CIO ("Local No. 102" or "the Union"), hereby files its Petition to Intervene in the above-captioned proceeding involving West Penn Power Company's ("West Penn" or "the Company") proposed Restructuring Plan. In support of its Petition, Local No. 102 states as follows:

1. System Local No. 102 of the Utility Workers Union of America, AFL-CIO, is the union representing approximately 1,000 bargained-for employees of West Penn Power. The Union represents the nonclerical and nonmanagerial employees that are responsible for, and have dedicated themselves to, providing West Penn customers with reliable service at reasonable cost. The Union's President and address are:

William J. Sterner, President  
System Local No. 102  
Utility Workers Union of America, AFL-CIO  
333 State Street  
Charleroi, PA 15022

2. Local No. 102 will be represented in this proceeding by the following counsel, who should be placed on the Commission's service list and receive copies of all correspondence and other documents:

**DOCKETED DOCUMENT  
FOLDER**  
SEP 02 1997

Cynthia S. Bogorad  
Scott H. Strauss  
David E. Pomper  
Spiegel & McDiarmid  
Suite 1100  
1350 New York Avenue, NW  
Washington, DC 20005-4789  
(202) 879-4000  
(202) 393-2866 (fax)

3. On December 3, 1996, Governor Thomas Ridge signed into law the Electricity Generation Customer Choice and Competition Act ("the Act"), 66 Pa. C.S.A. § 2801 *et seq.*, which requires restructuring of the electric utility industry in Pennsylvania. On August 1, 1997, West Penn submitted its restructured plan.

4. As employees of West Penn, the members of Local No. 102 are directly and substantially affected by the Company's proposed restructuring plan. West Penn's filing reveals an intent to further reduce a work force<sup>1</sup> that already has been subjected to such drastic reductions<sup>2</sup> that safety and reliability may be compromised. Such degradation of reliability would violate the express intent of the Act. *See, e.g.*, 66 Pa. C.S.A. §§ 2802(11), (12), (20), and 2804(1), (14) and 2807.

5. To the extent the Company's plan of further work force reductions comes to fruition, the plan does not appear to make adequate provision for recovery of "human" stranded costs, such as severance, early retirement, retraining or job retention in other positions, as expressly contemplated by the Act. 66 Pa. C.S.A. §§ 2802(18) and 2803(3)

---

<sup>1</sup> *See, e.g.*, Vol. VIII, Direct Testimony of Michael P. Morrell at 21-22.

<sup>2</sup> *See, e.g.*, Vol. VIII, Direct Testimony of Michael P. Morrell at 31 (reduction of 1,000 employees in 1995 and 1996).

(definition of "transition or stranded costs"). This is particularly true given the further reductions apparently contemplated in connection with the proposed merger of Allegheny Power System, Inc. and Duquesne Light Company, which merger is represented to be largely prompted by the Act and associated restructuring activities. *See, e.g.*, Direct Testimony of David D. Marshall at 5-6, filed in Docket No. A-110150 F0015. West Penn's restructuring filing fails to fully inform the Commission regarding the impact of such reductions in employee levels, as the Act requires. *See* 66 Pa. C.S.A. § 2802(18). Local No. 102 has a strong interest in ensuring that the Company's plan adequately protects the interests of its members, who have long dedicated themselves to providing safe, reliable and economic service to West Penn customers.<sup>3</sup>

6. The Company's proposal may not only threaten the livelihoods of Local No. 102 members, but it also affects the interests that the many Local No. 102 members who are residential customers of West Penn have in continuing to receive reliable electric service at reasonable cost. The Union therefore has a direct interest in protecting the interests of its members who are West Penn consumers.

7. Local No. 102's participation as a party in this proceeding is therefore required to protect the direct and substantial interests of its members.

8. Local No. 102's participation will be in the public interest. Its members have knowledge, information and a perspective to present regarding the effect of West Penn's restructuring plan that cannot be provided by other parties.

---

<sup>3</sup> While Local No. 102's interests are to some extent protected by its existing collective bargaining agreement, that agreement ends on May 1, 1999.

9. No other party can adequately protect the interests of Local No. 102 and its members.

WHEREFORE, for the reasons set forth above, Local No. 102's petition to intervene should be granted, and Local No. 102 should be made a full party to this proceeding.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David E. Pomper", written over a horizontal line.

Cynthia S. Bogorad  
Scott H. Strauss  
David E. Pomper

Attorneys for System Local No. 102,  
Utility Workers Union of America,  
AFL-CIO

Law Offices of:  
Spiegel & McDiarmid  
Suite 1100  
1350 New York Avenue, NW  
Washington, DC 20005-4798  
(202) 879-4000

August 28, 1997

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AUG 28 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION AND PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

West Penn Power Company  
Restructuring Plan Filing

Docket No. R-00973981

**MOTION TO ADMIT PRO HAC VICE**

Pursuant to 52 Pa. Code § 1.22(b) and Pa. B.A.R. No. 301, David E. Pomper, an attorney licensed to practice in the State of Pennsylvania (No. 55998) and one of the attorneys for System Local No. 102, Utility Workers Union of America, AFL-CIO, in the above-captioned matter, respectfully requests that Cynthia S. Bogorad and Scott H. Strauss be granted permission to appear before the Commission, *pro hac vice*, for purposes of appearing as counsel for System Local No. 102 in the above-captioned proceeding.

Cynthia S. Bogorad is an attorney in good standing, licensed to practice in the District of Columbia (No. 263145) and the Commonwealth of Massachusetts (No. 047960). Scott H. Strauss is an attorney in good standing, licensed to practice in the District of Columbia (No. 358901).

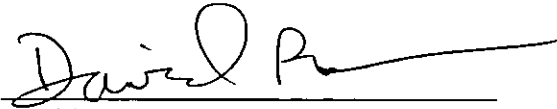
The two attorneys whose admission *pro hac vice* is hereby sought can receive communications connected to the above-captioned matter via the following address and telephone number:

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Respectfully submitted,

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

David E. Pomper

Pa. Attorney No. 55998

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August 28, 1997

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

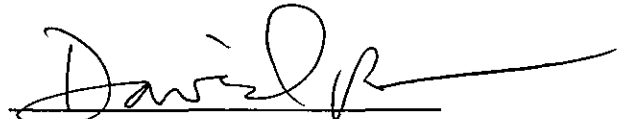
West Penn Power Company  
Restructuring Plan Filing

Docket No. R-00973981

**CERTIFICATE OF SERVICE**

I certify that I have this day served a true copy of the foregoing documents, Petition To Intervene and Motion To Admit Pro Hac Vice, upon the participants on the attached list, in accordance with the requirements of § 1.54 (relating to service by a participant).

Dated this 28th day of August, 1997.

  
David E. Pomper

Counsel for  
System Local No. 102,  
Utility Workers Union of America, AFL-CIO

**R-00973981**  
**West Penn Power Company**

Application for approval of a Restructuring Plan

**R-00974104**  
**Duquesne Light Company**

Application for approval of Restructuring Plan

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August 28, 1997

ORIGINAL

James J. McNulty, Acting Secretary  
Pennsylvania Public Utility Commission  
Room B-20, North Office Building  
Harrisburg, PA 17120

VIA HAND DELIVERY

Re: Application of West Penn Power Company for Approval of Restructuring Plan  
Under Section 2806 of the Public Utility Code; Docket No. R-00973981

Dear Mr. McNulty:

Enclosed for filing please find the original and three (3) copies of the Petition of Pennsylvania Retailers' Association to Intervene in the above-referenced proceeding. As evidenced by the attached Certificate of Service, all parties to this proceeding are being duly served. Please date stamp the extra copy of this transmittal letter and kindly return it for our filing purposes.

Respectfully submitted,

McNEES, WALLACE & NURICK

By *Robert A. Mills*  
Robert A. Mills

Counsel to the Pennsylvania Retailers' Association

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97 AUG 28 PM 3:54  
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RAM/clc  
Enclosures

- c: Honorable Larry Gesoff (via facsimile and first class mail)
- Honorable John H. Corbett, Jr. (via facsimile and first class mail)
- Certificate of Service

DOCUMENT  
FOLDER

101

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF WEST PENN POWER COMPANY :  
FOR APPROVAL OF RESTRUCTURING PLAN : Docket No. R-00973981  
UNDER SECTION 2806 OF THE :  
PUBLIC UTILITY CODE :

**ORIGINAL**

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PETITION TO INTERVENE OF THE  
PENNSYLVANIA RETAILERS' ASSOCIATION

---

TO THE HONORABLE, THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Pursuant to the provisions of 52 Pa. Code §§ 5.71-5.74 and 52 Pa. Code § 5.61, the Pennsylvania Retailers' Association ("PRA") files this Petition to Intervene in response to the Restructuring Plan filed by the West Penn Power Company ("West Penn") pursuant to Section 2806(d) of the Electricity Generation Competition and Customer Choice Act, 66 Pa.C.S. § 2801, et seq ("Chapter 28" or "Act"). In support thereof, PRA states as follows:

1. Petitioner is the PRA. PRA is a statewide trade association established in 1932 representing retailers throughout the Commonwealth of Pennsylvania. PRA represents both small, independently owned retail stores and large retail chains. PRA's membership accounts for over 1500 store locations within the Commonwealth of Pennsylvania. PRA represents the interests of its members before the Pennsylvania General Assembly, the Governor's Office and various administrative agencies.

**DOCKETED**  
SEP 03 1997

**DOCUMENT  
FOLDER**

**P.A.P.U.C.  
PROTHONOTARY'S OFFICE**

**97 AUG 28 PM 3:54**

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2. The name and address of PRA's attorney is:

Robert A. Mills  
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100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
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All correspondence in this proceeding from the Commission should be directed to the attention of Brian A. Rider, President of PRA at the following address:

Brian A. Rider, President  
Pennsylvania Retailers' Association  
224 Pine Street  
Harrisburg, PA 17101-1325  
(717) 233-7976

3. The respondent utility is:

West Penn Power Company  
800 Cabin Hill Drive  
Greensburg, PA 15601

4. On August 1, 1997, West Penn filed with the Commission its Application for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code ("Application" or "Restructuring Plan").

5. Through its Application, West Penn requests, inter alia: (1) the recovery of an undetermined amount of transition or stranded costs (or in the alternative, recovery of approximately \$2 billion in stranded costs); (2) the approval and imposition of unbundled rates, which include a Competitive Transition Charge ("CTC") designed to recover the claimed stranded and transition costs from retail customers; (3) the implementation of

procedures to ensure direct access; (4) the implementation of a consumer education program; and (5) the implementation of an initial plan to meet universal service and energy conservation obligations.

6. In support of its Application, and the relief requested therein, West Penn has filed and served supporting testimony that purports to validate its proposal to calculate transition and stranded costs. Further, West Penn avers that its unbundling and stranded cost recovery proposals comply with the "rate cap" provision of the Act, 66 Pa. C.S. Section 2804(4), and that the balance of its plan otherwise complies with pertinent provisions of Chapter 28.

7. The outcome of this proceeding will impact the rates that PRA members pay for electric utility services from West Penn and the cost responsibility that individual PRA members may have for claimed transition or stranded costs. In addition, the nature of unbundling ultimately approved by the Commission may establish a market price for energy that eliminates the cost-effectiveness of PRA members' participation in a competitive market during the transition period. Further, the Commission's resolution of this proceeding will establish procedures critical for accommodation of a direct access phase-in.

8. PRA is concerned with many issues arising from West Penn's Application. PRA reserves the right to raise and address various issues during the course of this proceeding; however, issues of immediate and primary concern to PRA include:

- **Transition or Stranded Costs:** PRA questions the reasonableness of West Penn's proposed method to quantify transition and stranded costs. PRA also questions the reasonableness of West Penn's alternate calculation of \$2 billion in stranded costs. Moreover, only a just and reasonable level of quantified stranded or transition costs may be recovered from ratepayers.

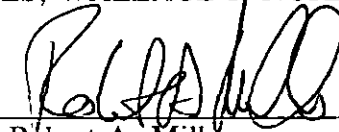
- **Mitigation:** PRA questions whether West Penn has effectively mitigated stranded costs, and provided a plan for mitigation in the future, in order to reasonably reduce costs to be recovered through its CTC.
- **Unbundling/Allocation:** PRA questions whether West Penn's proposed unbundling comports with the requirements of the Act, specifically the rate cap and the prohibitions against inter- and intra-class cost shifting.
- **Phase-In:** PRA seeks to assure that phase-in implementation does not cause any of its members to incur competitive disadvantages due to one customer participating in the phase-in who competes directly with a customer who is prevented from participating.

**WHEREFORE**, the Pennsylvania Retailers' Association respectfully requests that the Commission grant this Petition to Intervene with full party status, including the right to submit testimony, cross-examine witnesses and submit briefs in the proceeding.

Respectfully submitted,

McNEES, WALLACE & NURICK

By



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Counsel to the Pennsylvania Retailers' Association

Dated: August 28, 1997



**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of Section 1.54 (relating to service by a participant).

**VIA HAND DELIVERY:**

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**VIA FIRST CLASS MAIL:**

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West Penn Power Company  
800 Cabin Hill Drive  
Greensburg, PA 15601

Steven F. Baicker-McKee, Esq.  
Babst, Calland, Clements & Zomnir, P.C.  
Two Gateway Center, Eighth Floor  
Pittsburgh, PA 15222

Lauren S. McAndrews, Esq.  
Allegheny Ludlum Corporation  
Six PPG Place, Tenth Floor  
Pittsburgh, PA 15222

David A. McCormick, Esq.  
DA Legal Services Agency  
Regulatory Office  
901 North Stuart Street  
Arlington, VA 22203-1837

*Robert A. Mills / eec*  
Robert A. Mills, Esquire

Dated this 28th day of August, 1997, in Harrisburg, Pennsylvania.

RECEIVED  
97 AUG 28 PM 3:55  
P.A.U.C.  
PROTHONOTARY'S OFFICE

DUANE, MORRIS & HECKSCHER LLP

ATTORNEYS AT LAW

ONE LIBERTY PLACE  
PHILADELPHIA, PA 19103-7396

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

735 CHESTERBROOK BOULEVARD  
WAYNE, PA 19087-5638

968 POSTAL ROAD, SUITE 200  
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1667 K STREET N.W., SUITE 700  
WASHINGTON, D.C. 20006-1608  
(202) 776-7800

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(202) 776-7801

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

1201 MARKET STREET, SUITE 1500  
WILMINGTON, DE 19801-0195

314 S. STATE STREET  
DOVER, DE 19901

51 HADDONFIELD ROAD, SUITE 340  
CHERRY HILL, NJ 08002-4810

ONE GATEWAY CENTER, SUITE 1210  
NEWARK, NJ 07102

KJR

August 28, 1997

STEPHANIE A. SUGRUE  
DIRECT DIAL: (202) 776-7832  
E-MAIL: sasugrue@duanemorris.com

VIA HAND DELIVERY

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

ORIGINAL

RECEIVED  
97 AUG 29 AM 10:20  
PROTHONOTARY'S OFFICE

Re: Petitions of Duquesne Light Company, Docket No. R-00974104;  
Allegheny Power, Docket No. R-00973981

Dear Prothonotary McNulty:

Enclosed for filing are an original and 15 copies of the Petition to Intervene of QST Energy Inc. in the above-referenced proceedings. Please have the remaining 2 copies date stamped and returned to the messenger for delivery to us.

Thank you for your attention to this matter.

Very truly yours,

Stephanie A. Sugrue  
for DUANE, MORRIS & HECKSCHER LLP

SAS:hbj

DOCUMENT  
FOLDER

45

BEFORE THE  
COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Allegheny Power  
(West Penn Power Company)

) Docket No. R-00973981  
)

**ORIGINAL**

**PETITION TO INTERVENE  
OF QST ENERGY INC.**

Pursuant to the rules and procedures of the Pennsylvania Public Utility Commission ("Commission"), QST Energy Inc. ("QST") hereby petitions for leave to intervene in the above-referenced proceeding. In support of its request, QST states as follows:

**I. COMMUNICATIONS AND SERVICE**

Service and correspondence in these proceedings should be directed to the following:

Vickiren S. Aeshleman  
Director - Regulatory Policy  
QST Energy Inc.  
300 Hamilton Blvd., Suite 300  
Peoria, IL 61602  
Telephone: (309) 655-1356

Sheila S. Hollis, Esquire  
Mary Ann Ralls, Esquire  
Stephanie A. Sugrue, Esquire  
Duane, Morris & Heckscher LL  
1667 K Street, N.W., Suite 700  
Washington, DC 20006-1608  
Telephone: (202) 776-7800

PROTHONOTARY'S OFFICE  
1st Fl. U.C.

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**II. NATURE OF THE PROCEEDINGS**

Allegheny Power ("Allegheny") filed a proposed Restructuring Plan with the Commission on or about August 1, 1997 in the docket listed above. Allegheny submitted its filing pursuant to the provisions of the Electricity Generation Customer Choice and Competition Act ("Act").<sup>1/</sup> The filing's purported goal is to further and achieve the policies set forth by the

<sup>1/</sup> 66 Pa. C.S. § 2801 *et seq.* Section 2806(D) of the Act requires all electric utilities in (continued...)

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Pennsylvania General Assembly in the Act, as well as the Commission's own Guidelines for Electric Utility Restructuring Filings issued in Docket No. M-0096890, F.0003 ("Guidelines").

### III. INTEREST OF QST

QST is an Illinois Corporation with its principal place of business in Peoria, Illinois. QST is a wholly-owned indirect subsidiary of CILCORP Inc. QST is in the business of providing retail electricity and electric services in Illinois and other Midwest states. To effectuate this business, QST is participating in restructuring programs, similar to the instant proceeding, in Illinois.<sup>2/</sup>

As an active participant in the deregulated electric industry, QST is committed to providing electric energy at competitive prices to the emerging retail market in Pennsylvania. In this regard, QST's efforts are entirely consistent with a central tenet of the Act and the Commission's subsequent Guidelines: to provide a competitive market direct access to reliable, competitively-priced electric energy.<sup>3/</sup> Thus, QST submits that it has a substantial and direct interest in the Commission's restructuring program, as proposed by Allegheny in the above-referenced proceeding.

---

<sup>1/</sup>(...continued)

Pennsylvania to file restructuring plans with the Commission on a schedule to be developed by the Commission.

<sup>2/</sup> On April 23, 1997, QST filed an Application with the Commission for approval to furnish electricity and electric generation services as a marketer within Pennsylvania.

<sup>3/</sup> See Commission Opinion and Order in Docket No. M-00960890, F.0003 Re: Electric Utility Restructuring Filings (February 13, 1997).

Furthermore, QST's participation in this proceeding will be in the public interest because QST is uniquely qualified to comment in the proceeding from the perspective of a power marketer who has participated in electric restructuring in another state. QST's participation in electric restructuring in Illinois gives QST an experienced perspective that will serve to protect the public's interest in developing a truly competitive market for electricity in Pennsylvania.

In addition, existing parties to this proceeding likely will take various positions regarding the restructuring issues relevant to this proceeding. Other parties' positions, however, may be inconsistent with QST's individual interests, and accordingly, no existing party in this proceeding will adequately represent QST's substantial and individual interests.

QST, at this time, raises no issues regarding the records in this proceeding to date, intending only to participate fully in subsequent actions therein. QST reserves the right to participate as a party in any future actions that relate to QST's interest in this proceeding.

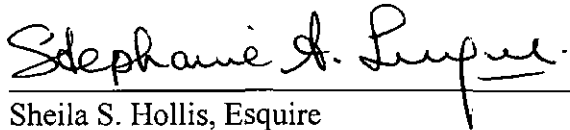
For these reasons, QST avers that its Petition satisfies the requirements set forth in the Sections 5.72, 5.73 and 5.74 of the Commission's rules and procedures.

**IV. CONCLUSION**

WHEREFORE, QST submits that it has a direct and substantial interest in the outcome of this proceeding, and its interest cannot be adequately represented by any other party.

Furthermore, QST's participation in this matter will be in the public interest. Accordingly, QST respectfully requests leave to intervene in this proceeding, with full rights of a party.

Respectfully submitted,



Sheila S. Hollis, Esquire  
Mary Ann Ralls, Esquire  
Stephanie A. Sugrue, Esquire  
(Pa. Supreme Court ID No. 76303)  
Duane, Morris & Heckscher, LLP  
1667 K Street, N.W., Suite 700  
Washington, DC 20006-1608

Attorneys for QST Energy Inc.

August 28, 1997

CERTIFICATE OF SERVICE

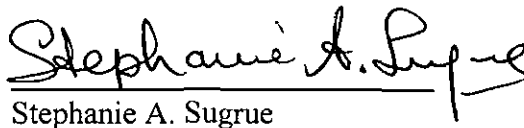
I hereby certify that I have this day served a true copy of the foregoing document upon  
the participants listed below:

Mr. Irwin Popowsky  
Office of Consumer Advocate  
14th Floor Strawberry Square  
Harrisburg, PA 17120

Mr. Bernard Ryan, Jr.  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North 2nd Street  
Harrisburg, PA 17101

Mr. Charles Hoffman  
Pitnick Building  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

and to those listed on the attached service lists in accordance with the requirements of  
Section 1.57.

  
Stephanie A. Sugrue

Date: August 28, 1997

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PA.P.U.C.  
PROTHONOTARY'S OFFICE

**AFFIDAVIT**

District of Columbia ) ss:

Stephanie A. Sugrue, being duly sworn according to law, deposes and says that she is counsel to QST Energy Inc. and, in this capacity, she is authorized to and does make this affidavit for them, and that the facts set forth in the foregoing Petition to Intervene are true and correct to the best of her knowledge, information and belief.

*Stephanie A. Sugrue*

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

SWORN TO and subscribed

before me this 28th day

of August, 1997

*Jean Chiudioni*  
Notary Public

RECEIVED  
97 AUG 29 AM 10:21  
F.A.J.U.C.  
PROTHONOTARY'S OFFICE

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

Service List for:

Allegheny Power -- Docket No. P-00973981

0001  
RAYMOND B. WUSLICH, LEONARD W BELTER  
WINSTON AND STRAWN  
1400 L STREET, N.W.  
WASHINGTON DC 20005-3502  
ALLEGHENY POWER/WEST PENN POWER

0002  
JOHN L MUNSCH, THERESA COLECCHIA, AND  
THOMAS K HENDERSON  
800 CABIN HILL DRIVE  
GREENSBURG PA 15601  
ALLEGHENY POWER

0003  
MICHAEL L. KURTZ, ESQUIRE  
BOEHM, KURTZ & LOWRY  
2110 CHLD CENTER, 36 E. SEVENTH STREET  
CINCINNATI OH 45202  
ARMCO, INC. (POR)

0004  
STEVEN F. BAICKER-MCKEE  
RABST CALLAND CLEMENTS & ZOMNIR  
TWO GATEWAY CENTER, 8TH FL.  
PITTSBURGH PA 15222  
ALLEGHENY TELEDYNE, INC. (POR)

0005  
ALLEGHENY ELECTRIC COOPERATIVE, INC.  
212 LOCUST STREET  
P.O. BOX 1266  
HARRISBURG PA 17108-1266  
SELF (POR)

0006  
PATRICIA ARMSTRONG, ESQUIRE  
THOMAS, THOMAS, ARMSTRONG & NIESEN  
212 LOCUST STREET, P.O. BOX 9500  
HARRISBURG PA 17108-9500  
ALLEGHENY ELECTRIC COOPERATIVE INC., POR

0007  
ROBERT FRAZIER  
PA PUC, OTS  
PO BOX 3265  
HARRISBURG PA 17105-3265  
OTS/PUC

0008  
ALBERT M BENINCASA, DIR REGULATORY AFFAIR  
46 9TH AVENUE  
SEA CLIFF NY 11579  
SKIPPING STONE

0009  
DERRICK P. WILLIAMSON  
100 PINE STREET, P.O. BOX 1166  
HARRISBURG PA 17108-1166  
WEST PENN PWR INDUST INTERVENORS (WPPII)

0010  
MARY MCFALL HOPPER  
2301 MARKET STREET, S23-1  
PHILADELPHIA PA 19103  
PECO ENERGY COMPANY (POR)

0011  
ALLEGHENY TELEDYNE, INC.  
1000 SIX PPG PLACE  
10TH FLOOR  
PITTSBURGH PA 15222  
ALLEGHENY TELEDYNE, INC. (POR)

0012  
PAUL E. RUSSELL, ESQUIRE  
2 NORTH NINTH STREET  
ALLENTOWN PA 18101  
PP&L (POR)

0013  
DONALD A. KAPLAN & LISA M. HELPERT, ESQ  
PRESTON GATES ELLIS & ROUVELAS MEEDS  
SUITE 500, 1735 NEW YORK AVENUE, NW  
WASHINGTON DC 20006-4759  
PP&L (POR)

DOCUMENT  
FOLDER

COMMONWEALTH OF PENNSYLVANIA

KJR

DATE: August 29, 1997

SUBJECT: R-00973981

TO: Office of Administrative Law Judge

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

**DOCKETED**  
AUG 29 1997

WEST PENN POWER COMPANY RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of Pennsylvania Power Company; and Petition for Leave to Intervene and Participate of Noram Energy Management, Inc. filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

LAW OFFICES  
WOLF, BLOCK, SCHORR AND SOLIS-COHEN LLP <sup>KJP</sup>

305 N. FRONT STREET  
SUITE 401  
HARRISBURG, PA 17101-1236

(717) 237-7160  
FACSIMILE: (717) 237-7161

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RECEIVED

ROBERT J. LONGWELL  
DIRECT DIAL: (717) 237-7181  
E-MAIL: RLONGWELL@WOLFBLOCK.COM

August 29, 1997

James McNulty  
Acting Secretary  
PA Public Utility Commission  
Room B-20  
North Street and Commonwealth Ave.  
Harrisburg, PA 17105

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PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

AUG 29 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

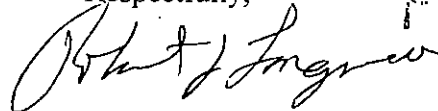
RE: Application of West Penn Power Company for Approval of Restructuring Plan Under Section 2806 of the Public Utility Code; Docket No. R-00973981

Dear Mr. McNulty:

Enclosed for filing please find the original and three copies of Enron Power Marketing Inc.'s Petition to Intervene, in the above-referenced matter. As evidenced by the attached Certificate of Service, all parties of record have been served with a copy of this document.

If you have any questions, please contact me.

Respectfully,



Robert J. Longwell  
For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

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RJL/jlg  
Enclosures

cc: Hon. Lawrence Gesoff  
Parties of Record

DSH:9669.1

64

**ORIGINAL**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of West Penn Power Company :  
for Approval of Restructuring Plan : Docket No. R-00973981  
Under Section 2806 of the Public Utility Code :

**PETITION TO INTERVENE OF  
ENRON POWER MARKETING INC.**

**RECEIVED**

**AUG 29 1997**

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

Enron Power Marketing Inc. ("Enron"), through its counsel, hereby moves

pursuant to 52 Pa. Code § 5.71, to intervene in the above-captioned "Restructuring Plan" proceedings initiated by West Penn Power Co. ("West Penn") on August 1, 1997.

Through the submission of its Restructuring Plan filing, West Penn 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 West Penn will have far-reaching impact on the development of a competitive generation market in West Penn's service territory.

Enron is a generation supplier which plans to provide service in West Penn's service territory once direct access is implemented. Enron seeks to participate in this proceeding in order to protect its interests and to assure that West Penn's

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Restructuring Plan is fully consistent with the Customer Choice Act and results in development of fully competitive retail electric markets.

In support of its Petition, Enron states as follows:

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

follows:

Enron Power Marketing Inc.  
Attn: James D. Steffes  
1400 Smith Street  
P.O. Box 4428  
Houston, TX 77002  
(713) 853-7500  
(713) 646-8160 (f)

2. Enron will be represented in this proceeding by the following

counsel:

Daniel Clearfield, Esquire  
Gerald Gornish, Esquire  
Alan Kohler, Esquire  
Robert Longwell, Esquire  
Wolf, Block, Schorr and Solis-Cohen  
305 North Front Street, Suite 401  
Harrisburg, PA 17101  
(717) 237-7160

3. Enron is actively involved in electric competition issues in

Pennsylvania and around the Nation.

4. On December 3, 1996, Governor Ridge signed the Customer Choice Act into law. The Customer Choice Act requires the restructuring of Pennsylvania's electric industry to implement the transition from monopoly provision of electricity supply to a competitive market.

5. Retail competition, once implemented in Pennsylvania, will provide far-reaching benefits to both residential and business consumers throughout the Commonwealth through reduced prices and improved services. Furthermore, retail competition will stimulate economic development and will allow Pennsylvania businesses to compete effectively in national and international markets and will enhance Pennsylvania's business climate.

6. Enron is the largest, non-regulated wholesale electric supplier in the Nation. Enron intends to participate fully in Pennsylvania's retail electric market, including West Penn's service territory. On May 22, 1997, Enron filed an Application with the Commission for the right to begin to offer, render or furnish the services of a marketer/broker and aggregator to the public within the Commonwealth of Pennsylvania. On July 28, 1997, the Commission issued to Enron an Interim License for Electric Generation Supplier, effective July 10, 1997. In anticipation of its retail marketing activities, Enron is developing a range of products and services related to the purchase, sale and delivery of electric power for all consumers in Pennsylvania.

7. In accordance with Section 2806(E) of the Customer Choice Act, the Commission, by order entered on February 13, 1997 at Docket No. M-00960890F0003 and by order entered on January 24, 1997 at Docket No. M-00970902, required certain electric utilities, including West Penn, to file Restructuring Plans by August 1, 1997 in accordance with said orders and the Customer Choice Act.

8. On August 1, 1997 West Penn's filed its Restructuring Plan at the above-captioned docket.

9. Through its restructuring plan, West Penn outlines its major components as:

(a) Unbundled rates for generation, transmission, and distribution services;

(b) Eventual termination of the Company's existing Power Supply Agreement (PSA) and creation of a new, more efficient structure;

(c) A proposed Competitive Transition Charge (CTC) for recovery of stranded costs and an outline of steps the Company has taken to mitigate these costs; and

(d) Standards of conduct for operation in a competitive marketplace.

10. In addition, West Penn identifies further issues of the restructuring plan as Universal Service, eligibility for customer choice and consumer education.

11. Commission review of the Restructuring Plan filing provides an important step in the development of retail choice for consumers in West Penn's service territory. The Commission's decision, upon review of West Penn's filing, will have a lasting impact on the development of competition, the types of services offered and the prices charged by electric generation suppliers offering service to present customers of West Penn.

12. Enron seeks intervention in this proceeding to advocate its views regarding Commission review of West Penn's restructuring plan. Enron will particularly focus on any issues which have an impact on Enron's ability to offer attractive service options to consumers in this retail marketplace. Enron's advocacy in this proceeding will focus on full development of electric generation supply markets to assure a "level playing field" between all market participants.

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

(a) The competitive safeguards or code of conduct that emerges from this proceeding must prevent anti-competitive and unfair behavior by utilities. The standards of conduct controlling the utility "generation" division and/or the utility generation affiliate must protect fair competition and be strong enough to control horizontal market power and the potential for vertical affiliate abuse. Especially important will be the rules, not just for the access to West Penn's transmission and distribution system, but also for the use and distribution of data and information collected. All competitors must have compatible access to these resources. Overall, Enron has a strong interest in advocating comprehensive safeguards which assure that non-affiliated generation suppliers are provided treatment equal to that provided West Penn's affiliates and/or divisions.

(b) As filed, the restructuring plan does not propose to unbundle "non-wire" services such as billing and collection, metering and customer services, and to

introduce competition into these service areas. Consumers, especially residential and small commercial customers, stand to lose potential benefits of competition if electricity generation suppliers like Enron are not allowed to provide non-wire services such as bill provisioning, metering, and customer account management. Furthermore, absent necessary unbundling, many of the benefits which might normally be expected due to the technological developments prompted by competition will be lost.

(c) The rules for distribution facility access must be non-discriminatory, seamless, consistent, and appropriately priced. To be nondiscriminatory, distribution tariffs must require that all consumers, even those still receiving utility bundled rates, must pay for and take service from a uniform tariff. Moreover, the distribution tariffs must price flexibly and allow customers and their electric generation suppliers to pursue the least cost delivery option.

(d) Any CTC approved by the Commission in this proceeding will be collected through a non-bypassable charge which must be assessed on all electric customers, including Enron's customers. However, stranded costs will not be experienced by West Penn unless the retail energy market is opened up to full, even-handed competition. Accordingly, stranded cost recovery should be contingent on opening of a fully competitive retail market throughout West Penn's service territory.

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

Respectfully submitted,



---

Daniel Clearfield  
Gerald Gornish  
Alan Kohler  
Robert J. Longwell  
WOLF, BLOCK, SCHORR and SOLIS-COHEN  
305 N. Front Street, Suite 401  
Harrisburg, PA 17101  
(717) 237-7160

Dated: August 29, 1997

**JOHN & HENGERER**  
A LAW PARTNERSHIP  
1200 17TH STREET, N.W.  
SUITE 600  
WASHINGTON, D.C. 20036-3006

DOUGLAS F. JOHN  
EDWARD W. HENGERER  
KEVIN M. SWEENEY  
KIM M. CLARK  
GORDON J. SMITH  
SHELBY L. PROVENCHER

**August 29, 1997**

TELEPHONE  
202/429-8809

TELECOPIER  
202/429-8805

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**AUG 29 1997**

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

*Via Overnight Mail*

KJR

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

**RE: Petition for Approval of Restructuring Plan (Docket No. R-00973981)**

Dear Sirs:

I've included for filing an original, 5 copies and 2 diskette copies of the Petition for Leave to Intervene and Participate of Electric Clearinghouse, Inc. in the above-referenced docket. Please return two stamped copies in the attached envelope for our records.

Thank you for your attention to this matter.

Sincerely,



Gordon Smith

Counsel For  
Electric Clearinghouse, Inc.

DOCUMENT  
FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of West Penn Power )  
Company for Approval of its Restructuring ) Docket No.  
Plan ) R-00973981

PETITION FOR LEAVE TO INTERVENE AND PARTICIPATE OF  
ELECTRIC CLEARINGHOUSE, INC.

This Petition for Leave to Intervene and Participate in the above-referenced proceeding is filed by Electric Clearinghouse, Inc. (ECI) pursuant to the Public Utility Commission's (Commission) Rules of Procedure and Practice, 52 Pa. Code § 5.71, *et. seq.*, and the Notice issued on August 12, 1997. ECI requests that this Motion be granted for the reasons set forth below:

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AUG 29 1997

I.

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

Communications and correspondence concerning this Motion should be directed to:

Gordon J. Smith, Esq.  
JOHN & HENGERER  
1200 17<sup>th</sup> Street, N.W.  
Suite 600  
Washington, D.C. 20036-3006  
Telephone: (202) 429-8814  
Facsimile: (202) 429-8805

David Cruthirds  
ELECTRIC CLEARINGHOUSE, INC.  
1000 Louisiana  
Suite 5800  
Houston, TX 77002-5050  
Telephone: (713) 507-6785  
Facsimile: (713) 507-6834

II.

ECI markets electric power and provides value-added services for utility and non-utility generators. ECI intends to serve customers on West Penn Power Company's (West Penn) distribution system and has significant interest in the Pennsylvania electricity market in general.

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III.

On January 24, 1997, the Commission issued an order directing West Penn to file its

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restructuring plan. On August 1, 1997, West Penn filed its restructuring plan.

IV.

As a potential marketer of electricity to customers presently served in West Penn's service territory, ECI will be directly and specifically affected by the outcome of this proceeding. ECI's interests in this proceeding cannot be adequately represented or protected by any other party hereto. Moreover, as a power marketer, ECI likely can contribute to the development of a complete record in this case as well as settlement discussions. Under the circumstances, ECI submits that good cause exists to grant it leave to intervene and participate herein.

V.

WHEREFORE, ECI requests that the Commission grant this Motion and that ECI be made a party to this proceeding for all purposes.

Respectfully submitted,



Gordon J. Smith, Esq.  
JOHN & HENGERER  
1200 17th Street, N.W.  
Suite 600  
Washington, D.C. 20036

Counsel for  
Electric Clearinghouse, Inc.

I hereby certify that I have this day served a true copy of the foregoing document upon each person designated on the official service list in this proceeding.

Dated at Washington D.C.: August 29, 1997

COMMONWEALTH OF PENNSYLVANIA

DATE: September 2, 1997

KJR

SUBJECT: R-00974104, R-00973981

TO: Office of Administrative Law Judge

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

R-00974104 DUQUESNE LIGHT COMPANY  
RESTRUCTURING PLAN

R-00973981 WEST PENN POWER COMPANY  
(ALLEGHENY POWER)  
RESTRUCTURING PLAN

---

Attached is copy of a Petition to Intervene of QST Energy Inc. filed in connection with the above docketed proceedings.

This matter is assigned to your Office for appropriate action.

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SEP 02 1997

Attachment

cc: OTS

wjz

DOCUMENT  
FOLDER

DATE: September 2, 1997

SUBJECT: R-00973981

TO: Office of Administrative Law Judge

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

KJR

WEST PENN POWER COMPANY RESTRUCTURING PLAN

---

Attached is copy of a Petition for Leave to Intervene and Participate of Duke Energy Trading and Marketing, L.L.C.; and Petition to Intervene of System Local NO. 102, Utility Workers Union of America, AFL-CIO with Motion to Admit Pro Hac Vice Cynthia S. Bogorad and Scott H. Strauss filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

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PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

STEVEN F. BAICKER-McKEE  
Attorney at Law  
(412) 394-5499

KJR

September 2, 1997

**VIA FEDERAL EXPRESS**

James J. McNulty, Esquire  
Prothonotary  
Pennsylvania Public Utility Commission  
North Office Building  
North Street and Commonwealth Avenue  
Harrisburg, PA 17105-3265

**ORIGINAL**

**RE: West Penn Power Company Restructuring Plan Filing  
Docket No. R-00973981**

**In the Matter of Duquesne Light Company Restructuring Plan Filing  
Docket No. R-00974104**

**In the Matter of Joint Application of DQE, Inc. and Allegheny Power System,  
Inc. and AYP Sub, Inc. for Approval of the Transfer by Merger of the Property  
and Rights of Duquesne Light Company to Allegheny Power System, Inc.  
Docket No. A-110150 F0015**

Dear Mr. McNulty:

Enclosed for filing are the originals and eight (8) copies each of the following documents:

In the Matter of West Penn Power Company Restructuring Plan - Docket No. R-00973981

- Amended Petition of Allegheny Teledyne Incorporated to Intervene in Proceeding on Behalf of Allegheny Ludlum Corporation and Teledyne Industries, Inc.
- Complaint of Allegheny Teledyne Incorporated on Behalf of Allegheny Ludlum Corporation and Teledyne Industries, Inc.

DOCUMENT  
FOLDER

Two Gateway Center  
Pittsburgh, Pennsylvania 15222  
412 / 394-5400  
Fax 412 / 394-6576

145

James J. McNulty, Esquire  
Prothonotary  
September 2, 1997  
Page 2

In the Matter of Duquesne Light Company Restructuring Plan - Docket No. R-00974104

- Petition of Allegheny Teledyne Incorporated to Intervene in Proceeding

In the Matter of Joint Application of DOE, Inc. and Allegheny Power System, Inc. and AYP Sub, Inc. for Approval of the Transfer by Merger of the Property and Rights of Duquesne Light Company to Allegheny Power System, Inc. - Docket No. A-110150 F0015

- Petition to Intervene of Allegheny Teledyne Incorporated on Behalf of Allegheny Ludlum Corporation and Teledyne Industries, Inc.
- Protest of Allegheny Teledyne Incorporated on Behalf of Allegheny Ludlum Corporation and Teledyne Industries, Inc.

Copies of each of these documents have been served upon all those listed on the official service list.

Pursuant to 52 Pa. Code § 1.11, the enclosed document is deemed filed on September 2, 1997, which is the date it was deposited with an overnight express delivery service as shown on the delivery receipt attached to the mailing envelope.

Very truly yours,



Steven F. Baicker-McKee

SBM/tmp

Enclosures

cc: The Honorable Larry Gesoff  
Official Service List

RECEIVED

IN THE COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SEP 2 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

In the Matter of  
WEST PENN POWER COMPANY  
Restructuring Plan Filing

Docket No. R-00973981

**ORIGINAL**

**AMENDED PETITION OF  
ALLEGHENY TELEDYNE INCORPORATED  
TO INTERVENE IN PROCEEDING  
ON BEHALF OF ALLEGHENY LUDLUM CORPORATION  
AND TELEDYNE INDUSTRIES, INC.**

Allegheny Teledyne Incorporated, by and through its counsel in this matter, Babst, Calland, Clements and Zomnir, P.C., and pursuant to 52 Pa. Code §§ 5.71 and 5.72, hereby files this Amended Petition to Intervene in the above-captioned proceeding. In support of its Petition, Allegheny Teledyne represents as follows:

1. The address of Allegheny Teledyne Incorporated is:

1000 Six PPG Place  
10th Floor  
Pittsburgh, PA 15222

2. The names and address of Allegheny Teledyne Incorporated's attorneys are:

Steven F. Baicker-McKee, Esquire  
Wanda M. Schiller, Esquire  
Babst, Calland, Clements and Zomnir, P.C.  
Two Gateway Center, 8th Floor  
Pittsburgh, PA 15222  
Telephone: (412) 394-5600  
Fax: (412) 394-6574

Allegheny Teledyne Incorporated's attorneys are authorized to accept service on behalf of Allegheny Teledyne in this proceeding. Allegheny Teledyne Incorporated requests that the Pennsylvania Public Utility Commission ("Commission") and all parties of record serve copies

**DOCKETED** DOCUMENT  
SEP 11 1997 FOLDER

of all discovery requests and answers, correspondence, Commission Orders, and any other documents issued in this proceeding on Allegheny Teledyne Incorporated's attorneys.

3. Allegheny Teledyne Incorporated conducts business in Allegheny County and Western Pennsylvania, and is a consumer of electricity sold by Duquesne Light Company.

4. Allegheny Ludlum Corporation ("Allegheny Ludlum") is a wholly owned subsidiary of Allegheny Teledyne Incorporated. Allegheny Ludlum conducts business in Allegheny County and Western Pennsylvania, and is a retail customer of West Penn Power Company ("West Penn").

5. Teledyne Industries, Inc. ("Teledyne Industries") is a wholly owned subsidiary of Teledyne, Inc., a wholly owned subsidiary of Allegheny Teledyne Incorporated. Teledyne Industries conducts business in Western Pennsylvania, and is a retail customer of West Penn. Allegheny Ludlum, Teledyne Industries, and Allegheny Teledyne Incorporated will be referred to collectively as "Allegheny Teledyne."

6. On August 1, 1997, in accordance with the electricity Generation Customer Choice and Competition Act, 66 Pa. C.S. § 2801, et seq., West Penn filed its Restructuring Plan ("Restructuring Plan") with the Commission. The Restructuring Plan contains West Penn's proposal and intended rate design for the unbundling of West Penn's current retail rate and functional service elements which allow West Penn customers to choose an alternative generation supplier within the competitive environment of the restructured electric industry. The Restructuring Plan also contains, but is not limited to, West Penn's proposals for the (a) recovery of Stranded Costs; (b) implementation of Competitive Transition Charges and specific tariff

revisions; and (c) functional separation of West Penn's electric delivery activities (i.e., distribution and transmission) and its generation supply and marketing activities.

7. Allegheny Ludlum and Teledyne Industries are among the largest retail customers of West Penn and will be directly and substantially affected by the Restructuring Plan.

8. Allegheny Teledyne believes that no other party can adequately protect its interests and the interests of Allegheny Ludlum and Teledyne Industries in this proceeding.

WHEREFORE, for all of the foregoing reasons, Allegheny Teledyne Incorporated respectfully requests that its Amended Petition to Intervene in this proceeding be granted.

Respectfully submitted,



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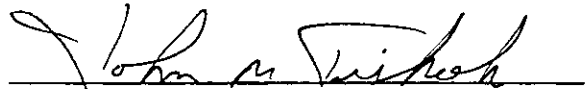
Steven F. Baicker-McKee, Esquire  
Wanda M. Schiller, Esquire  
Babst, Calland, Clements and Zomnir, P.C.  
Two Gateway Center, 8th Floor  
Pittsburgh, PA 15222  
Telephone: (412) 394-5400  
Fax: (412) 394-6576

Attorneys for Allegheny Teledyne Incorporated

DATED: September 2, 1997

VERIFICATION

I, John M. Tishok, Environmental and Commercial Counsel of Allegheny Teledyne Incorporated, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

  
John M. Tishok

**CERTIFICATE OF SERVICE**

I hereby certify that this 2nd day of September, 1997 a true and correct copy of the foregoing Amended Petition to Intervene has been served upon the following persons or entities:

Irwin A. Popowsky, Esquire  
PA Consumer Advocate  
Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

Bernard A. Ryan, Esquire  
Office of Small Business Advocate  
Suite 1102 Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

Charles F. Hoffman, Esquire  
Office of Trial Staff  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105

Raymond B. Wuslich, Esquire  
Winston & Strawn  
1400 L Street, N.W.  
Washington, DC 20005-3502  
(Allegheny Power)  
(202) 371-5700  
(202) 371-5950 (fax)

John L. Munsch, Esquire  
Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601  
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(412) 838-6210  
(412) 838-6177 (fax)

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Office of Trial Staff  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17101  
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(717) 787-1976  
(717) 772-2677 (fax)

David A. McCormick, Esquire  
Regulatory Law Office - U 3949  
U.S. Army Legal Services Agency  
901 North Stuart Street  
Arlington, VA 22203-1837  
(Dept. of the Army)  
(703) 696-1646  
(703) 696-2960 (fax)

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Barrett C. Sheridan, Esquire  
James A. Mullins, Esquire  
Office of Consumer Advocate  
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Harrisburg, PA 17120  
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Derrick P. Williamson, Esquire  
McNees, Wallace & Nurick  
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Harrisburg, PA 17108-1166  
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(717) 237-5300 (fax)

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Harrisburg, PA 17108-1266  
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(717) 236-0248 (fax)

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Thomas, Thomas, Armstrong & Niesen  
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Harrisburg, PA 17108-9500  
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(717) 236-8278 (fax)

Mary McFall Hopper, Esquire  
Assistant General Counsel  
PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(PECO Energy)  
(215) 841-4917  
(215) 568-3389 (fax)

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Boehm, Kurtz & Lowry  
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36 East Seventy Street  
Cincinnati, OH 45202  
(Counsel for ARMCO)  
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(513) 421-2764 (fax)

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Regulatory Affairs  
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Sea Cliff, NY 11579

Karen Oill Moury  
Deputy Small Business Advocate  
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17101  
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(309) 655-1356

Sheila S. Hollis, Esquire  
Mary Ann Ralls, Esquire  
Stephanie a. Sugrue, Esquire  
Duane, Morris & Heckscher LLP  
1667 K Street, N.W., Suite 700  
Washington, DC 20006-1608  
(202) 776-7800

Gordon J. Smith, Esquire  
John & Hengerer  
1200 17th Street, N.W.  
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Washington, DC 10036-3006  
(Electric Clearinghouse, Inc.)  
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(202) 429-8805 (fax)

David Cruthirds  
Electric Clearinghouse, Inc.  
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(713) 507-6834 (fax)

John R. Orr, Esquire  
Duke Energy Trading and Marketing, L.L.C.  
One Westchase Center, 10777 Westheimer  
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(713) 260-1800  
(713) 260-6511 (fax)

Keith M. Sappenfield, II  
Director of Marketing Support  
Noram Energy Management, Inc.  
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Houston, TX 77252-2628  
(713) 654-5864

Mr. Robert D. Knecht  
Industrial Economics Incorporated  
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Cambridge, MA 02140

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McNees, Wallace & Nurick  
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Harrisburg, PA 17108-1166  
(Pennsylvania Retailers' Association)  
(717) 2377-5216

Brian A. Rider, President  
Pennsylvania Retailer's Association  
224 Pine Street  
Harrisburg, PA 17101-1325  
(717) 233-7976

---

Steven F. Baicker-McKee, Esquire

John E. Stember, Esq.

1705 Allegheny Bldg.  
429 Forbes Ave.  
Pittsburgh PA 15219

412-338-1445 v.  
412-232-3730 f.

September 2, 1997

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

**ORIGINAL**

KJK

PA P.U.C.  
PROTHONOTARY'S OFFICE

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RECEIVED

RE: Application of West Penn Power Company for Approval  
of its Restructuring Plan, Docket No. R-00973981

Application of Duquesnt Light Company for Approval  
of its Restructuring Plan, Docket No. R-00974104

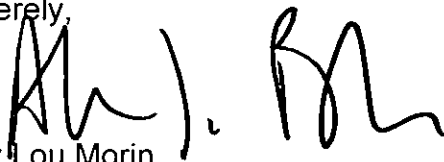
Joint Application of Allegheny Power Company and Duquesne Light Company  
for Approval of Merger, Docket No. A-110150 F0015

Dear Mr. McNulty:

Enclosed please find the original and fifteen copies of the Low Income Advocate Parties' Formal Complaint, Protest And Petition to Intervene in each of the above-docketed proceedings as well as a Certificate of Service.

Please time-stamp our enclosed 'office copy' of the Complaint and return it in the envelope provided.

Sincerely,



Mary Lou Morin  
Secretary to John E. Stember, Esq.  
Counsel for Low Income Advocate Parties

cc: Service List

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173

COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

FORMAL COMPLAINT

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

**ORIGINAL**

**FORMAL COMPLAINT, PROTEST AND PETITION TO INTERVENE  
OF Low Income Advocate Parties  
REGARDING THE MERGING COMPANIES' RESTRUCTURING PLANS  
Duquesne Light Co., DOCKET R-00974104  
West Penn Power Co., DOCKET R-00973981**

For Commission Use Only:

COMPLAINT DOCKET NO. \_\_\_\_\_ REF: # \_\_\_\_\_  
UTILITY CODE \_\_\_\_\_

PLEASE PRINT:

1. YOUR NAME, ADDRESS AND TELEPHONE NUMBER.

Name John E. Stember, Esq., Attorney at Law (Attorney for LIAP)  
1705 Allegheny Bldg., 429 Forbes Ave.  
City Pittsburgh State PA Zip 15219  
County Allegheny Work Telephone - Area Code ( 412 ) 338-1445 (voice):  
232 -3730 (fax)

RECEIVED  
97 SEP - 2 PM 4:23  
P.A.P.U.C.  
PROTHONOTARY'S OFFICE

2. COMPANY YOU ARE COMPLAINING ABOUT

Name Each of two announced merger partners: Duquesne Light Co. and West Penn. Power Co. of Allegheny Power System

3. WHAT IS YOUR COMPLAINT? (DESCRIBE PROBLEM)

For Commission Use Only:

DATE FILED \_\_\_/\_\_\_/\_\_\_ MONITOR \_\_\_\_\_ BUREAU \_\_\_\_\_

**DOCKETED**  
SEP 17 1997

DOCUMENT  
FOLDER

## BACKGROUND

1. On August 1, 1997, Duquesne Light Company ("DLC") and West Penn Power Company ("West Penn"), collectively "the Companies" filed their respective Applications for Approval of their Restructuring Plans, and with them submitted the written testimony and exhibits of their proposed witnesses and related materials. The filings were made to comply with the requirements of the Electricity Generation Customer Choice and Competition Act ("the Act") (66 Pa. C.S. §§2801 *et seq.*). The Commission assigned the matters Dockets No. R-00974104 (DLC) and R-00973981 (West Penn).

## INTERESTS

### 2. SUMMARY OF INTERESTS

We are a coalition of groups which have come together to advocate a common agenda of interests in the Companies' restructuring proposals. These groups and organizations, all of which have members who are ratepayers of the Companies, as indicated,<sup>1</sup> have interests in the following aspects of this proceeding. For the instant proceedings we have designated ourselves as "LIAP", the Low Income Advocate Parties:

- a. The protection of the public health from the negative consequences of electricity generation and use. LIAP wants an electric power marketplace which does not encourage and contribute to the degradation of Pennsylvania's air, water and land water quality, particularly in those areas from which people of limited means may not economically leave.
- b. An electric power marketplace designed to allow for the development of clean, affordable power as a component of Pennsylvania's sustainable economy.
- c. An electric power marketplace and a regulatory system designed to make energy conservation and energy efficiency meaningful options for low income consumers and for the distribution and transmission systems. LIAP believes that conservation and energy efficiency are cost-effective strategies which have broad economic and social benefits.

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<sup>1</sup>Unless otherwise stated, the named organizations have members in both service territories who are customers of the Companies.

- d. A fair, healthy and robust electric power marketplace in which the Companies are denied the ability to use their influence and power for anti-competitive ends. LIAP believes that the Act must deliver real competition to individuals and families of limited means, not merely a promise.
- e. A significant rate reduction for low income residential ratepayers.
- f. An effective and expanded Universal Service program, including robust CAP financial assistance and LIURP energy efficiency programs, and continued consumer protections under the Commission's Chapter 56 regulations. LIAP wants the Companies to fulfill the Act's promise of universal access to electricity at affordable rates.
- g. An effective consumer education program that addresses the needs of low income citizens in rural and urban areas, including those with modest education, or disabilities. LIAP believes that consumers will realize the potential savings and environmental benefits only if they have access to objective information in consistent formats and an accurate understanding of the choices they are called on to make.

### 3. IDENTIFICATION OF THE MEMBER ORGANIZATIONS

LIAP members advocate for, and service, an important segment of the Pennsylvania community, one particularly concerned with the receipt of affordable, clean energy, and whose constituents lack the means to escape from the negative public health consequences of "dirty" power, wherever produced. We understand and address the interrelationships between energy production, distribution and consumption, public health, adequate social programs, and good jobs. The LIAP grouping consists of the following organizations:

- a. The Mon Valley Unemployed Committee (MVUC) grew out of the impact of the collapse of the steel industry on southwestern Pennsylvania (SWPA). The MVUC is a nonprofit corporation founded in 1982. It advocates on behalf of the community of dislocated and chronically unemployed persons in SWPA. MVUC provides intervention services on behalf of the underemployed and long-term poor, including mortgage assistance, skills training, and utility and benefits rights advocacy. MVUC also works to influence public policy affecting the low income community. Its members are DLC and West Penn ratepayers.

b. Alliance for Progressive Action (APA) is an umbrella organization of almost 40 community and labor organizations, representing 50,000 members in Western Pennsylvania. Founded in 1991, the APA's mission is to build a broad-based alliance of progressive organizations dedicated to achieving social, political and economic justice. The Alliance advocates on a number of selected issues for the progressive and low income community. Its members include DLC and West Penn ratepayers.<sup>2</sup>

c. Just Harvest Pittsburgh (JH) is part of a national, nonprofit organization which promotes economic justice and works to influence public policy on hunger and poverty issues. JH Pittsburgh was founded in 1986 and works to educate, empower and mobilize citizens toward the elimination of hunger. JH participates in joint advocacy efforts on a variety of issues impacting the low income community. The organization's membership includes DLC and West Penn rate payers.

d. The RainbowPUSH Coalition (RPC) is a multi-racial, multi-issue, international membership organization founded by the Reverend Jesse L. Jackson. The Pennsylvania RPC is headquartered in Pittsburgh and works with community organizations around the state on a variety of social, political and economic issues. The RPC has been a leading advocate for the low income community. Its western Pennsylvania membership includes DLC and West Penn Power ratepayers.

LIAP will update this list as necessary throughout the proceedings, in the form of amendments to this Complaint, Protest, and Petition.

## LIAP'S POSITIONS

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<sup>2</sup>APA includes the following organizations: A. Philip Randolph Institute, Pittsburgh ("PB") Chapter; Citizens Budget Campaign; Clean Water Action; Coalition of Labor Union Women; CRY OUT!/ACT UP, Democratic Socialists of America; District 1199P/SEIU; Gertrude Stein Political Club; Just Harvest; Mon Valley Unemployed Committee; NAACP, PGH Chapter; National Lawyers Guild, PGH Chapter; National Rainbow Coalition, Pa. Chapter; No Dice; Pa. Consumer Action Network; PGH Committee to Free Mumia Abu-Jamal; PGH Cuba Coalition; PGH Greens; PGH Labor Action Network for the Americas; PGH Metro Area Labor Party; PGH Oral History Project; PGH Peace Institute; QED Accountability Project; SEIU Locals 585 & 666; Thomas Merton Center; UE National Office; UE District 6; United Faculty, Univ. Of PB; United Food & Commercial Workers, Locals 23 & 325; United Mine Workers of America, Region 1; United Steel Workers of America, Local 1537; Veterans for Peace; W. Pa. Chapter for a Comprehensive Test Ban; W. Pa. Coalition Against Death Penalty; Women's Center and Shelter; and World Federalists Ass'n of PB.

Some of the member organizations have chosen to separately intervene and complain herein as part of the LIAP group or the Environmentalists Coalition. They request that their separate status control over their APA membership.

4. Based on a preliminary examination of the Companies' filings, LIAP intends to advance the following positions in this proceeding:
- a. The Companies' restructuring plans fail to reduce electric rates by a meaningful amount and thus fail to deliver the economic benefits which are the foundation of the Act.
  - b. The Companies' restructuring plans create barriers to a healthy and robust electric power marketplace, contrary to the public interest and the goals of the Act.
  - c. The Companies' restructuring plans contain many features which may limit market entry by alternative suppliers and have negative consumer impacts.
  - d. DLC has not, and West Penn may not have, properly unbundled rates.
  - e. DLC has not, and West Penn may not have, properly computed stranded costs and benefits.
  - f. The Companies' estimates of future electric prices may be flawed, and the true-up mechanism which they present may not adequately address market prices and stranded investment valuations.
  - g. DLC has not, and West Penn may not have, adequately mitigated their stranded costs, including a failure to adequately write off or write up generation assets.
  - h. DLC has not, and West Penn may not have, proposed a fair sharing of their stranded costs and benefits.
  - i. The proposed Competitive Transition Charge for DLC is, and for West Penn may prove, excessive and unreasonable.
  - j. The Companies' universal service plans are inadequate and fail to meet the spirit and/or letter of the Act, and are subject to unnecessary qualifiers and provisos.
  - k. The Companies' consumer information and education plans are inadequate and fail to meet the particular needs of low income customers.

- I. The Companies' restructuring plans are not in the public interest.
  - m. A Commission-run education program, requiring consistent, honest and understandable information, is essential to an effective education initiative, and the Companies' programs should conform to it.
5. LIAP reserves the right to identify and raise other issues relating to the Companies' restructuring plans as the facts become more apparent in the discovery and evidentiary phases.

#### **4. WHAT DO YOU WANT US TO DO?**

WHEREFORE, LIAP REQUESTS THAT THE COMMISSION:

- a. Receive for filing and docket this Formal Complaint, Protest and Intervention;
- b. Consolidate this Formal Complaint, Protest and Intervention with the Companies' Applications and all other Complaints, Protests and Interventions which are made part of Docket Numbers R-00974104 and R-00973981;
- c. Order that LIAP be a party to such proceedings, that it and its member groups be placed on the service list for each, and that each party to the proceedings provide them with all papers filed therein;
- d. Hold full evidentiary contested case hearings examining the reasonableness of the Companies' Applications and the policies, programs, terms of service, rates and other charges they propose to implement;
- e. After the completion of the formal parties' evidentiary hearings, hold public input hearings throughout the Companies' service territories in order to provide the customers with an opportunity to be heard on the record, and make the testimony and exhibits received therein a part of the record. Such hearings should be held at times, and in places, which reflect the realities of low income customers' lives, including the limited ability of low income customers to pay for travel, the perils and difficulties of night and evening travel, and the limited ability of mobility-impaired seniors to attend;

- f. Deny any increase or change in the Companies' rates, charges and/or policies that is unjust, unreasonable, unduly discriminatory or inconsistent with the Public Utility Code, sound ratemaking principles, and public policy;
- g. Determine the justness and reasonableness of the Companies' Applications and the policies, programs, terms of service, rates and other charges they propose to implement, as appropriate and lawful;
- h. Grant the relief requested in this Formal Complaint, Protest and Intervention;
- i. Grant all other relief to which LIAP is entitled; and,
- j. Grant such other relief which the Commission may deem to be necessary and proper.


Complaint/Intervention of Low Income Advocates  
Duquesne/West Penn. Restructuring Plans  
Dockets R-00974104, -00973981

**YOU MUST SIGN AND DATE YOUR COMPLAINT.**

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania state law if I purposely give false information. I am an attorney.

**SIGNATURE OF COMPLAINANT:**

Respectfully submitted,

  
by *Att. Att.*

John E. Stember

Attorney at Law  
Attorney for LIAP  
(Sup. Ct. No. 23643)

Dated: September 2, 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 John E. Stember, Esq.  
Street 1705 Allegheny Bldg, 429 Forbes Ave.  
City Pittsburgh State PA Zip 15219  
Telephone Number - (412) 338-1445  
Fax Number - (412) 232-3730  
E-mail address - jstember@compuserve.com

C:\\_PENNREG\\_LITGARTW15\_DQ\LOWIN'I.WPD

Application of West Penn Power Company  
for Approval of its Restructuring Plan

Docket No. R-00973981

Application of Duquesne Power & Light  
Company for Approval of its  
Restructuring Plan

Docket No. R-00974104

Joint Application of Allegheny Power  
Company and Duquesne Light Company for  
Approval of Merger

Docket No. A-110150 F0015

CERTIFICATE OF SERVICE

I hereby certify that I have, this the 2nd day of September, 1997, served the foregoing documents, LIAP's Formal Complaints, Protests and Petitions to Intervene, in the above-referenced dockets upon the persons listed below and in the manner specified.

Service by Fax and U. S. First Class Mail

Jacquelyn Morrow, Esq.  
City Solicitor  
City of Pittsburgh  
313 City-County Building  
Pittsburgh, PA 15219  
Fax 412-255-2285

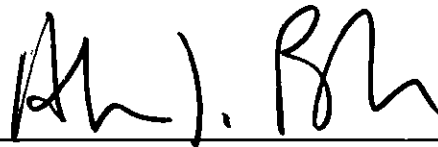
David M. Kleppinger, Esq.  
McNees, Wallace & Nurick  
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P.O. Box 1166  
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Tanya McCloskey  
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John Munsch, Esq.  
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Bernard M. Ryan, Esq.  
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Frank Nadolny  
Duquesne Power & Light Co.  
P.O. Box 1930  
Pittsburgh, PA 15230-1930  
Fax 412-393-6667



Alan J. Barak, Esq.  
1417 Blue Mtn. Pkwy  
Harrisburg PA 17112

RECEIVED  
97 SEP -2 PM 4:27  
PROTHONOTARY'S OFFICE  
PA.P.U.C.

**DATE:** September 3, 1997

**SUBJECT:** R-00973981

**TO:** Office of Administrative Law Judge <sup>KJR</sup>

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

WEST PENN POWER COMPANY RESTRUCTURING PLAN

Attached is copy of a Petition for Leave to Intervene and Participate of Electric Clearinghouse, Inc.; and Petition to Intervene of Enron Power Marketing Inc.; and Pennsylvania Retailers' Association filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

**DOCKETED**  
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The Peoples  
Natural Gas Company

A **CNG** COMPANY

625 Liberty Avenue  
Pittsburgh, PA 15222-3197  
(412) 497-6838 FAX

MARGARET H. PETERS, (412) 497-6892  
Senior Attorney

KJR

September 3, 1997

VIA OVERNIGHT MAIL

James J. McNulty  
Acting Prothonotary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17101

**ORIGINAL**

**RECEIVED**

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PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

Re: West Penn Power Company's ) Docket No. R-00973981  
Restructuring Plan Filing )

Dear Mr. McNulty:

Enclosed for filing please find the original and three copies of a Motion to Intervene of The Peoples Natural Gas Company in the above referenced matter.

If you have any questions, please feel free to contact me at (412) 497-6892.

Respectfully,

Margaret H. Peters  
Senior Attorney

Enclosures:

cc: Parties of Record

**DOCUMENT  
FOLDER**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition for Approval of West Penn Power ) Docket No. R-00973981  
Company's Restructuring Filing )

**ORIGINAL**

**MOTION TO INTERVENE OF  
THE PEOPLES NATURAL GAS COMPANY**

In accordance with the rules and procedures of the Pennsylvania Public Utility Commission (the "Commission") pursuant to 52 Pa. Code §5.71, The Peoples Natural Gas Company ("Peoples"), a Pennsylvania corporation, having its principal place of business at 625 Liberty Avenue, Pittsburgh, PA 15222, hereby submits its Motion To Intervene in the petition of West Penn Power Company ("West Penn"), filed in the above-referenced docket. Peoples hereby lodges the instant pleading in this docket and respectfully requests the Commission deem this pleading as having been filed in each such docket.

1. The name and address of the entity seeking intervention is as follows:  
The Peoples Natural Gas Company  
625 Liberty Avenue  
Pittsburgh, PA 15222
2. Peoples will be represented in these proceedings by the following counsel:

Margaret Peters, Esquire  
The Peoples Natural Gas Company  
625 Liberty Avenue  
Pittsburgh, PA 15222  
(412) 497-6892

Kevin J. McKeon, Esquire  
Malatesta Hawke & McKeon  
Harrisburg Energy Center  
P.O. Box 1778  
Harrisburg, PA 17101  
(717) 236-1300

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PROTHONOTARY'S OFFICE

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3. Peoples is a Pennsylvania corporation organized under the Act of Assembly approved May 29, 1885 and is vested with the authority to produce, purchase, and transport natural gas, store and supply natural gas service to the public in the counties of Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Clarion, Fayette, Greene, Huntingdon, Indiana, Jefferson, Lawrence, Mercer, Venango, Washington, and Westmoreland.

4. Peoples is regulated by this Commission and provides retail and transportation service to approximately 333,000 residential, commercial and industrial customers in western Pennsylvania. Peoples is a wholly owned subsidiary of Consolidated Natural Gas Company, a registered public utility holding company under the Public Utility Holding Company Act of 1935, as amended.


5. On August 1, 1997, West Penn Power submitted its restructuring filing to the Commission, pursuant to the Electricity Generation Customer Choice and Competition Act.

6. In that Peoples and West Penn Power have overlapping service territories, Peoples and West Penn are also competitors of energy supply. While the primary focus of Chapter 28 of the Public Utility Code is a restructuring of the electric utility industry that will allow competition in the supply of electricity generation and a resulting choice of suppliers among electric utility customers, Chapter 28 also authorizes an electric utility's introduction of "flexible pricing and flexible rates, including negotiated, contract-based tariffs designed to meet the specific needs of a utility customer and to address competitive alternatives." 66 Pa. C.S. §2806(h). The quoted excerpt appears to encompass an electric utility's use of flexible pricing and flexible rates to meet any competitive energy alternatives, including natural gas. As a

competitor, Peoples has a direct and substantial interest in this matter, which will not be represented by any other party. Further, the Commission's disposition of West Penn's restructuring proceeding will have a significant impact on rates, and thus will have an impact on competition and the conduct of Peoples' business in Pennsylvania.

WHEREFORE, Peoples requests the Commission grant this Petition and approve Peoples' intervention as a party of record in this matter, and any future proceeding of which this matter is made a part.

Respectfully submitted,



---

Margaret H. Peters  
Senior Attorney  
The Peoples Natural Gas Company  
Pittsburgh, PA 15222  
(412) 497-6892

DATED: September 3, 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

West Penn Power Company )

Docket No. R-00973981

ORIGINAL

MOTION TO INTERVENE  
AND COMMENTS OF mc2

Pursuant to Section 5.71 of the Commission's regulations, 52 Pa. Code § 5.71, mc2, Inc. ("mc2") files this intervention and comments to the restructuring filing submitted by West Penn Power Company ("West Penn") in this proceeding.

SERVICE AND CORRESPONDENCE

mc2 requests that service and all correspondence in this proceeding be served on the following individuals:

John Horton  
Senior Regulatory Analyst  
MidCon Corporation  
701 East 22nd Street  
Lombard, Illinois 60148

Emmitt C. House  
Thomas Augspurger  
MidCon Corporation  
Office of General Counsel  
701 East 22nd Street  
Lombard, Illinois 60148

Mark J. McGuire  
Ronald N. Carroll  
JENNER & BLOCK  
601 Thirteenth Street, N.W.  
Twelfth Floor  
Washington, D.C. 20005

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PROTHONOTARY'S OFFICE

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## MOTION TO INTERVENE

1. mc2 is a subsidiary of MidCon Corporation, with headquarters in Lombard, Illinois. MidCon is the integrated electric and natural gas services subsidiary of Occidental Petroleum Corporation and is involved in the selling, transportation and storage of natural gas. mc2 was created in 1997 to respond to the changes in energy regulation that are opening the electric and natural gas industries to more competition. Among other things, mc2 will provide marketing and other energy services to consumers of electricity.

2. As a national marketer of electricity, mc2 intends to provide electric services on West Penn's system pursuant to its restructuring plan in this proceeding, as it may be amended. mc2 thus has a direct and substantial interest in this proceeding.

3. mc2 is not represented by any other party in this proceeding and must participate in this proceeding in order to protect its interests.

4. mc2's services will provide substantial benefits for all consumers on West Penn's system through the introduction of competitive, market-priced electric services. Thus, mc2's participation in the development of the restructuring plan for the West Penn system will be in the public interest.

5. For these reasons, mc2 respectfully submits that good cause exists for granting this request to intervene in this proceeding.

## COMMENTS

mc2 just recently received a copy of West Penn's restructuring filing in this proceeding and has not had a full opportunity to review it. mc2 intends to examine the

following issues (among others) implicated by West Penn's filing to ensure that they are appropriately resolved.<sup>1/</sup>

- (1) Whether West Penn has proposed to provide non-affiliated electric generation suppliers with access to its transmission and distribution systems on a basis comparable with the transmission and distribution service that it will provide for affiliated marketing companies or, if relevant, for its unbundled sales service;
- (2) Whether the operational requirements proposed by West Penn are reasonable and practical;
- (3) Whether a sufficient separation of functions and code of conduct has been proposed that will ensure that West Penn's marketing affiliate is not provided any unfair competitive advantage, including access to information that is not publicly available or available to non-affiliated marketers;
- (4) Whether West Penn has proposed any rate, operational or other impediments that will create economic or other disincentives for consumers on its system to purchase power from nontraditional non-affiliated marketers such as mc2;
- (5) Whether the rates proposed by West Penn reasonably reflect the cost of its proposed new services;
- (6) Whether the billing methodology proposed by West Penn is reasonable or whether it creates disadvantages to new entrants in the electric generation supplier market;
- (7) Whether West Penn's claimed stranded costs were prudently incurred and were caused by the advent of direct access rather than business decisions unrelated to restructuring (even if prudent when made);
- (8) Whether West Penn will mitigate its stranded costs by aggressively marketing its excess generation (if any) on other utility systems;

---

<sup>1/</sup> mc2 reserves the right to amend or supplement the issues raised in this protest after it has completed its review of West Penn's filing.

- (9) Whether West Penn has included transmission or distribution charges in its proposed stranded cost charge that are not related to generation.

WHEREFORE, mc2 respectfully requests that its motion to intervene in this proceeding be granted and that further relief be provided consistent with the foregoing comments.

Respectfully submitted,



Emmitt C. House  
Thomas Augspurger  
MidCon Corporation  
Office of General Counsel  
701 East 22nd Street  
Lombard, Illinois 60148

Mark J. McGuire  
Ronald N. Carroll  
PA Bar No. 24752  
JENNER & BLOCK  
601 Thirteenth Street, N.W.  
Twelfth Floor  
Washington, D.C. 20005

Attorneys for mc2, Inc.

September 3, 1997

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the following in accordance with 52 Pa. Code § 1.54.

RAYMOND B. WUSLICH, LEONARD W. BELTER  
WINSTON AND STRAWN  
1400 L STREET, N.W.  
WASHINGTON DC 20005-3502  
ALLEGHENY POWER/WEST PENN POWER

0002  
JOHN L MUNSCH, THERESA COLECCHIA, AND  
THOMAS K HENDERSON  
800 CABIN HILL DRIVE  
GREENSBURG PA 15601  
ALLEGHENY POWER

0003  
MICHAEL L. KURTZ, ESQUIRE  
BOEHM, KURTZ & LOWRY  
2110 CBLD CENTER, 36 E. SEVENTH STREET  
CINCINNATI OH 45202  
ARMCO, INC. (POR)

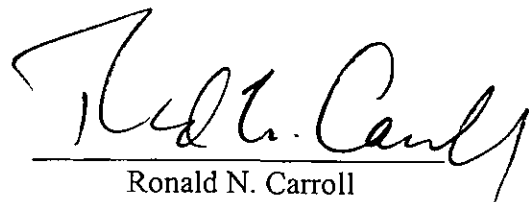
0004  
STEVEN F. BAICKER-MCKEE  
BABST CALLAND CLEMENTS & ZOMNIR  
TWO GATEWAY CENTER, 8TH FL.  
PITTSBURGH PA 15222  
ALLEGHENY TELEDYNE, INC. (POR)

0005  
ALLEGHENY ELECTRIC COOPERATIVE, INC.  
212 LOCUST STREET  
P.O. BOX 1266  
HARRISEBURG PA 17108-1266  
SELF (POR)

0006  
PATRICIA ARMSTRONG, ESQUIRE  
THOMAS, THOMAS, ARMSTRONG & NIESEN  
212 LOCUST STREET, P.O. BOX 9500  
HARRISBURG PA 17108-9500  
ALLEGHENY ELECTRIC COOPERATIVE INC., POR

0007  
ROBERT FRAZIER  
PA PUC, OTS  
PO BOX 3265  
HARRISBURG PA 17105-3265  
OTS/PUC

0008  
ALBERT M BENINCASA, DIR REGULATORY AFFAIR  
46 9TH AVENUE  
SEA CLIFF NY 11579  
SKIPPING STONE

  
Ronald N. Carroll

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

West Penn Power Company )

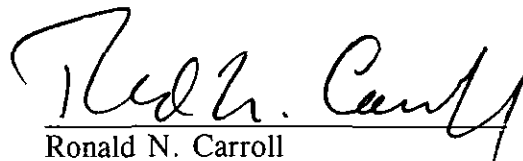
Docket No. R-00973981

**ORIGINAL**

ENTRY OF APPEARANCE

In accordance with the Notice issued in this proceeding on August 12, 1997, take notice that Ronald N. Carroll, Esq., an attorney admitted to bar of Pennsylvania, Pennsylvania, Bar No. 24752, and an active member of said bar in good standing, hereby enters his appearance in this proceeding on behalf of mc2, Inc. a subsidiary of MidCon Corporation.

Respectfully submitted,



Ronald N. Carroll  
PA Bar No. 24752  
JENNER & BLOCK  
601 Thirteenth Street, N.W.  
Twelfth Floor  
Washington, D.C. 20005

September 3, 1997

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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West Penn Power Company )

PA.P.U.C.  
PROTHONOTARY'S OFFICE  
Docket No. R-00973981

**ORIGINAL**

MOTION FOR ADMISSION PRO HAC VICE OF  
MARK J. McGUIRE

Pursuant to Section 1.22(b) of the Commission's regulations, 52 Pa. Code § 1.22, mc2, Inc. ("mc2"), through its undersigned counsel, hereby requests that the *presiding Administrative Law Judge* allow the admission *pro hac vice* of attorney Mark J. McGuire, an attorney with the law firm of Jenner & Block, 601 Thirteenth Street, N.W., Washington, D.C. 20005, as its counsel in the captioned proceeding along with the undersigned. In support hereof, the undersigned states as follows:

1. mc2, a subsidiary of MidCon Corporation, provides marketing and other services to consumers of electricity and natural gas.
2. The undersigned counsel for mc2, Ronald N. Carroll, is a practicing attorney duly admitted to and in good standing (active membership) in the bar of the Commonwealth of Pennsylvania (Bar No. 24752).
3. By separate notice filed this date, the undersigned has entered his appearance in this proceeding on behalf of mc2.
4. Mark J. McGuire, an attorney with the law firm of Jenner & Block, is a practicing attorney duly admitted to and in good standing in the bars of the District of Columbia and the states of Michigan and Illinois.

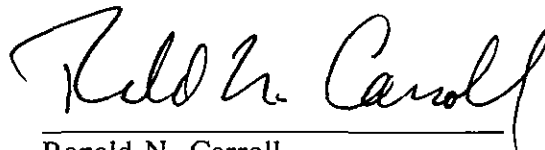
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5. mc2 desires that Mr. McGuire represent it in this proceeding and thus respectfully requests that Mr. McGuire be admitted pro hac vice to practice before the Pennsylvania Public Utility Commission as its counsel in this proceeding.

6. The undersigned has known Mr. McGuire for approximately ten years and has worked closely with him for several years. The undersigned represents that Mr. McGuire is professionally qualified and of good character to represent mc2 and should be admitted pro hac vice in this proceeding.

WHEREFORE, mc2 respectfully requests that the presiding Administrative Law Judge issue an order that admits Mr. McGuire to serve as counsel pro hac vice for mc2 along with the undersigned counsel.

Respectfully submitted,



Ronald N. Carroll  
PA Bar No. 24752  
JENNER & BLOCK  
601 Thirteenth Street, N.W.  
Twelfth Floor  
Washington, D.C. 20005

September 3, 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

West Penn Power Company )

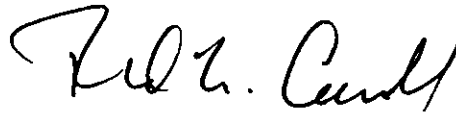
Docket No. R-00973981

ORIGINAL

ENTRY OF APPEARANCE

In accordance with the Notice issued in this proceeding on August 12, 1997, take notice that Ronald N. Carroll, Esq., an attorney admitted to bar of Pennsylvania, Pennsylvania, Bar No. 24752, and an active member of said bar in good standing, hereby enters his appearance in this proceeding on behalf of MidCon Gas Services Corp., a subsidiary of MidCon Corporation.

Respectfully submitted,



Ronald N. Carroll  
PA Bar No. 24752  
JENNER & BLOCK  
601 Thirteenth Street, N.W.  
Twelfth Floor  
Washington, D.C. 20005

September 3, 1997

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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West Penn Power Company )

P.A.F.U.C.  
PROTHONOTARY'S OFFICE  
Docket No. R-00973981

MOTION FOR ADMISSION PRO HAC VICE OF  
MARK J. McGUIRE

Pursuant to Section 1.22(b) of the Commission's regulations, 52 Pa. Code § 1.22, MidCon Gas Services Corp. ("Midcon Gas"), through its undersigned counsel, hereby requests that the presiding Administrative Law Judge allow the admission pro hac vice of attorney Mark J. McGuire, an attorney with the law firm of Jenner & Block, 601 Thirteenth Street, N.W., Washington, D.C. 20005, as its counsel in the captioned proceeding along with the undersigned. In support hereof, the undersigned states as follows:

1. MidCon Gas, a subsidiary of MidCon Corporation, provides marketing and other services to consumers of electricity and natural gas.
2. The undersigned counsel for MidCon Gas, Ronald N. Carroll, is a practicing attorney duly admitted to and in good standing (active membership) in the bar of the Commonwealth of Pennsylvania (Bar No. 24752).
3. By separate notice filed this date, the undersigned has entered his appearance in this proceeding on behalf of MidCon Gas.
4. Mark J. McGuire, an attorney with the law firm of Jenner & Block, is a practicing attorney duly admitted to and in good standing in the bars of the District of Columbia and the states of Michigan and Illinois.

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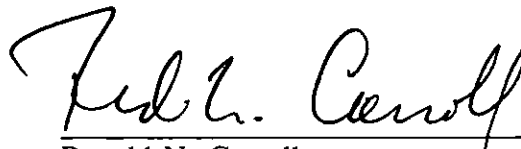
ORIGINAL

5. MidCon Gas desires that Mr. McGuire represent it in this proceeding and thus respectfully requests that Mr. McGuire be admitted pro hac vice to practice before the Pennsylvania Public Utility Commission as its counsel in this proceeding.

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WHEREFORE, MidCon Gas respectfully requests that the presiding Administrative Law Judge issue an order that admits Mr. McGuire to serve as counsel pro hac vice for MidCon Gas along with the undersigned counsel.

Respectfully submitted,



Ronald N. Carroll  
PA Bar No. 24752  
JENNER & BLOCK  
601 Thirteenth Street, N.W.  
Twelfth Floor  
Washington, D.C. 20005

September 3, 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

West Penn Power Company )

Docket No. R-00973981

**ORIGINAL**

**MOTION TO INTERVENE  
AND COMMENTS OF  
MIDCON GAS SERVICES CORP.**

Pursuant to Section 5.71 of the Commission's regulations, 52 Pa. Code § 5.71, MidCon Gas Services Corp. ("MidCon Gas") files this intervention and comments to the restructuring filing submitted by West Penn Power Company ("West Penn") in this proceeding.

**SERVICE AND CORRESPONDENCE**

MidCon Gas requests that service and all correspondence in this proceeding be served on the following individuals:

Craig Nifong  
MidCon Corporation  
3200 Southwest Freeway  
Houston, TX 77027

Emmitt C. House  
Thomas Augspurger  
MidCon Corporation  
Office of General Counsel  
701 East 22nd Street  
Lombard, Illinois 60148

Mark J. McGuire  
Ronald N. Carroll  
JENNER & BLOCK  
601 Thirteenth Street, N.W.  
Twelfth Floor  
Washington, D.C. 20005

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## MOTION TO INTERVENE

1. MidCon Gas is a subsidiary of MidCon Corporation, which is the integrated electric and natural gas services subsidiary of Occidental Petroleum Corporation and is involved in the selling, transportation and storage of natural gas. Among other things, MidCon Gas will provide marketing and other energy services to consumers of electricity.

2. As a national marketer of electricity, MidCon Gas intends to provide electric services on West Penn's system pursuant to its restructuring plan in this proceeding, as it may be amended. MidCon Gas thus has a direct and substantial interest in this proceeding.

3. MidCon Gas is not represented by any other party in this proceeding and must participate in this proceeding in order to protect its interests.

4. MidCon Gas's services will provide substantial benefits for all consumers on West Penn's system through the introduction of competitive, market-priced electric services. Thus, MidCon Gas's participation in the development of the restructuring plan for the West Penn system will be in the public interest.

5. For these reasons, MidCon Gas respectfully submits that good cause exists for granting this request to intervene in this proceeding.

## COMMENTS

MidCon Gas just recently received a copy of West Penn's restructuring filing in this proceeding and has not had a full opportunity to review it. MidCon Gas intends

to examine the following issues (among others) implicated by West Penn's filing to ensure that they are appropriately resolved.<sup>1/</sup>

- (1) Whether West Penn has proposed to provide non-affiliated electric generation suppliers with access to its transmission and distribution systems on a basis comparable with the transmission and distribution service that it will provide for affiliated marketing companies or, if relevant, for its unbundled sales service;
- (2) Whether the operational requirements proposed by West Penn are reasonable and practical;
- (3) Whether a sufficient separation of functions and code of conduct has been proposed that will ensure that West Penn's marketing affiliate is not provided any unfair competitive advantage, including access to information that is not publicly available or available to non-affiliated marketers;
- (4) Whether West Penn has proposed any rate, operational or other impediments that will create economic or other disincentives for consumers on its system to purchase power from nontraditional non-affiliated marketers such as MidCon Gas;
- (5) Whether the rates proposed by West Penn reasonably reflect the cost of its proposed new services;
- (6) Whether the billing methodology proposed by West Penn is reasonable or whether it creates disadvantages to new entrants in the electric generation supplier market;
- (7) Whether West Penn's claimed stranded costs were prudently incurred and were caused by the advent of direct access rather than business decisions unrelated to restructuring (even if prudent when made);

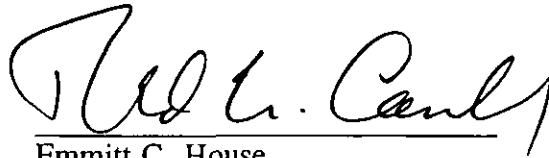
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<sup>1/</sup> MidCon Gas reserves the right to amend or supplement the issues raised in this protest after it has completed its review of West Penn's filing.

- (8) Whether West Penn will mitigate its stranded costs by aggressively marketing its excess generation (if any) on other utility systems;
- (9) Whether West Penn has included transmission or distribution charges in its proposed stranded cost charge that are not related to generation.

WHEREFORE, MidCon Gas respectfully requests that its motion to intervene in this proceeding be granted and that further relief be provided consistent with the foregoing comments.

Respectfully submitted,



Emmitt C. House  
Thomas Augspurger  
MidCon Corporation  
Office of General Counsel  
701 East 22nd Street  
Lombard, Illinois 60148

Mark J. McGuire  
Ronald N. Carroll  
PA Bar No. 24752  
JENNER & BLOCK  
601 Thirteenth Street, N.W.  
Twelfth Floor  
Washington, D.C. 20005

Attorneys for MidCon Gas Services  
Corp.

September 3, 1997

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the following in accordance with 52 Pa. Code § 1.54.

RAYMOND B. WUSLICH, LEONARD W. BELTER  
WINSTON AND STRAWN  
1400 L STREET, N.W.  
WASHINGTON DC 20005-3502  
ALLEGHENY POWER/WEST PENN POWER

0002  
JOHN L MUNSCH, THERESA COLECCHIA, AND  
THOMAS K HENDERSON  
800 CABIN HILL DRIVE  
GREENSBURG PA 15601  
ALLEGHENY POWER

0003  
MICHAEL L. KURTZ, ESQUIRE  
BOEHM, KURTZ & LOWRY  
2110 CBD CENTER, 36 E. SEVENTH STREET  
CINCINNATI OH 45202  
ARMCO, INC. (POR)

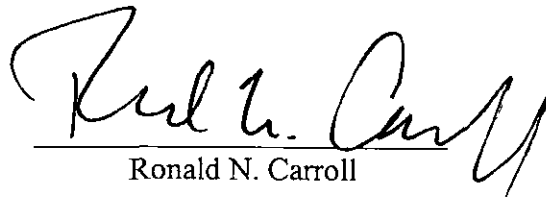
0004  
STEVEN F. BAICKER-MCKEE  
BABST CALLAND CLEMENTS & ZOMNIR  
TWO GATEWAY CENTER, 8TH FL.  
PITTSBURGH PA 15222  
ALLEGHENY TELEDYNE, INC. (POR)

0005  
ALLEGHENY ELECTRIC COOPERATIVE, INC.  
212 LOCUST STREET  
P.O. BOX 1266  
HARRISEURG PA 17108-1266  
SELF (POR)

0006  
PATRICIA ARMSTRONG, ESQUIRE  
THOMAS, THOMAS, ARMSTRONG & NIESEN  
212 LOCUST STREET, P.O. BOX 9500  
HARRISBURG PA 17108-9500  
ALLEGHENY ELECTRIC COOPERATIVE INC., POR

0007  
ROBERT FRAZIER  
PA PUC, OTS  
PO BOX 3265  
HARRISBURG PA 17105-3265  
OTS/PUC

0008  
ALBERT M BENINCASA, DIR REGULATORY AFFAIR  
46 9TH AVENUE  
SEA CLIFF NY 11579  
SKIPPING STONE

  
Ronald N. Carroll

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

FIRM/AFFILIATE OFFICES

- BOSTON
- CHICAGO
- HOUSTON
- LOS ANGELES
- NEWARK
- NEW YORK
- SAN FRANCISCO
- WILMINGTON
- BEIJING
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- HONG KONG
- LONDON
- MOSCOW
- PARIS
- SINGAPORE
- SYDNEY
- TOKYO
- TORONTO

DIRECT DIAL  
7920

**ORIGINAL**

September 3, 1997

James J. McNulty, Esq.  
Prothonotary/Acting Secretary  
Pennsylvania Public Utility Commission  
North Office Building, Room G-23  
Harrisburg, PA 17101

**DOCUMENT  
FOLDER**

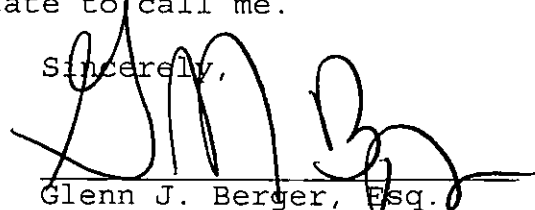
Re: West Penn Power Company Application for Approval of Restructuring Plan; Docket No. R-00973981  
PETITIONS TO INTERVENE OF WASHINGTON POWER COMPANY, L.P., AND CHAMPION PROCESSING, INC.

Dear Mr. McNulty:

Enclosed for filing on behalf of Washington Power Company, L.P. and Champion Processing Inc. are an original and three (3) copies of each of their Petitions to Intervene in the above referenced proceedings, and of our Motion to Appear Pro Hac Vice before the Commission. Copies of these document have been served upon the participants listed on the attached Certificate of Service.

If you have any questions concerning these filings, please do not hesitate to call me.

Sincerely,



Glenn J. Berger, Esq.  
Attorney for Washington  
Power Company, L.P., and  
Champion Processing, Inc.

Enclosures

- cc/encl Official Service List
- Administrative Law Judge Larry Gesoff
- Administrative Law Judge John H. Corbett

97 SEP -3 PM 2:25  
RECEIVED  
PA.P.U.C.  
PROTHONOTARY'S OFFICE



2. More specifically, pursuant to the Power Purchase Agreement, Washington Power agreed to design, engineer, construct and operate a net 80 megawatt power plant in Washington County, Pennsylvania to produce electric energy from coal waste (the "Plant"), and West Penn agreed to purchase the electricity produced by the Plant for a period of thirty three (33) years beginning on the date that the Plant enters into commercial operation. In reliance upon the Power Purchase Agreement, Washington Power has taken substantial steps towards the construction of the Plant. However, West Penn has wrongfully claimed that the Power Purchase Agreement has expired and is no longer in effect. In response to such wrongful action by West Penn, Washington Power has filed a pending action to recover damages against West Penn before the United States District Court for the Western District of Pennsylvania (Civil Action No. 95-065). Payments to Washington Power under the Power Purchase Agreement have been identified by West Penn as stranded costs that it seeks to recover in this proceeding.

3. Washington Power's counsel and contact persons for purposes of this proceeding are:

Douglas G. Robinson, Esq.  
Glenn J. Berger, Esq.  
Skadden, Arps, Slate, Meagher & Flom LLP  
1440 New York Avenue, N.W.  
Washington, D.C. 20005  
(202) 371-7000 (telephone)  
(202) 393-5760 (facsimile)

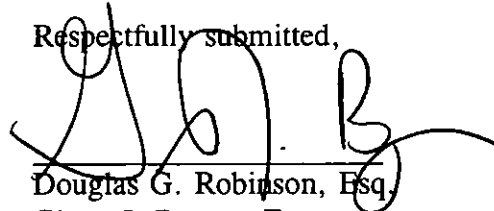
William T. Hawke, Esq.  
Malatesta Hawke & McKeon LLP  
Harrisburg Energy Center  
P. O. Box 1778  
Harrisburg, PA 17105-1778  
(717) 236-1300 (telephone)  
(717) 236-4841 (facsimile)

Mr. Berger is an attorney in good standing before the bar in the State of New York and the District of Columbia, and herewith is a Motion for him to Appear Pro Hac Vice before the Commission on behalf of Washington Power. Likewise, Mr. Robinson is an attorney in good standing before the bar in the District of Columbia, and herewith is a Motion for him to Appear Pro Hac Vice before the Commission on behalf of Washington Power. It is requested that in addition to the counsel listed immediately above, the following individuals be placed on the Commission's service list to receive copies of all notices, orders, correspondence, and other documents in connection with the above-captioned proceeding:

R. Bruce Whitney, Esq.  
Air Products and Chemicals, Inc.  
Law Group-Litigation  
7201 Hamilton Boulevard  
Allentown, PA 18195-1501  
(610) 481-7364 (telephone)  
(610) 481-7572 (facsimile)

WHEREFORE, Washington Power Company, L.P., requests the Commission to issue an order granting its Petition to Intervene in this proceeding.

Respectfully submitted,



Douglas G. Robinson, Esq.  
Glenn J. Berger, Esq.  
Skadden, Arps, Slate, Meagher & Flom LLP  
1440 New York Avenue, N.W.  
Washington, D.C. 20005  
(202) 371-7000

William T. Hawke, Esq.  
Malatesta Hawke & McKeon LLP  
Harrisburg Energy Center  
P. O. Box 1778  
Harrisburg, PA 17105-1778  
(717) 236-1300

Counsel for Washington Power Company, L.P.

DATED: September 3, 1997

DOCUMENT  
FOLDER

DOCKETED  
SEP 09 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

West Penn Power Company  
Application for Approval of  
Restructuring Plan

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Docket No. R-00973981

**ORIGINAL**

\_\_\_\_\_  
PETITION TO INTERVENE  
OF  
CHAMPION PROCESSING INC.  
\_\_\_\_\_

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Now, this 3rd day of September, 1997, Champion Processing Inc. ("Champion"), files this Petition to Intervene in the above-captioned proceeding, and in support of its Petition, states as follows:

1. Champion is a corporation organized and existing under the laws of the State of Pennsylvania; Champion has an interest in this proceeding by virtue of the fact that it is a West Penn Power Company ("West Penn") ratepayer and purchases electricity from West Penn.

2. Champion's counsel and contact persons for purposes of this proceeding are:

Douglas G. Robinson, Esq.  
Glenn J. Berger, Esq.  
Skadden, Arps, Slate, Meagher & Flom LLP  
1440 New York Avenue, N.W.  
Washington, D.C. 20005  
(202) 371-7000 (telephone)  
(202) 393-5760 (facsimile)

William T. Hawke, Esq.  
Malatesta Hawke & McKeon LLP  
Harrisburg Energy Center  
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Harrisburg, PA 17105-1778  
(717) 236-1300 (telephone)  
(717) 236-4841 (facsimile)

Mr. Berger is an attorney in good standing before the bar in the State of New York and the District of Columbia, and herewith is a Motion for him to Appear Pro Hac Vice before the Commission on behalf of Champion. Likewise, Mr. Robinson is an attorney in good standing before the bar in the District of Columbia, and herewith is a Motion for him to Appear Pro Hac Vice before the Commission on behalf of Champion. It is requested that in addition to the counsel listed immediately above, the following individual be placed on the Commission's service list to receive copies of all notices, orders, correspondence,

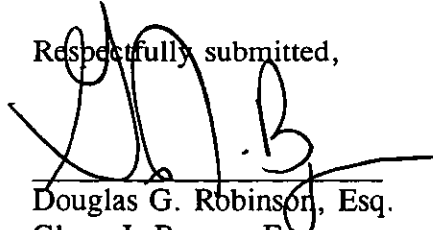
Raymond J. Hoehler, Esq.  
12 East Otterman Street  
Suite 200  
Greensburg, PA 15601  
(412) 836-3334 (telephone)  
(412) 836-3828 (facsimile)

3. The rates to be paid by Champion for electricity purchased from West Penn may be affected by the current proceeding; therefore, Champion

has a direct, immediate, substantial, and pecuniary/proprietary interest in this proceeding which cannot be represented by any other party.

WHEREFORE, Champion Processing Inc. requests the Commission to issue an order granting its Petition to Intervene in this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "D.G. Robinson" and "G.J. Berger" joined together, written over a horizontal line.

Douglas G. Robinson, Esq.  
Glenn J. Berger, Esq.  
Skadden, Arps, Slate, Meagher & Flom LLP  
1440 New York Avenue, N.W.  
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William T. Hawke, Esq.  
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Harrisburg, PA 17105-1778  
(717) 236-1300

Counsel for Champion Processing Inc.

DATED: September 3, 1997

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FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED

SEP 09 1997

West Penn Power Company  
Application for Approval of  
Restructuring Plan

Docket No. R-00973981

ORIGINAL

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MOTION TO APPEAR PRO HAC VICE ON BEHALF  
OF INTERVENORS  
WASHINGTON POWER COMPANY, L.P.  
AND  
CHAMPION PROCESSING INC.

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PROTHONOTARY'S OFFICE

The undersigned, William T. Hawke, a member in good standing of the Pennsylvania Bar, respectfully moves that the following attorney be permitted to appear before the Commission, *pro hac vice*, on behalf of Washington Power Company, L.P. and Champion Processing Inc., intervenors in the above captioned proceeding:

Douglas G. Robinson

In support of this Motion and attached hereto is an affidavit filed by Douglas G. Robinson stating that he is a member in good standing of the Bar

of the District of Columbia which grants like privileges to members in good standing of the Bar of this Commonwealth. See 52 Pa. Code § 1.22.

Mr. Robinson has advised Washington Power Company, L.P. and Champion Processing Inc. concerning the issues raised in the subject proceedings and has special knowledge regarding such matters.

Respectfully submitted,



---

William T. Hawke, Esq.  
Malatesta Hawke & McKeon LLP  
Harrisburg Energy Center  
P.O. Box 1778  
Harrisburg, PA 17105-1778  
(717) 236-1300

Counsel for Washington Power Company, L.P.,  
and Champion Processing Inc.

DATED: September 3, 1997



DOCKETED

SEP 09 1997

DOCUMENT  
FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

West Penn Power Company  
Application for Approval of  
Restructuring Plan

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Docket No. R-00973981

**ORIGINAL**

MOTION TO APPEAR PRO HAC VICE ON BEHALF  
OF INTERVENORS  
WASHINGTON POWER COMPANY, L.P.  
AND  
CHAMPION PROCESSING INC.

RECEIVED  
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PA.P.U.C. OFFICE  
PROTHONOTARY'S

The undersigned, William T. Hawke, a member in good standing of the Pennsylvania Bar, respectfully moves that the following attorney be permitted to appear before the Commission, *pro hac vice*, on behalf of Washington Power Company, L.P. and Champion Processing Inc., intervenors in the above captioned proceeding:

Glenn J. Berger

In support of this Motion and attached hereto is an affidavit filed by Glenn J. Berger stating that he is a member in good standing of the Bar of the State of New York and the Bar of the District of Columbia which grant like

privileges to members in good standing of the Bar of this Commonwealth. See  
52 Pa. Code § 1.22.

Mr. Berger has advised Washington Power Company, L.P. and  
Champion Processing Inc. concerning the issues raised in the subject proceedings  
and has special knowledge regarding such matters.

Respectfully submitted,



---

William T. Hawke, Esq.  
Malatesta Hawke & McKeon LLP  
Harrisburg Energy Center  
P.O. Box 1778  
Harrisburg, PA 17105-1778  
(717) 236-1300

Counsel for Washington Power Company, L.P.,  
and Champion Processing Inc.

DATED: September 3, 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

West Penn Power Company )  
Application for Approval of )  
Restructuring Plan )

Docket No. R-00973981

AFFIDAVIT OF GLENN J. BERGER

I, Glenn J. Berger, hereby depose and say as follows:

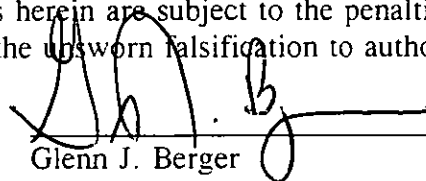
1. I am an attorney with the Washington D.C. office of the law firm of Skadden, Arps, Slate, Meagher & Flom LLP.

2. I am a member in good standing of the Bar of the State of New York and the Bar of the District of Columbia, and have been licensed to practice before the highest judicial court in the State of New York and the District of Columbia since 1980 and 1983 respectively.

3. There are no disciplinary proceedings pending against me as a member of the bar in any jurisdiction.

4. I have advised Washington Power Company, L.P. and Champion Processing Inc., intervenors in the above-captioned matter, with respect to the matters in issue before the Pennsylvania Public Utility Commission and have special knowledge regarding such matters.

I understand the statements herein are subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to the unsworn falsification to authorities.

  
Glenn J. Berger

Subscribed to before me this  
<sup>29<sup>th</sup></sup> day of August, 1997  
Carol A. Wood  
Notary Public  
My Commission Expires January 31, 1999.

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PROTHONOTARY'S OFFICE

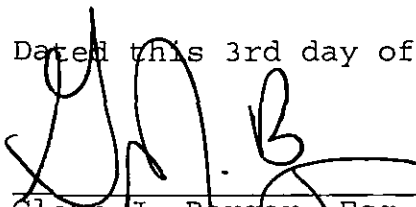
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

West Penn Power Company )  
Application for Approval of ) Docket No. R-00973981  
Restructuring Plan )  
)

Certificate of Service

I hereby certify that I have this day served the foregoing Petitions to Intervene and Motions to Appear Pro Hac Vice upon the participants on the attached list by first-class, postage pre-paid, mail.

Dated this 3rd day of September, 1997.



Glenn J. Berger, Esq.  
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Counsel for Washington Power Company, L.P., and  
Champion Processing Inc.

DOCUMENT  
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**R-00973981**  
**West Penn Power Company**

*Application for approval of a Restructuring Plan*

**R-00974104**  
**Duquesne Light Company**

*Application for approval of Restructuring Plan*

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SPRINGFIELD IL 62739-0001

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INDIANAPOLIS IN 46204-2936

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COLUMBUS OH 43216-6631

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<http://www.MHM-LAW.com>

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FOLDER

September 4, 1997

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PROTHONOTARY'S OFFICE

HAND DELIVERY

James J. McNulty, Acting Secretary/Prothonotary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

ORIGINAL

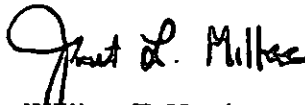
RE: West Penn Power Company - Restructuring Plan; Docket No. R-00973981;  
**PETITION OF MID-ATLANTIC POWER SUPPLY ASSOCIATION TO  
INTERVENE IN PROCEEDING**

Dear Mr. McNulty:

On behalf of Mid-Atlantic Power Supply Association ("MAPSA"), enclosed for filing are the original and three (3) copies of MAPSA's Petition to Intervene in the above-captioned matter. MAPSA wishes to be considered an active party in this matter. A copy of this Petition has been served as indicated on the enclosed Certificate of Service.

Thank you for your attention to this matter. If you should have any questions, please feel free to call.

Very truly yours,



William T. Hawke  
Janet L. Miller  
Todd S. Stewart

Counsel for Intervenor,  
Mid-Atlantic Power Supply Association

JLM/kmg  
Enclosures

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RE: West Penn Power Company  
Restructuring Plan Filing

R-00973981

**ORIGINAL**

DOCUMENT  
FOLDER

**PETITION OF  
MID-ATLANTIC POWER SUPPLY ASSOCIATION  
TO INTERVENE IN PROCEEDINGS**

Mid-Atlantic Power Supply Association ("MAPSA" or "Petitioner"), by and through its counsel in this matter, Malatesta Hawke & McKeon LLP, and pursuant to 52 Pa. Code §5.71 and §5.72, hereby files this Petition to Intervene in the above-captioned proceeding. In support of its Petition, MAPSA represents as follows:

**DOCKETED**

1. The name and address of Petitioner are:

**SEP 09 1997**

Mid-Atlantic Power Supply Association  
620 Herndon Parkway, Suite 200  
Herndon, VA 20170

2. The names and address of Petitioner's attorneys are:

William T. Hawke  
Janet L. Miller  
Todd S. Stewart  
Malatesta Hawke & McKeon LLP  
Harrisburg Energy Center  
P. O. Box 1778  
Harrisburg, PA 17105-1778  
(717) 236-1300

**RECEIVED**  
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PA.P.U.C.  
PROTHONOTARY'S OFFICE

Petitioner's attorneys are authorized to accept service on behalf of MAPSA in this proceeding. MAPSA requests that the Pennsylvania Public Utility Commission

("Commission") and all parties of record serve copies of all discovery requests and answers, correspondence, Commission Orders, and any other documents issued in this proceeding on Petitioner's attorneys.

3. MAPSA is an association of power suppliers with an interest in the emerging electric power supply market within the Commonwealth of Pennsylvania and the Mid-Atlantic region<sup>1</sup>. MAPSA's members include power marketers, independent power producers and a broad range of companies who support the electric services industry. MAPSA's members currently intend to participate as "electric generation suppliers" following retail access phase-in of the competitive electric marketplace. As such, MAPSA has a unique and material interest in the outcome of this proceeding.

4. On August 1, 1997, in accordance with the Electricity Generation Customer Choice and Competition Act, 66 Pa. C.S. §2801, et seq., West Penn Power Company ("West Penn Power") filed a Restructuring Plan with the Commission. The Restructuring Plan contains West Penn Power's proposal and intended rate design for the unbundling of West Penn Power's current retail rates and functional service elements which will allow West Penn Power customers to choose an alternative generation supplier within the competitive environment of the restructured electric industry. The Restructuring Plan contains, but is not limited to, West Penn Power's proposals for the (a) direct access and

---

<sup>1</sup> The Board of Directors of the "Mid-Atlantic Independent Power Producers" has elected to adopt the name of "Mid-Atlantic Power Supply Association" for the purpose of pursuing the interests of the association's members in the Mid-Atlantic region. MAPSA's Board of Directors believes that the new name better reflects the emerging nature of the competitive power industry and of its own evolving membership. Currently, MAPSA's Board of Directors includes representatives of Air Products and Chemicals, Inc.; Atlantic Generation, Inc.; CNG Energy Services Corporation; Cogen Technologies, Inc.; Destec Energy, Inc.; DuPont Power Marketing, Inc.; The Eastern Group; Energy Investment Advisors; Enron Capital & Trade Resources; Edison Source; Odyssey Strategies, Inc.; and U.S. Generating Company.

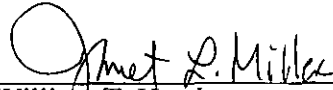
interconnection to West Penn Power's electric transmission and distribution systems by alternative electric generation suppliers; (b) recovery of Stranded Costs; (c) implementation of Competitive Transition Charges; (d) implementation of specific tariff revisions; (e) sharing of customer information; (f) metering; and (g) establishment of universal service, conservation and consumer education programs.

5. MAPSA seeks to intervene in this proceeding because the Commission's review and approval or modification of the West Penn Power Restructuring Plan will have a direct impact on MAPSA's members. Specifically, the Commission's approval or modification of West Penn Power's proposed Restructuring Plan will determine how and to what extent MAPSA's members are able to enter into the competitive electric marketplace and provide electric generation services to customers within the West Penn Power service territory.

6. MAPSA believes that no party, other than itself, can adequately protect the interests of its members in this proceeding.

WHEREFORE, for all of the foregoing reasons, MAPSA respectfully requests that its Petition to Intervene in the above-captioned proceedings be granted.

Respectfully submitted,



William T. Hawke  
Janet L. Miller  
Todd S. Stewart  
Malatesta Hawke & McKeon LLP  
Harrisburg Energy Center  
P. O. Box 1778  
Harrisburg, PA 17105-1778  
(717) 236-1300

Counsel for Mid-Atlantic Power  
Supply Association

DATED: September 4, 1997

**CERTIFICATE OF SERVICE**  
**(Docket No. R-973981)**

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the person(s) and in the manner indicated below.

Service by first class mail:

Raymond B. Wuslich  
Leonard W. Belter  
Winston and Strawn  
1400 L Street, N.W.  
Washington, DC 20005-3502

Patricia Armstrong, Esquire  
Thomas, Thomas, Armstrong & Niesen  
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Harrisburg, PA 17108-9500

John L. Munsch  
Theresa Colecchia  
Thomas K. Henderson  
800 Cabin Hill Drive  
Greensburg, PA 15601

Robert Frazier, Esquire  
Pennsylvania Public Utility Commission  
Office of Trial Staff  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Michael L. Kurtz, Esquire  
Boehm, Kurtz & Lowry  
2110 Cbld Center  
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Cincinnati, OH 45202

Albert M. Benincasa  
Director Regulatory Affair  
46 9th Avenue  
Sea Cliff, NY 11579

Steven F. Baicker-McKee  
Babst Calland Clements & Zomnir  
Two Gateway Center, 8th Floor  
Pittsburgh, PA 15222

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Harrisburg, PA 17108-1166

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

Mary McFall Hopper  
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Philadelphia, PA 19103

Allegheny Teledyne, Inc.  
1000 Six PPG Place  
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Pittsburgh, PA 15222

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Allentown, PA 18101

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Vickiren Aeshleman  
Director, Regulatory Policy  
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Sheila Hollis, Esquire  
Mary Ann Ralls, Esquire  
Stephanie Sugrue, Esquire  
1667 K street, N.W. - Suite 700  
Washington, DC 20006-1608

Charles A. Pityk  
176 Watson Road  
Apollo, PA 15613

William J. Powis  
208 McCombs Road  
Venetia, PA 15367

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

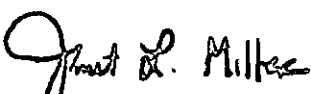
Brian A. Rider, President  
224 Pine Street  
Harrisburg, PA 17101-1325

Daniel Clearfield, Esquire  
Gerald Gornish, Esquire  
Alan Kohler, Esquire  
Robert Longwell, Esquire  
305 North Front Street  
Suite 401  
Harrisburg, PA 17101

Gordon J. Smith, Esquire  
John & Hengerer  
1200 17th. Street, N.W.  
Suite 600  
Washington, DC 20036-3006

David Cruthirds  
1000 Louisiana  
Suite 5800  
Houston, TX 77002-5050

DATED: September 4, 1997

  
\_\_\_\_\_  
Janet L. Miller



ORIGINAL

OFFICE OF SMALL BUSINESS ADVOCATE

Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, Pennsylvania 17101

Bernard A. Ryan, Jr.  
Small Business Advocate

September 4, 1997

KJR

(717) 783-2525  
(717) 783-2831(FAX)

**HAND DELIVERED**

Office of the Prothonotary  
Pennsylvania Public Utility Commission  
Room B-20, North Office Building  
P. O. Box 3265  
Harrisburg, PA 17105-3265

RECEIVED  
97 SEP -11 PM 3:23  
PROTHONOTARY'S OFFICE  
PAPERS

**Re: Application of Allegheny Power (West Penn Power Company)  
for Approval of its Restructuring Plan Under Section 2806  
of the Public Utility Code  
Docket No. R-00973981**

Dear Prothonotary:

I am delivering for filing today the original plus three copies of the:

1. Notice of Intervention of the Small Business Advocate in the above captioned matter; and
2. Public Statement of the Small Business Advocate relating to the filing of that Notice of Intervention.

Copies of each of the documents listed above are being served today on all known parties in this proceeding. A Certificate of Service to that effect is enclosed.

Sincerely,

*Karen Oill Moury*

Karen Oill Moury  
Deputy Small Business Advocate

Enclosures

cc: Hon. Larry Gesoff  
Parties of Record  
Robert D. Knecht

DOCUMENT  
FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Allegheny Power :  
(West Penn Power Company) :  
For Approval Of Its Restructuring : Docket No. R-00973981  
Plan Under Section 2806 Of :  
The Public Utility Code :

**ORIGINAL**

Office of  
Small Business Advocate  
Notice of Intervention

The Office of Small Business Advocate, an agency of the Commonwealth authorized by the Small Business Advocate Act (Act 181 of 1988, 73. P.S. §§399.41 - 399.50) to represent the interest of small business consumers as a party in proceedings before the Pennsylvania Public Utility Commission, files this Notice of Intervention in this proceeding pursuant to the provisions of 52 Pa. Code §5.71(a)(1).

Representing the Office of Small Business Advocate in this proceeding is:

Karen Oill Moury  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, Pennsylvania 17101  
(717) 783-2525

PROTHONOTARY'S OFFICE  
97 SEP -4 PM 3:23  
RECEIVED

*Karen Oill Moury*  
\_\_\_\_\_  
Karen Oill Moury  
Deputy Small Business Advocate

Dated: September 4, 1997

**DOCKETED**  
SEP 11 1997

**DOCUMENT  
FOLDER**

**PUBLIC STATEMENT OF  
SMALL BUSINESS ADVOCATE  
CONCERNING THE INTEREST  
OF SMALL BUSINESS CONSUMERS  
TO BE PROTECTED BY THE FILING OF A  
NOTICE OF INTERVENTION  
IN THE APPLICATION OF ALLEGHENY POWER  
(WEST PENN POWER COMPANY)  
FOR APPROVAL OF ITS RESTRUCTURING PLAN  
UNDER SECTION 2806 OF THE PUBLIC UTILITY CODE  
AT DOCKET NO. R-00973981**

**ORIGINAL**

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§399.41 - 399.50 (the "Act"). The Act further provides that the Small Business Advocate is to issue publicly a written statement setting forth the specific interest of small business consumers to be protected by the intervention in any proceeding involving those interests before the Public Utility Commission ("PUC" or "Commission"). This public statement relates to the filing today by the Small Business Advocate of a notice of intervention in the proceedings initiated by Allegheny Power (West Penn Power Company ("West Penn") on August 1, 1997.

West Penn seeks Commission approval of its Restructuring Plan that was filed pursuant to Section 2806 of the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §2806. By this filing, West Penn estimates that its stranded costs will be about \$2 billion and will be comprised of amounts attributable to generation plant, contracts with non-utility generators, regulatory assets and transition costs. In setting the Competitive Transition

Charge for the recovery of stranded costs, West Penn intends to use the actual market price for electricity in the Western Pennsylvania area, as established through the sale of generation blocks by Duquesne Light Company.

West Penn's Restructuring Plan also sets forth a proposal for unbundling rates into generation, transmission and distribution components. In addition, the proposed Plan contains provisions relating to standards of conduct, universal service, eligibility for customer choice and consumer education.

The Office of Small Business Advocate ("OSBA") has intervened in this case to assure that the interests of West Penn's small business customers are adequately represented and protected. While the OSBA intends to review all aspects of West Penn's filing, the OSBA will particularly focus on any issue where the impact on the interests of West Penn's small business consumers is significant or unjustifiably different from the impact on other classes of customers.

In an effort to represent and protect the interests of West Penn's small business customers, the OSBA will pursue numerous issues relating to the Restructuring Plan submitted by West Penn Power Company. In particular, the OSBA will consider the reasonableness of West Penn's stranded cost claim, including the proposed market valuation process, as well as the various components of stranded costs that West Penn has included in its claim. The OSBA's review of West Penn's overall stranded cost claim will include an inquiry into whether West Penn has taken adequate

steps to mitigate the costs that it now seeks approval to recover from ratepayers.

The OSBA will also examine West Penn's unbundling proposal and allocation methods, along with the supporting cost data submitted with its plan. That review will consider whether West Penn has designed the Competitive Transition Charge in a manner that is fair to all customers, particularly small businesses, and whether West Penn has proposed an appropriate allocation of the recovery of these revenues among customer classes.

In addition, the OSBA will evaluate all other aspects of West Penn's restructuring plan, including phase-in procedures, universal service funding and consumer education, to ensure that the needs and interests of small business customers have not been overlooked. To the extent that a feature of West Penn's proposal would adversely and unfairly affect small businesses, the OSBA intends to raise such issues.

Finally, the OSBA will review all items submitted by other parties to this proceeding. As necessary to protect the interests of the small business community within West Penn's service territory, the OSBA will respond to or endorse the positions of other parties.

Date: September 4, 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Allegheny :  
Power (West Penn Power) :  
For Approval Of Its :  
Restructuring Plan Under : Docket No. R-00973981  
Section 2806 Of The Public :  
Utility Code :

CERTIFICATE OF SERVICE

I certify that I am serving copies of the Notice of Intervention and Public Statement on behalf of the Office of Small Business Advocate by first class mail (unless otherwise indicated) upon the persons addressed below:

Hon. Larry Gesoff  
Administrative Law Judge  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17120  
(412) 565-3550  
**(Fax and first class mail)**

Raymond B. Wuslich, Esquire  
Winston & Strawn  
1400 L Street, N.W.  
Washington, DC 20005-3502  
(Allegheny Power)  
(202) 371-5700  
(202) 371-5950 (fax)

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Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601  
(Allegheny Power)  
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(412) 838-6177 (fax)

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Office of Trial Staff  
Pa. Public Utility Commission  
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212 Locust Street  
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(717) 236-0248 (fax)

RECEIVED  
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PA. PUBLIC UTILITY COMMISSION  
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US Army Legal Services Agency  
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Arlington, VA 22203-1837  
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(703) 696-2960 (fax)

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& Niesen  
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Legal Department  
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Morgan, Lewis & Bockius  
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Spiegel & McDiarmid  
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Washington, DC 20005-4798  
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(202) 393-2866 (fax)

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Assistant General Counsel  
PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(PECO Energy)  
(215) 841-4917  
(215) 568-3389 (fax)

Michael L. Kurtz, Esquire  
Boehm, Kurtz & Lowry  
2110 Society Bank Center  
36 East Seventh Street  
Cincinnati, OH 45202  
(Counsel for ARMCO)  
(513) 421-2255

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Regulatory Affairs  
46 9th Avenue  
Sea Cliff, NY 11579

Robert A. Mills, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166  
(Pa. Retailers' Association)  
(717) 232-8000  
(717) 237-5300 (fax)

Brian A. Rider, President  
Pennsylvania Retailers' Assoc.  
224 Pine Street  
Harrisburg, PA 17101-1325  
(717) 233-7976

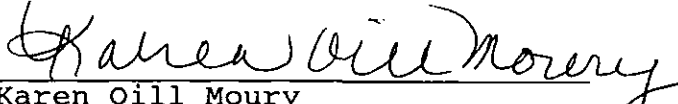
Sheila S. Hollis, Esquire  
Duane, Morris & Heckscher LLP  
1667 K Street, N.W. Suite 700  
Washington, DC 20006-7800  
(QST Energy Inc.)  
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Vickiren S. Aeshleman, Director  
Regulatory Policy  
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Robert J. Longwell, Esquire  
Daniel Clearfiled, Esquire  
Wolf, Block, Schorr &  
Solis-Cohen  
305 North Front St., Suite 401  
Harrisburg, PA 17101  
(Enron Corp.)  
(717) 237-7160  
(717) 237-7161 (fax)

Alan J. Barak, Esquire  
1417 Blue Mountain Parkway  
Harrisburg, PA 17112  
(Environmentalists)  
(717) 540-5106  
(717) 652-1970

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Pittsburgh, PA 15219  
(Low Income Advocates)  
(412) 338-1445  
(412) 232-3730 (fax)

  
Karen Oill Moury  
Karen Oill Moury  
Assistant Small Business Advocate

Date: September 4, 1997

**CNG Energy Services Corporation**

A CNG COMPANY

One Park Ridge Center  
P.O. Box 15746  
Pittsburgh, PA 15244-0746  
(412) 787-4268  
(412) 787-4464 Fax  
E-Mail: Gary\_A\_Jeffries@ESC.CNG.COM

GARY A. JEFFRIES  
Senior Attorney

**ORIGINAL**

006522

September 4, 1997

KJR

**BY OVERNIGHT DELIVERY**

James J. McNulty, Prothonotary  
Pennsylvania Public Utility Commission  
Room B-20, North Office Building  
Harrisburg, PA 17120

RECEIVED  
PROTHONOTARY'S OFFICE  
97 SEP - 5 PM 3:01

**Re: Allegheny Power (West Penn Power) Restructuring Plan Filing:  
Docket No. R-00973981**

**Motion to Intervene Out of Time of CNG Energy Services Corporation**

Dear Mr. McNulty:

Enclosed for filing with the Commission are the original and fifteen (15) copies of the Motion to Intervene Out of Time of CNG Energy Services Corporation.

As evidenced by the attached Certificate of Service, all parties to this proceeding have been duly served. Please date stamp the extra copy of this Motion and kindly return in the enclosed envelope.

Very truly yours,



Enclosures

cc: ALJ Gesoff

**DOCUMENT  
FOLDER**

006523

**ORIGINAL**

97 SEP -5 PM 3:02

BEFORE THE RECEIVED  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
REGISTRATION'S OFFICE

Allegheny Power (West Penn Power) )  
Restructuring Plan Filing )

Docket No. R-00973981

**MOTION TO INTERVENE OUT OF TIME OF  
CNG ENERGY SERVICES CORPORATION**

In accordance with the rules and procedures of the Pennsylvania Public Utility Commission (the "Commission"), CNG Energy Services Corporation ("CNG"), a Delaware corporation, having its principal place of business at One Park Ridge Center, P.O. Box 15746, Pittsburgh, PA 15244-0746, hereby submits an original and 15 copies its Motion To Intervene Out of Time in the above-captioned docket.

On August 1, 1997, Allegheny Power (West Penn Power), hereinafter "Allegheny Power," filed its restructuring plan with the Commission pursuant to the Electricity Generation Competition and Customer Choice Act (the "Act") (66 Pa. C.S. 2801 et seq.). Allegheny Power's filing includes four major components: (1) unbundled rates for generation, transmission and distribution services, (2) eventual termination of Allegheny Power's existing power supply agreement and creation of a new, more efficient structure, (3) a proposed Competitive Transition Charge for recovery of stranded costs and an outline of steps taken by Allegheny Power to mitigate these costs, and (4) standards of conduct for operation in a competitive marketplace.

**DOCKETED**  
SEP 11 1997  
**DOCUMENT  
FOLDER**

CNG submits that it has a direct and substantial interest in the instant proceeding that qualifies it for party status. That is, CNG has received Commission licensure as an "electric generation supplier." In that capacity, CNG intends to offer retail services to customers on the Allegheny Power system. As such, CNG has a unique and material interest in the outcome of this proceeding which no other party can be expected to safeguard. For these reasons, CNG hereby respectfully requests the Commission grant CNG's motion to intervene in the instant docket.

Due to administrative oversight, CNG is filing this motion to intervene out of time. CNG will accept the record as it currently stands and submits that no other party will be prejudiced by its intervention at this early stage of the proceeding.

Wherefore, CNG respectfully requests that the Commission grant CNG's motion to intervene out of time.

Respectfully submitted,



Gary A. Jeffries  
Senior Attorney  
CNG Energy Services Corporation  
One Park Ridge Center  
PO Box 15746  
Pittsburgh, PA 15244-0746  
(412) 787-4000

DATED: September 4, 1997

**Certificate of Service**

I hereby certify that I have served the Motion to Intervene Out of Time of CNG Energy Services Corporation, dated September 4, 1997, by First Class Mail, upon the persons addressed below:

Raymond B. Wuslich  
Winston and Strawn  
1400 L Street, N.W.  
Washington, DC 20005-3502

Michael L. Kurtz, Esq.  
Boehm, Kurtz & Lowry  
2110 CBLD Center  
36 E. Seventh Street  
Cincinnati, OH 45202

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

Robert Frazier  
Office of Trial Staff  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Derrick P. Williamson  
1000 Pine Street, P.O. Box 1166  
Harrisburg, PA 17108-1166

Allegheny Teledyne, Inc.  
1000 Six PPG Place  
10th Floor  
Pittsburgh, PA 15222

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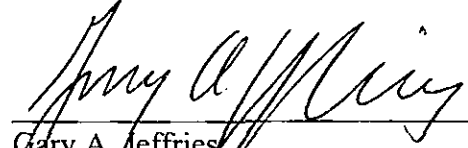
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Dated: September 4, 1997

APPEARANCE SHEET

ALJ HEARING REPORT

Docket No. R-00973981

Case Name PA Public Utility Commission  
. v.  
West Penn Power Company

Location Pittsburgh

Date September 4, 1997

ALJ Gesoff

Reporting Firm Holbert

CHECK THOSE BLOCKS WHICH APPLY: KJR

Prehearing held YES  NO

Hearing held YES  NO

Testimony taken YES  NO

Transcript due YES  NO

Hearing concluded YES  NO

Further hearing needed YES  NO

Estimated add'l days 3

RECORD CLOSED YES  NO

Briefs to be Filed DATE 10 YES  NO

BENCH DECISION YES  NO

DOCUMENT  
 FOLDER  
 DOCKETED  
 SEP 16 1997

97 SEP -5 11 2:42  
 PA PUC

REMARKS: Prehearing Order will be issued about September 11. It should set a litigation schedule, including hearing dates + dates for further prehearing conference

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD  
 PLEASE PRINT CLEARLY  
 INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

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 OR COUNSEL OF RECORD APPEAR ON BACK.

Janet Jackson/Holbert  
 REPORTER

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Telephone No.	City State Zip	
Telephone No.	City State Zip	
Telephone No.	City State Zip	
Telephone No.	City State Zip	

**ALJ APPEARANCE SHEET**

**ALJ Hearing Report**

Docket No. R-00973981

Case Name PA P.U.C. v. West Penn Power Co.

Application for approval of a Restructuring Plan

Location Harrisburg

Date September 4, 1997

ALJ Gesoff

Reporting Firm Holbert Associates

CHECK THOSE BLOCKS WHICH APPLY:

Prehearing Held  YES  NO

Hearing Held  YES  NO

Testimony Taken  YES  NO

Transcript Due  YES  NO

Hearing Concluded  YES  NO

Further Hearing Needed  YES  NO

Estimated Add'l Days

RECORD CLOSED  YES  NO

DATE \_\_\_\_\_ KJR

Briefs to be Filed  YES  NO

DATE \_\_\_\_\_

BENCH DECISION  YES  NO

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SEP 15 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

REMARKS:

**DOCKETED**  
SEP 17 1997  
**DOCUMENT FOLDER**

Names, Addresses and Telephone Numbers of Parties or Counsel of Record  
PLEASE PRINT CLEARLY

Incomplete Information may Result in Delay of Processing

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Thomas Thomas Armstrong \$ Nisen PAT ARMSTRONG / JOHN ALZAMORA b Telephone No. 717-255-7600	PO Box 9500 City Hbg State PA Zip 17108	Allegheny Elec. Coop
Terry Lupia dip office of Atty. General Telephone No. 787-4530	14th Pl. Strawberry Sq. Anti trust Section City Harrisburg State PA Zip 17120	Commonwealth of PA.

Check this box if additional parties or counsel of record appear on back of form.

REPORTER

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Telephone No.	City State Zip			
Telephone No.	City State Zip			
Telephone No.	City State Zip			
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Telephone No.	City State Zip			

COMMONWEALTH OF PENNSYLVANIA

DATE: September 9, 1997

SUBJECT: R-00973981

KJR

TO: Office of Administrative Law Judge

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

WEST PENN POWER COMPANY (ALLEGHENY POWER)  
RESTRUCTURING PLAN

---

Attached is copy of an Amended Petition to Intervene of Allegheny Teledyne Incorporated on behalf of Allegheny Ludlum Corporation and Teledyne Industries, Inc. filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

**DOCKETED**  
SEP 11 1997

**DOCUMENT  
FOLDER**

KJR

DATE: September 9, 1997

SUBJECT: R-00973981

TO: Office of Administrative Law Judge

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

WEST PENN POWER COMPANY (ALLEGHENY POWER)  
RESTRUCTURING PLAN

---

Attached is copy of a Motion to Intervene of The Peoples Natural Gas Company; Motion to Intervene Out of Time of CNG Energy Services Corporation; and Notice of Intervention with Public Statement of the Office of Small Business Advocate filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

DOCKETED

SEP 11 1997

DOCUMENT  
FOLDER

DATE: September 9, 1997

SUBJECT: R-00973981

TO: Office of Administrative Law Judge

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

DOCUMENT  
FOLDER

*KJR* DOCKETED  
SEP 09 1997

WEST PENN POWER COMPANY (ALLEGHENY POWER)  
RESTRUCTURING PLAN

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Attached is copy of a Petition to Intervene of Mid-Atlantic Power Supply Association; Washington Power Company, L.P. and Champion Processing, Inc. and Motion to Appear Pro Hac Vice for Douglas G. Robinson and Glenn J. Berger filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz