

COMMONWEALTH OF PENNSYLVANIA

DATE: July 29, 1997

SUBJECT: Applications for Approval
of Restructuring Plans

TO: Office of Administrative Law Judge

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

R-00973953 PECO ENERGY COMPANY
RESTRUCTURING PLAN

R-00973954 PENNSYLVANIA POWER & LIGHT COMPANY
RESTRUCTURING PLAN

MEM

Attached is copy of a Petition to Intervene of the Pennsylvania Association of Plumbing, Heating, Cooling Contractors, Inc. with a Motion to Appear Pro Hac Vice on Behalf of Intervenor for Usher Fogel filed in connection with the above docketed proceedings.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

DOCKETED

JUL 31 1997

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COMMONWEALTH OF PENNSYLVANIA

DATE: July 29, 1997

SUBJECT: Applications for Approval
of Restructuring Plans

TO: Office of Administrative Law Judge

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

MEM

R-00974008 METROPOLITAN EDISON COMPANY
RESTRUCTURING PLAN
R-00973953 PECO ENERGY COMPANY
RESTRUCTURING PLAN
R-00974009 PENNSYLVANIA ELECTRIC COMPANY
RESTRUCTURING PLAN
R-00973954 PENNSYLVANIA POWER & LIGHT COMPANY
RESTRUCTURING PLAN

Attached is copy of a Motion for Leave to Intervene
Out of Time of ERI Services, Inc. filed in connection
with the above docketed proceedings.

This matter is assigned to your Office for
appropriate action.

Attachment

cc: OTS

15
JUL 30 1997

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**EQUITABLE
RESOURCES**

ERI, Incorporated
3333 K Street, N.W.
Suite 425
Washington, D.C. 20007

ORIGINAL

Craig G. Goodman
Senior Vice President
Law, Regulation and Public Policy

Phone: 202-333-3288
Fax: 202-333-3266

July 23, 1997

MEMO

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JUL 23 1997

Mr. James J. McNulty
Prothonotary
Pennsylvania Public Utility Commission
206 North Office Building, Rm B-20
Harrisburg, Pennsylvania 17120

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Re: Docket No. R-00974008, Metropolitan Edison Company Restructuring Plan
Docket No. R-00973953, PECO Energy Company Restructuring Plan
Docket No. R-00974009, Pennsylvania Electric Company Restructuring Plan
Docket No. R-00973954, Pennsylvania Power & Light

Dear Mr. McNulty:

Enclosed for filing in the above-referenced dockets, please find four originals and three copies of ERI Services, Inc.'s Motion for Leave to Intervene Out of Time in the above referenced proceedings.

If you have any questions regarding the filing, please call the undersigned at (202) 333-3288.

Respectfully submitted,

Craig G. Goodman, Esq.
Senior Vice President,
Law, Regulation & Public Policy

cc: Parties of Record

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JUL 23 1997

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

| | | |
|-------------------------------|---|-----------------------|
| Metropolitan Edison Company |) | |
| Restructuring Plan Filing |) | Docket No. R-00974008 |
| |) | |
| PECO Energy Company |) | |
| Restructuring Plan Filing |) | Docket No. R-00973953 |
| |) | |
| Pennsylvania Electric Company |) | |
| Restructuring Plan Filing |) | Docket No. R-00974009 |
| |) | |
| Pennsylvania Power & Light |) | |
| Restructuring Plan Filing |) | Docket No. R-00973954 |

**ERI SERVICES, INC.'S
MOTION FOR LEAVE TO INTERVENE**

Pursuant to 52 Pa. Code § 5.71 and various Commission orders, ERI Services, Inc. (ERI) hereby files this Petition to Intervene Out of Time in the above captioned proceedings on the matter of the restructuring plans of PECO Energy, Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power & Light.

**I.
Communications**

Communications regarding these dockets should be sent to:

Craig G. Goodman, Esq.
Senior Vice President
Law, Regulation and Public Policy
ERI Services, Inc.
3333 K Street, NW, Ste. 425
Washington, DC 20007

**II.
The Intervenor**

ERI is the marketing division of Equitable Resources, Inc., a Pittsburgh, Pennsylvania based corporation. ERI markets a full line of energy and energy-related products, services, technology and business solutions to all sizes of industrial, commercial and residential customers. Equitable Resource's consolidated group of corporations is

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engaged in all aspects of the production, transportation, processing, storage, transmission, distribution and marketing of energy in liquid, gaseous and electrical forms throughout North America.

III.
Background

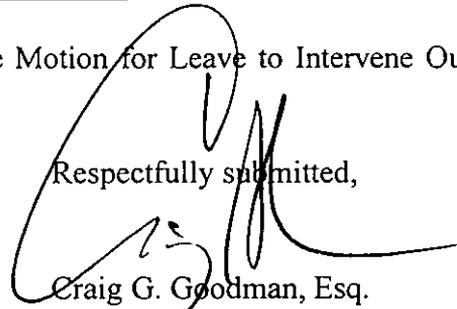
On December 3, 1996, the Electricity Generation Customer Choice and Competition Act was signed into law. The Act requires electric utilities to file restructuring plans. Pennsylvania Power & Light and PECO Energy filed plans on April 1, 1997, Metropolitan Edison and Pennsylvania Electric filed plans on June 2, 1997. ERI seeks to intervene in each of these proceedings.

Good cause exists for granting this petition as ERI has a significant interest in these proceedings as a Pennsylvania utility which will, and whose ratepayers will, be directly or indirectly impacted by the outcome of these proceedings. ERI's interest cannot be adequately represented by any other party. Finally, ERI's out of time petition will not harm any party's interest nor delay these proceedings as ERI does not seek special treatment or to change or delay any procedural schedule currently established. Therefore, ERI submits that its intervention in this proceeding is in the public interest.

IV.
Conclusion

ERI respectfully requests that the Motion for Leave to Intervene Out of Time be granted.

Respectfully submitted,



Craig G. Goodman, Esq.
Senior Vice President,
Law, Regulation & Public Policy

Anthony Wilson, Esq.
Manager, State Regulatory Affairs &
Public Policy

FedEx USA Airbill

Tracking Number

5236539980

Recipient's Copy

1526901 00077/00100

1 From
 Date: 7/23
 Sender's Name: ANTHONY WILSON
 Phone: 202 333-3288
 Company: EQUITABLE RESOURCES
 Address: 3333 K ST NW STE 425
 City: WASHINGTON State: DC Zip: 20007

2 Your Internal Billing Reference Information

3 To
 Recipient's Name: MR. James McNulty
 Company: FEMA Public Utility Commission
 Address: 206 North Office Building, Rm B-20
 City: Harrisburg State: PA Zip: 17120

For HOLD at FedEx Location check here
 Hold Weekday (Not available with FedEx First Overnight)
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For Saturday Delivery check here
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4a Express Package Service Packages under 150 lbs. Delivery commitment may be later in some areas.
 FedEx Priority Overnight (Next business morning)
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 FedEx 2Day* (Second business day)
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 *FedEx Letter Rate not available. Minimum charge: One pound FedEx 2Day rate.

4b Express Freight Service Packages over 150 lbs. Delivery commitment may be later in some areas.
 FedEx Overnight Freight (Next business-day service for any distance)
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 (Call for delivery schedule. See back for detailed descriptions of freight products.)

5 Packaging
 FedEx Letter (Declared value limit \$500)
 FedEx Pak
 FedEx Box
 FedEx Tube
 Other Pkg.

6 Special Handling
 Does this shipment contain dangerous goods? Yes No (See our attached Shipper's Declaration)
 Dry Ice (Dry Ice, 9, UN 1845 III, _____ kg 904 CA Cargo Aircraft Only)
 (Dangerous Goods Shipper's Declaration not required)

7 Payment
 Obtain Recipient FedEx Account No.
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*When declaring a value higher than \$100 per shipment, you pay an additional charge. See SERVICE CONDITIONS, DECLARED VALUE AND LIMIT OF LIABILITY section for further information. Credit Card Auth.

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 [Signature]

Your signature authorizes Federal Express to deliver this shipment without obtaining a signature and agrees to indemnify and hold harmless Federal Express from any resulting claims.

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DEPARTMENT OF THE NAVY
 NAVAL FACILITIES ENGINEERING COMMAND
 LITIGATION HEADQUARTERS 09L
 WASHINGTON NAVY YARD BUILDING 218
 901 M STREET SE
 WASHINGTON DC 20374-5018

IN REPLY REFER TO:

29 July 1997

Paul Bonney, Esq.
 PECO Energy Company
 Legal Department S23-1
 2301 Market Street, P.O. Box 8699
 Philadelphia, PA 19101

Re: R-00973953
 PECO Energy Company
 Application for approval of a Restructuring Plan
 and Consumer Education Program

Dear Mr. Bonney:

Enclosed please find the Navy's First Set of Data Requests (our second set of discovery overall) in the above-related docket. As the hearings will be started by the end of the 10 day response period, I would request that the responses be sent Federal Express directly to our witness Mr. Nicholas Phillips as opposed to myself.

Sincerely,

AUDREY VAN DYKE
 (Associate Counsel, Litigation)
 Naval Facilities Engineering Command
 Acting as Attorney for
 the Secretary of the Navy
 (202) 685-1931

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cc:(w/encl)
 Service List

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I. DEFINITIONS

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PROTOLUTARY'S OFFICE

As used herein, the following terms have the meaning as set forth below:

1. The term "PECO" or the "Company" or "you" shall refer to PECO Energy Company and its predecessors, with all their divisions and affiliates, and their present and former officers, attorneys, employees, servants, agents and representatives; and any person acting on their behalf for any purpose.

2. Unless otherwise stated, the period of time for which these Interrogatories are requested extends from January 1996, to the present.

3. "List", "describe", "explain", "specify" or "state" shall mean to set forth fully, in detail, and unambiguously each and every fact of which PECO or its agents or representatives have knowledge which is relevant to the answer called for by the interrogatory.

4. The terms "document" or "documents" as used herein shall have the same meaning and scope as in Rule 4009 of the Pennsylvania Rules of Civil Procedure and shall include, without limitation, any writings and documentary material of any kind whatsoever, both originals and copies (regardless of origin and whether or not including additional writing thereon or attached thereto), and any and all drafts, preliminary versions, alterations, modifications, revisions, changes and written comments of and concerning such material, including but not limited to: correspondence, letters, memoranda, notes, reports, directions, studies, investigations, questionnaires and surveys, inspections, permits, citizen complaints, papers, files, books, manuals, instructions, records, pamphlets, forms, contracts, contract amendments or supplements, contract offers, tenders, acceptances, counteroffers or negotiating agreements,

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notices, confirmations, telegrams, communications sent or received, print-outs, diary entries, calendars, tables, compilations, tabulations, charts, graphs, maps, recommendations, ledgers, accounts, worksheets, photographs, tape recordings, movie pictures, videotapes, transcripts, logs, workpapers, minutes, summaries, notations and records of any sort (printed, recorded or otherwise) of any oral communication whether sent or received or neither, and other written records or recordings, in whatever form, stored or contained in or on whatever medium including computerized or digital memory or magnetic media that:

- (a) are now or were formerly in your possession, custody or control; or
- (b) are known or believed to be responsive to these interrogatories, regardless of who has or formerly had custody, possession or control.

5. The term "date" shall mean the exact day, month and year, if ascertainable, or if not, the best approximation thereof, including relationship to other events.

6. The term "person" or "persons" means and includes any individual, committee, task force, division, department, company, contractor, state, federal or local government agency, corporation, firm, association, partnership, joint venture or any other business or legal entity.

7. The terms "identify" and "identity" when used with reference to a natural person mean to state his or her full name, present or last known address, present or last known telephone number, present or last known place of employment, position or business affiliation, his or her position or business affiliation at the time in question, and a general description of the business in which he or she is engaged.

8. The terms "identify" and "identity" when used with respect to any other entity mean to state its full name, the address of its principal place of business and the name of its chief executive officers.

9. The terms "identify" and "identity" with respect to a document mean to state the name or title of the document, the type of document (e.g., letter, memorandum, telegram, computer input or output, chart, etc.), its date, the person(s) who authored it, the person(s) who signed it, the person(s) to whom it was addressed, the person(s) to whom it was sent, its general subject matter, its present location, and its present custodian. If any such document was but is no longer in the possession of PECO or subject to its control, state what disposition was made of it and explain the circumstances surrounding, and the authorization, for such disposition, and state the date or approximate date thereof.

10. The terms "identify" and "identity" with respect to any non-written communication mean to state the identity of the natural person(s) making and receiving the communication, their respective principals or employers at the time of the communication, the date, manner and place of the communication, and the topic or subject matter of the communication.

11. The term "oral communication" means any utterance heard, whether in person, by telephone, or otherwise.

12. The term "identify the sources" means to identify and specify all documents and non-written communications upon which you rely in support of the allegation, contention, conclusion, position or answer in question, to state the inferences drawn from each such source upon which you rely in support of such allegation, contention, conclusion, position

or answer and to identify all individuals whom you know to be knowledgeable with respect to the subject matter of such allegation, contention, conclusion, position or answer. Where a source is a public record (e.g., a newspaper, trade journal, judicial or administrative opinion), a quotation and page reference of the material relied upon shall be supplied.

13. The term to "state the basis" for an allegation, contention, conclusion, position or answer means (a) to identify and specify the sources therefor, and (b) to identify and specify all facts on which you rely or intend to rely in support of the allegation, contention, conclusion, position or answer, and (c) to set forth and explain the nature and application to the relevant facts of all pertinent legal theories upon which you rely for your knowledge, information and/or belief that there are good grounds to support such allegation, contention, conclusion, position or answer.

14. The terms "and" and "or" have both conjunctive and disjunctive meanings as necessary to bring within the scope of the interrogatories and request any information or documents that might otherwise be construed to be outside their scope; "all" and "any" mean both "each" and "every".

15. The terms "relates to" or "relating to" mean referring to, concerning, responding to, containing, regarding, discussing, describing, reflecting, analyzing, constituting, disclosing, embodying, defining, stating, explaining, summarizing, or in any way pertaining to.

16. The term "including" means "including, but not limited to."

II. INSTRUCTIONS

A. These interrogatories and requests shall be deemed to be continuing.

PECO is obliged to change, supplement, and correct all answers to interrogatories and responses

to the production request to conform to available information, including such information as first becomes available to PECO after the answers and production of documents hereto are filed and made, should additional information become known or should information supplied in the answers or documents prove to be incorrect or incomplete.

B. The answers to interrogatories provided should first restate the questions asked and also identify the person(s) supplying or responsible for the information.

C. In answering these interrogatories, furnish all information that is available to you or may be reasonably ascertained by you, including information in the possession of any of your agents or attorneys, or otherwise subject to your knowledge, possession, custody or control.

D. When interrogatories contain separately numbered or lettered paragraphs, each separately numbered or lettered paragraph should be treated separately and a separate response furnished.

E. If in answering these interrogatories or responding to the request for production or any of them you encounter any ambiguity in construing either the interrogatory or request or a definition or instruction relevant to the inquiry contained within the interrogatory or request, set forth the matter deemed "ambiguous" and set forth the construction chosen or used in answering the interrogatory or responding to the request, set forth the matter deemed "ambiguous" and set forth the construction chosen or used in answering the interrogatory or responding to the request.

F. If you object to any part of an interrogatory or request, answer all parts of such interrogatories or requests to which you do not object, and as to each part to which you do object, separately set forth the specific basis for the objection.

G. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to an interrogatory or request for production or any part thereof, contained in a non-written communication, state the following with respect to the non-written communication:

- (1) the date thereof
- (2) the identity of each of the participants in the non-written communication;
- (3) the identity of each person present during all or any part of the non-written communication;
- (4) a description of the non-written communication which is sufficient to identify the particular communication without revealing the information for which a privilege or protection from non-disclosure is claimed;
- (5) the nature of your claim of non-discoverability (e.g. attorney-client privilege); and
- (6) each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit Enron to make a full determination as to whether your claim is valid.

H. If you claim any form of privilege or other protection from disclosure as a ground for withholding information responsive to an interrogatory or request or any part thereof, contained in a document, set forth with respect to the document:

- (1) the date and number of pages;
- (2) the identity of the author(s) or preparer(s);
- (3) the identity of the addressee, if any;
- (4) the title;
- (5) the type of tangible thing (e.g. letter, memorandum, telegram, chart, report, recording disc);
- (6) the subject matter (without revealing the information as to which privilege or protection from non-disclosure is claimed);
- (7) the identity of each person who has received the document or to whom knowledge of the contents of the document was communicated;
- (8) the identity of the present custodian(s);
- (9) the nature of your claim of non-discoverability (e.g. attorney-client privilege); and
- (10) each and every fact on which you rest your claim of privilege or other protection from disclosure, stated with sufficient specificity to permit Enron to make a full determination as to whether your claim is valid.

I. If you claim any form of privilege or other protection from disclosure, otherwise than as set forth in Instructions G and H, as a ground for not answering any interrogatory or request or any part thereof, set forth:

(1) the nature of your claim as to non-discoverability; and

(2) each and every fact on which you rest your claim or privilege or other protection from disclosure, stating such facts with sufficient specificity to permit Enron to make a full determination as to whether your claim is valid.

J. If you know of any document, communication or information but cannot give the specific information or the full information called for by a particular interrogatory or request, so state and give the best information you have on the subject and identify every person you believe to have the required information.

K. The singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun, and vice versa; the masculine form of a pronoun shall be considered to include also within its meaning the feminine and neuter forms of the pronoun, and vice versa; and the use of any tense of any verb shall be considered to include also within its meaning all other tenses of the verb. In each instance, the interrogatory or request shall be construed so as to require the most inclusive answer or production.

L. Please attach written material to any answer for which written material is requested and/or available. If such written material is not available, state where it may be obtained. Label the written material with the number of the interrogatory to which it pertains.

PECO ENERGY COMPANY
Docket No. R-00973953

United States Department of the Navy's
First Set of Data Requests to PECO Energy Company

| <u>Item No.</u> | <u>Description</u> |
|-----------------|--------------------|
|-----------------|--------------------|

The following questions are related to the rebuttal testimony of Robert A Clemmer.

1. Please provide all supporting workpapers for Exhibit RAC-3 through Exhibit RAC-10.
2. Please provide a reconciliation of the total administrative and general costs shown in Exhibit RAC-3 of \$202,890,998.95 to the total A&G claimed by PECO and the total A&G showed on Page 7 of the rebuttal testimony, which amounts to approximately \$320.9 million.
3. Accounts 924 and 926 are not shown in Exhibit RAC-3, is that correct? How did Mr. Clemmer allocate those accounts to functions. Provide a reconciliation between the allocation of those accounts to functions and the allocation of those accounts to functions contained in the cost of service study previously submitted by Mr. Clemmer.
4. Provide a reconciliation with appropriate narrative that explains why the total operation and maintenance expenses and the total administrative and general expenses used by Mr. Clemmer differ from the amount shown in the 1996 FERC Form 1.
5. With respect to the rebuttal testimony of Mr. Clemmer on Page 4, Lines 16 and 17, please completely define what is included in "corporate central services" and what is included in "corporate center." Provide the dollar quantities with supporting workpapers.
6. Please name the individuals that performed the analysis and give the qualifications of those individuals as referred to on Pages 3 and 4 of the rebuttal testimony of Mr. Clemmer.
7. When all customers can choose their electric supplier, as discussed by Mr. Clemmer, please provide the following information:

PECO ENERGY COMPANY
Docket No. R-00973953

United States Department of the Navy's
First Set of Data Requests to PECO Energy Company

| <u>Item No.</u> | <u>Description</u> |
|-----------------|---|
| | (a) Will PECO divest itself of its generation? |
| | (b) Will PECO's generation be put in a separate subsidiary with its own corporate staff? |
| | (c) Will the distribution company still perform services for the generation company and, if so, how will the distribution company charge for those services? |
| | (d) How many total employees does PECO have, and how many of those employees are directly involved with the production function? How will that change when the production function is separated from the distribution function? |
| 8. | With respect to the question referred to in the testimony of Mr. Clemmer on Lines 3 through 6 of Page 4, please provide the following information: |
| | (a) Who derived the question? |
| | (b) List all assumptions used in answering the question by account and category? |
| | (c) If a vague area occurred in a resolution of the answer to the question, who provided the final decision with regard to the answer? |
| | (d) Please provide studies which show, for each category, the determination of whether the cost by function would still be required (without the production function) and provide the study that determined that it would be carried out at the same overall cost. Please provide all notes, workpapers and studies associated with this determination. |

PECO ENERGY COMPANY
Docket No. R-00973953

United States Department of the Navy's
First Set of Data Requests to PECO Energy Company

| <u>Item No.</u> | <u>Description</u> |
|-----------------|--|
| 9. | Please provide a listing which shows the dollars associated with: (1) the production function, (2) the transmission function, (3) the distribution function, (4) the corporate central services function, and (5) the corporate center function as shown and listed on Page 4 of the rebuttal testimony. |
| 10. | Is it Mr. Clemmer's testimony that the result of his studies concludes that only \$2.6 million of A&G is related to only the production function out of approximately \$320 million of total A&G expenses? If the answer is yes, please explain that determination. |
| 11. | With respect to the groupings referred to by Mr. Clemmer on Lines 13 through 17 of Page 5 of his rebuttal testimony, please provide workpapers and studies that show the dollars associated with: (1) work centers with activities exclusively related to transmission and distribution, and (1a) dollars associated with what Mr. Clemmer terms corporate A&G functions that would remain unchanged when all customers can choose their electricity supplier. Identify all of the accounts and all of the dollars that fall into functions or activities that would remain unchanged when customers can choose their electricity suppliers and all studies, workpapers and assumptions used to make these determinations. |
| 12. | Please provide workpapers, studies and all data used in the determination of A&G accounts that fall into the categories of work centers related to all three functions. |
| 13. | Please provide all studies performed by PECO to show which activities the distribution company will not be required to do with customer choice. Specifically, list all of the functions and activities conducted by PECO now and how it was determined that they would be required at the same level in the future. Also, identify and show those which PECO has determined it would not be required to do with customer choice. |

PECO ENERGY COMPANY
Docket No. R-00973953

United States Department of the Navy's
First Set of Data Requests to PECO Energy Company

| <u>Item No.</u> | <u>Description</u> |
|-----------------|---|
| 14. | Please provide the derivation of the A&G quantities, by function, under the corrected study shown on the table on Page 7. |
| 15. | With respect to Exhibit RAC-4, please indicate what item (k) and item (a) represent. |
| 16. | Choosing for illustration the first quantity shown at the top of Page 3 of Exhibit RAC-3, please provide the following information: (a) What do the numbers under the column titled "CUCT" refer to? (b) For this item, which is shown as an actual expense of \$1,058,148.20, is it correct that this is an expense of the "Executive Department" as shown in Exhibit RAC-4? Please explain. |

PECO ENERGY COMPANY
Docket No. R-00973953

United States Department of the Navy's
First Set of Data Requests to PECO Energy Company

| <u>Item No.</u> | <u>Description</u> |
|---|--|
| (c) | Provide a study that shows what actual work was done and expended by the Executive Department. Is it required for only the management of T&D, and if that is what is implied by PECO, please show what the Executive Department did during 1996. What individuals are in the Executive Department? Provide a statement that shows what activities that Department did in general, and what activities are associated with the production function. Provide the study that shows how it was determined that the same level of expense would be required for only the transmission and distribution functions. |
| (d) | Provide the same type of response for Line 2 of Page 3, which shows account expenditures for the office of CFO. |
| (e) | For selected accounts with high dollar items, please provide similar analyses. |
| 17. | Please provide a description of Account No. 399, Other Tangible Property, also shown as Accounts 3991, 3992 and 3993. Completely describe what the negative dollar amounts represent and why the amounts in this account are production-related. |
| The following questions are related to the rebuttal testimony of Steven R. Xander. | |
| 18. | Please provide a complete and thorough analysis with narrative to show that although the ITC and CTC have different designs that the application of the mechanics of the methodology yields the same results by rate class and by customer as testified to by Mr. Xander on Page 14 of his testimony. |
| 19. | Provide detail that shows how the percentage of revenue methodology would yield the same results as the per unit charges derived by Mr. Sundermeir. |

PECO ENERGY COMPANY
Docket No. R-00973953

United States Department of the Navy's
First Set of Data Requests to PECO Energy Company

| <u>Item No.</u> | <u>Description</u> |
|-----------------|---|
| 20. | With respect to the statement by Mr. Xander on Page 14 of his rebuttal testimony which states that the concern may have resulted due to an incomplete description contained in his direct testimony, please provide a complete description with narrative, workpapers and any supporting detail to provide a complete description and understanding of this matter. |
| 21. | Is it Mr. Xander's testimony that there should be no concern that the CTC and ITC are charged to customers based on two different methodologies because the methodologies will result in exactly the same charge to customers? If the answer is yes, please provide documentation that demonstrates this fact. If the answer is no, please provide documentation that quantifies the difference between the charges to customers from the methodologies, and all reasons that the different charges to customers are of no concern. |

Certificate of Service

I hereby certify that I this day served the foregoing document on the following in the matter of PECO Energy Company Interrogatories, Application for approval of a Restructuring Plan and Consumer Education Program to The Department Of The Navy.

Senator Vincent J. Fumo,
CMM OF SENATE
Democatic Committee On Appropriations
ROOM 545
Main Capitol Bldg.
Harrisburg, PA 17120

Kenneth L. Mickens
Charles Daniel Shields
P.O. BOX 3265
Harrisburg, PA 17105-3265

Tanya J. McCloskey
Steven K. Steinmetz
1425 Strawberry Square
Harrisburg, PA 17120

Walter W. Cohen,
Andrew J. Giorgione, ESQS
Obermayer Rebmann Maxwell & Hippel
204 State Street
Harrisburg, PA 17102

Alan J. Barak, ESQ.
1477 Blue Mountain Parkway
Harrisburg, PA 17112

Craig A. Doll, ESQ.
214 State Street
Harrisburg, PA 17101

Randall V. Griffin, ESQ.
800 King Street
Wilmington, DE 19899

Daniel Clearfield, Alan Kohler, ESQS.
Robert Longwell, ESQ.
305 North Fron Street, Suitr 401
Harrisburg, PA 17101

Christopher B. Craig, Attorney
Sen. Democratic Appropriations Committee
Room 545, Main Capitol Bldg.
Harrisburg, PA 17120

Steven P. Hershey, Attorney
Philip A. Bertocci, Attorney
1424 Chestnut Street
Philadelphia, PA 19102-2502

Derrick Williamson, David Kleppinger,
Att McNees, Wallace & Nurick
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97 AUG -1 AM 11:16

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July 28, 1997

VIA TELECOPY
AND FIRST CLASS MAIL

DOCUMENT
FOLDER

KJR

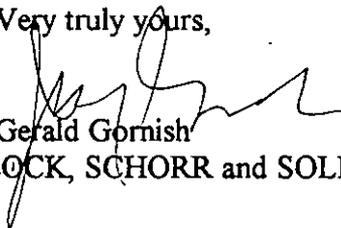
Ward L. Smith, Esquire
PECO Energy Company
2301 Market Street, S23-1
Philadelphia, PA 19101

RE: Application of PECO Energy Company for Approval
of its Restructuring Plan Under Section 2806 of the
Public Utility Code, Docket No. R-00973953

Dear Ward:

Enclosed are Enron's Seventh Set of Interrogatories to PECO in the above-captioned matter.

Very truly yours,


Gerald Gornish

For WOLF, BLOCK, SCHORR and SOLIS-COHEN

GG:lak

Enclosure

cc: James McNulty, Acting Prothonotary (C/S only)
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing documents upon the participants, listed below, in accordance with the requirements of § 1.54 (relating to service by a participant):

VIA TELECOPY

Ward L. Smith, Esquire
PECO Energy Company
2301 Market Street, S23-1
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DOCKETE
AUG 04 1991

VIA FIRST CLASS MAIL

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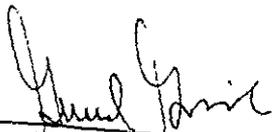
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Gerald Gornish

Dated: July 28, 1997



PECO ENERGY

ORIGINAL

Alfred A. Miller
Director
Rates & Regulatory Affairs

PECO Energy Company
2301 Market Street
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215 841 5760

July 29, 1997

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AUG 1 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Mr. James McNulty, Acting Prothonotary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

**DOCUMENT
FOLDER**

KJR

Re: Public Input Hearings - Application of PECO Energy Company for
Approval of its Restructuring Plan Under Section 2806 of the Public
Utility Code - Docket No. R-00973953

Dear Mr. McNulty:

Attached is a copy of the notice for public input hearings and scheduled dates of
publication of such notice in local newspapers. This public notification is made in
response to Prehearing Order No. 1, dated April 25, 1997, regarding Application
of PECO Energy Company for Approval of its Restructuring Plan Under Section
2806 of the Public Utility Code.

Sincerely,

DOCKETED

AUG 08 1997

Enclosure

cc: w/enclosure
Honorable Marlane R. Chestnut
Honorable Charles E. Rainey, Jr.
Certificate of Service

62

PaPUC, et al.
vs.
PECO Energy Company

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AUG 1 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

**PECO ENERGY COMPANY
ASKS PUC TO APPROVE ITS
ELECTRIC COMPETITION
RESTRUCTURING PLAN**

Last year, Pennsylvania passed the Electricity Generation Customer Choice and Competition Act, a law allowing consumers to select their electric generation supplier by 2001. The law requires PECO Energy Company to submit a Restructuring Plan to the Public Utility Commission (PUC) explaining how it proposes to provide customers with access to competitive electricity suppliers.

On April 1, 1997, PECO Energy filed its proposed restructuring plan. Before the plan can take effect, the PUC must hold hearings. By January 8, 1998, the PUC must issue an order accepting, modifying or rejecting the plan.

In these hearings, the PUC must decide many important questions. Some of these questions are:

1. Should PECO Energy collect from customers a requested \$6.8 billion in "stranded" costs over the 7 years beginning in 1999? Stranded costs are costs associated with generating plant and other assets which traditionally could be collected from consumers under regulation but which may not be collected in a competitive market.

Any amount of stranded costs that the PUC determines may be charged to customers will be collected through a "competitive transition charge." The charge will be part of every customer's monthly bill. If PECO Energy's request for \$6.8 billion in stranded costs is approved in full, the competitive transition charge for an average residential household using 500 kWh of energy would be approximately \$24 per month.

2. How should PECO Energy break down its current charge into separate charges for generation, transmission and distribution services? The total of these separate charges, along with the competitive transition charge, will not exceed your current total charges for such service until at least July, 2001.

3. How should PECO Energy assure that all customers wanting electric service will get it, and adequately provide for the needs of low-income customers through special programs and energy conservation measures?

4. How should PECO Energy provide customers with the information necessary to help make informed choices concerning electric service?

5. What procedures should PECO Energy use to make sure that customers can choose their electric generation suppliers?

If a restructuring plan is approved, one third of PECO Energy's customers will be able to choose an electric generation supplier by January 1, 1999, another one third will have choice by January 1, 2000, and the final third by January 1, 2001.

This is to inform you that PUBLIC INPUT HEARINGS on the above captioned case will be held as follows:

Wednesday, August 13, 1997 at 7:00 p.m.

Arch Street Methodist Church
Broad and Arch Streets
Philadelphia, Pennsylvania 19107

Monday, August 18, 1997 at 7:00 p.m.

Norristown Borough Hall
Council Chambers
235 E. Airy Street
Norristown, Pennsylvania 19401

Tuesday, August 19, 1997 at 7:00 p.m.

Media Government Center Building
Council Meeting Room (1st Floor)
201 W. Front Street
Media, Pennsylvania 19063

Monday, September 8, 1997 at 10:00 a.m.

Delaware Valley College
Student Center/ "Coffeehouse" (2nd Floor)
700 East Butler Avenue
Doylestown, Pennsylvania 18901

Tuesday, September 9, 1997 at 10:00 a.m.

Goshen Fire Company
1320 Park Avenue
West Chester, Pennsylvania 19380

Wednesday, September 10, 1997 at 10:00 a.m.

Philadelphia State Office Building (13th Floor)

Broad and Spring Garden Streets

Philadelphia, Pennsylvania 19130

At these hearings you have the opportunity to present your views in person to the PUC judges hearing the case and Company representatives. All testimony given "under oath" becomes part of the official record.

The presiding officers in these proceedings are
Administrative Law Judge Marlane R. Chestnut and
Administrative Law Judge Charles E. Rainey, Jr.

1302 Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia, Pennsylvania 19130

If you are a person with a disability and you wish to attend a hearing, arrangements may be made for your special needs by calling

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

If you have any questions please call our Customer Service Center at 1-800-494-4000.

PECO Energy Company

Listed below are the newspapers that will carry the legal notice on the public input sessions.

Philadelphia Inquirer -- Monday, 7/28
Bucks County Courier Times -- Tuesday, 7/29
Doylestown Intelligencer -- Tuesday, 7/29
West Chester Daily Local News -- Tuesday, 7/29
The Evening Phoenix -- Tuesday, 7/29
Delaware County Daily Times -- Tuesday, 7/29
Pottstown Mercury -- Tuesday, 7/29
Norristown Times Herald -- Tuesday, 7/29
Lansdale Reporter -- Tuesday, 7/29
Philadelphia Daily News -- Tuesday, 7/29
Philadelphia Tribune -- Wednesday, 7/30
York Daily Record -- Tuesday, 7/29
The Sun -- Sunday, 8/3
The News Observer -- Thursday, 7/31
Hatboro Public Spirit -- Tuesday, 7/29

VINCENT J. FUMO
CHAIRMAN



PAUL S. DLUGOLECKI
EXECUTIVE DIRECTOR

DOCUMENT
FOLDER

DEMOCRATIC COMMITTEE ON APPROPRIATIONS
SENATE OF PENNSYLVANIA
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

July 30, 1997

Via Facsimile Transmission & First Class Mail

The Honorable Marlane R. Chestnut
The Honorable Charles E. Rainey, Jr.
Administrative Law Judges
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
Philadelphia, Pennsylvania 19130

RECEIVED
JUL 31 1997

Office of Prothonotary
Public Utility Commissioner

Re: *In re the Matter of the Application of PECO Energy Company for Approval of its Restructuring Plan under Section 2806 of the Pennsylvania Public Utility Code, Docket No. R-00973953 — (Request for Continuance of Hearings).*

Dear Judges Chestnut and Rainey:

Pursuant to the Pennsylvania Public Utility Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code § 1.15(b), the attached Motion for Continuance of Hearings is hereby filed for your consideration. The Motion seeks a two (2) week continuance of the evidentiary hearings that are presently scheduled to commence August 4, 1997, and testimony required to file on Friday, August 1, 1997.

The purpose of the two (2) week continuance is to facilitate the discussions among several parties in this litigation intended to produce an acceptable settlement of various legal issues. **In order to allow the parties sufficient time to alter their schedules, an expedited consideration of the Motion for a Continuance will be necessary.** Please do not hesitate to contact me if I may provide any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher B. Craig".

Christopher B. Craig
Counsel

cc: All Counsels of Record.

al

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**In re the Matter of the Application of PECO +
Energy Company for Approval of its +
Restructuring Plan under Section 2806 +
of the Pennsylvania Public Utility Code +**

Docket No. R-00973953

DOCKETED

AUG 11 1997

**MOTION FOR CONTINUANCE OF
EVIDENTIARY HEARINGS**

State Senator Vincent J. Fumo, the Consumers' Education and Protective Association (CEPA), the Tenant Action Group (TAG), ACORN, John W. Long, Jr., Lance Haver, PECO Energy Company (PECO), the Pennsylvania Office of Consumer Advocate (OCA), the Pennsylvania Office of Small Business Advocate (OSBA), the Pennsylvania Public Utility Commission Office of Trail Staff (OTS), the Philadelphia Industrial Energy Users Group (PIEUG), and the ad hoc groups of Environmental organizations, hereby file this Motion for a two (2) week Continuance of Evidentiary Hearings and the testimony required to file in this proceeding pursuant to 52 Pa. Code § 1.15(b), and in support thereof aver the following:

1. Pursuant to Order by this Commission, evidentiary hearings in this proceedings are presently scheduled to begin Monday, August 4, 1997 in Philadelphia, Pennsylvania.

**DOCUMENT
FOLDER**

2. The aforementioned parties are presently engaged in exhaustive and extensive settlement discussions in an effort to amicably resolve substantial portions of this litigation which may significantly shorten the time necessary for evidentiary hearings. Said settlement discussions have resulted in significant progress in achieving this end.

3. The aforementioned parties are concurrently engaged in the drafting of written testimony to be submitted to this Commission for consideration on Friday, August 1, 1997, as well as preparation for the evidentiary hearings presently scheduled to begin on Monday, August 4, 1997.

4. The aforementioned parties hope to file a joint petition for settlement by August 12, 1997. When a joint petition is filed, the aforementioned parties will ask for a further suspension of the schedule. In the event a joint settlement is not reached, the aforementioned parties will notify the Administrative Law Judges and the Commission and ask that a prehearing conference be held in order to establish a new schedule, which would not conflict with other major restructuring hearings pending before the Commission.

5. Granting of a two (2) week continuance of the scheduled evidentiary hearings will enable the parties to focus their full attention on finalizing a mutually agreeable joint settlement.

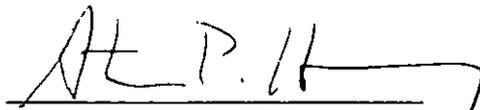
6. Refusal of a two (2) week continuance of the scheduled evidentiary hearings will likely preclude the aforementioned parties, some of which possess very limited resources, to engage in deliberative and thoughtful settlement discussions.

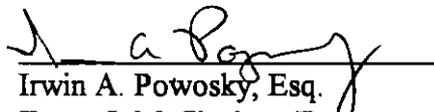
7. The parties specifically agree that any delay in the hearing schedule shall delay the entire schedule commensurate.

WHEREFORE, Senator Vincent J. Fumo, and the undersigned parties, respectfully request a two (2) week extension of the presently scheduled evidentiary hearings and the testimony required to file, including a two (2) week continuance of the issuance of the Commissioner's Final Order — from January 8, 1998 to January 22, 1998.

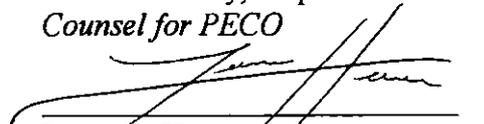
Respectfully Submitted,

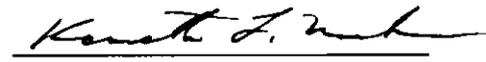

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David M. Kleppinger, Esq.
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*Counsel for the Philadelphia Area
Industrial Energy Users Group*

Dated: July 30, 1997

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Alan J. Barak, Esq.
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Counsel for the Environmentalists

Dated: July 30, 1997

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**In re the Application of PECO Energy
Company for Approval of its Restructuring
Plan Under Section 2806 of the Pennsylvania
Public Utility Code**

+
+
+
+
+
+

Docket No. R-00973953

CERTIFICATION OF SERVICE

I, Christopher B. Craig, attorney for Senator Vincent J. Fumo, hereby certify that a copy of the foregoing document has been served in person or by first class mail at the addresses indicated below. I further certify that the manner of service satisfies the requirements of 52 Pa.Code §§ 5.75 and 1.54.

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Pennsylvania Public Utility Commission
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The Honorable Marlane R. Chestnut
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Room 545, Main Capitol Building
Harrisburg, Pennsylvania 17120
(717) 787-5662
Counsel for Senator Vincent J. Fumo

Dated: July 30, 1997

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--|---|-----------------------------|
| In re the Matter of the Application of PECO | + | |
| Energy Company for Approval of its | + | |
| Restructuring Plan under Section 2806 | + | Docket N. R-00973953 |
| of the Pennsylvania Public Utility Code | + | |

ORDER

AND NOW, to wit this ____ day of ____, 19__, pursuant to the Motion for Continuance of Evidentiary Hearings, it is HEREBY ORDERED that evidentiary hearings presently scheduled to begin on August 4, 1997, will now begin on August 18, 1997, and that testimony presently scheduled to be filed on August 1, 1997, is now scheduled to be filed on August 15, 1997.

By: _____
Judge Marlane R. Chestnut

By: _____
Judge Charles E. Rainey, Jr.