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

JUL 24 1997  
PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

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

July 23, 1997

TELEPHONE  
202/429-8809

TELECOPIER  
202/429-8805

**DOCUMENT  
FOLDER**

*Via Overnight Mail*

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

**RE: Motion for Admission Pro Hac Vice in Docket R-00973953**

KJR

Dear Sirs:

I've included for filing an original, 5 copies and 2 diskette copies of the Motion for Admission *pro hac vice* 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.,  
Electric Clearinghouse, Inc.,  
NorAm Energy Management, Inc.,  
Vastar Power Marketing, Inc.

BEFORE THE  
STATE OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ORIGINAL

Application of Peco Energy )  
Company for Approval )  
of its Restructuring Plan )

R-00973953

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JUL 24 1997

MOTION FOR ADMISSION  
PRO HAC VICE

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

GORDON J. SMITH, Movant, as Counsel for Vastar Power Marketing, Inc., Duke Energy Trading and Marketing, L.L.C., NorAm Energy Management, Inc., and Electric Clearinghouse, Inc., respectfully moves the Public Utility Commission for Admission to practice *pro hac vice* pursuant to the Pennsylvania Rules of Administrative Practice And Procedure, §1.22.

Movant submits his Affidavit which verifies the following:

- (1) Movant is a member in good standing of the Bars of the District of Columbia and the State of Maryland;
- (2) The District of Columbia grants like privileges to members of the Bar of the State of Pennsylvania to practice before the District of Columbia courts and tribunals *pro hac vice*. *Pro hac vice* is governed by Rule 49 of the District of Columbia Court of Appeals.

Therefore, Movant prays for tribunal permission to so practice in the above-mentioned proceeding.

Respectfully submitted,



Gordon J. Smith, Esq.  
JOHN & HENGERER  
1200 17<sup>th</sup> Street, N.W.  
Suite 600  
Washington, D.C. 20036  
(202) 429-8816

Counsel for  
Duke Energy Trading and Marketing, L.L.C.,  
Electric Clearinghouse, Inc.,  
NorAm Energy Management, Inc.,  
Vastar Power Marketing, Inc.

DOCUMENT  
FOLDER

**DOCKETED**  
JUL 29 1997

BEFORE THE  
STATE OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

ORIGINAL

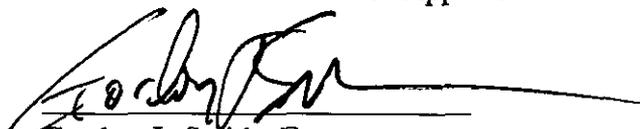
Application of Peco Energy ) R-00973953  
Company for Approval )  
of its Restructuring Plan )

AFFIDAVIT OF GORDON J. SMITH

DISTRICT OF COLUMBIA ) ss:

GORDON J. SMITH, ESQUIRE, after being first duly sworn, makes the following statements in support of and to be attached to the Motion for Admission *pro hac vice* in the above-captioned action.

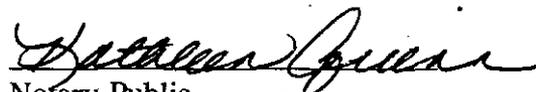
1. I am a member in good standing of the District of Columbia Bar Association and the State of Maryland Bar Association.
2. I am a partner with the law firm John & Hengerer (J&H), 1200 17<sup>th</sup> Street, N.W., Suite 600, Washington, D.C. 20036. I was retained with the understanding that J&H would be responsible for representing Duke Energy Trading & Marketing, L.L.C., Electric Clearinghouse, Inc., NorAm Energy Management, Inc., and Vastar Power Marketing, Inc. in the above-captioned proceeding.
3. The District of Columbia grants "like privileges" to members of the Bar of other states (and thus to members of the Bar of the State of Pennsylvania) to practice before District of Columbia tribunals on a *pro hac vice* basis. *Pro hac vice* is governed by Rule 49 of the Rules of the District of Columbia Court of Appeals.

  
Gordon J. Smith, Esq.

SUBSCRIBED AND SWORN TO before me this 23<sup>rd</sup> day of July, 1997.

My Commission Expires:

My Commission Expires: April 14, 1999  
Kathleen Quinn, Notary Public  
District of Columbia

  
Notary Public

# ORIGINAL

**CRAIG A. DOLL**

ATTORNEY AT LAW

214 STATE STREET

HARRISBURG, PENNSYLVANIA 17101

97 JUL 24 11:10:03

RECEIVED  
PROTHONOTARY'S OFFICE  
717/230-9555  
FAX 717/230-9750

July 23, 1997

DOCUMENT  
FOLDER

MEM

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

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

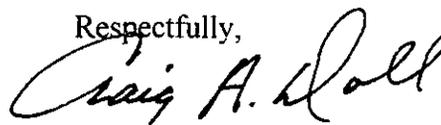
Dear Mr. McNulty:

Pursuant to the Commission's Regulations at 52 Pa. Code §5.342(d), attached is a Certificate of Service identifying the answers to interrogatories that Delmarva Power & Light Company served today on the active parties in this proceeding.

Please time stamp the enclosed copy and return it in the enclosed envelope. Thank you for your cooperation.

If you have any questions, please do not hesitate to call.

Respectfully,



Craig A. Doll

Certificate of Service

ORIGINAL

I hereby certify that I have this date served the following Answers by facsimile, first class or overnight/express mail, upon the persons addressed below:

PECO Energy Company's Interrogatories: Set I - MP-I-1 through MP-I-22

Kenneth L. Mickens, Esquire  
Pennsylvania Public Utility Commission  
Office of Trial Staff  
P.O. Box 3256  
Harrisburg, PA 17105-3265

Derrick Williamson, Esquire  
David Kleppinger, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
Harrisburg, PA 17120  
(Counsel for PAIEUG)

Christopher B. Craig, Esquire  
Democratic Committee on Appropriations  
Room 545, Main Capitol Building  
Harrisburg, PA 17120  
(Counsel for The Honorable Vincent J. Fumo)

Daniel Clearfield, Esquire  
Alan Kohler, Esquire  
Wolf, Block, Schorr and Solis-Cohen  
305 N. Front Street, Suite 401  
Harrisburg, PA 17101  
(Counsel for Enron)

Paul Russell, Esquire  
Pennsylvania Power & Light Company  
Two North Ninth Street  
Allentown, PA 18101  
(Counsel for PP&L)

Paul R. Bonney  
Assistant General Counsel  
PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(215)841-4252

Alan J. Barak, Esquire  
Penn Energy Project  
1417 Blue Mountain Parkway  
Harrisburg, PA 17112  
(Attorney for Environmentalists)

John L. Munsch, Esquire  
Allegheny power  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689  
(Counsel for Allegheny Power)

Bruce A. Connell, Esquire  
DuPont Power Marketing, Inc.  
Legal Department  
600 N. Dairy Ashford, ML-1034  
Houston, TX 77079  
(Counsel for DuPont Power Marketing, Inc.)

Walter W. Cohen, Esquire  
Andrew J. Giorgione, Esquire  
Obermayer Rebmann Maxwell & Hippel LLP  
204 State Street  
Harrisburg, PA 17101  
(Counsel for IPL)

Tanya McCloskey, Esquire  
Steven K. Steinmetz, Esquire  
Assistant Consumer Advocate  
Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

Karen Oill Moury, Esquire  
Assistant Small Business Advocate  
Suite 1102, Commerce Building  
300 N. 2nd Street  
Harrisburg, PA 17101

Steven P. Hershey, Esquire  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102  
(Counsel for CEPA, TAG, Action Alliance of St. Citizens & John Long, Jr.)

Donald A. Kaplan, Esquire  
Preston, Gates, et al.  
Suite 500  
1735 New York Avenue, NW  
Washington, DC 20006-4759  
(Counsel for PP&L)

Linda C. Smith, Esquire  
Dilworth, Paxson, Kalish & Kauffman  
305 North Front Street, Suite 403  
Harrisburg, PA 17101  
(Counsel for AARP)

Randall V. Griffin, Esquire  
Delmarva Power & Light Company  
800 King Street  
Wilmington, DE 19899  
(Counsel for Delmarva Power & Light)

Roger Clark, Esquire  
NESIP 905 Denston Drive  
Ambler, PA 19002-3901

Paul E. Nordstrom, Esquire  
Joel D. Newton, Esquire  
Verner Lipfert Bernhard McPherson & Hand  
901-15th Street, NW  
Washington, DC 20005-2301  
(Counsel for Allegheny Power)

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JUL 30 1997

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97 JUL 26 AM 10:03

Michael G. Banta, Esquire  
Indianapolis Power & Light Company  
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Indianapolis, IN 46206-1595

Barbara Alexander  
Consumer Affairs Consultant  
15 Wedgewood Drive  
Winthrop, ME 04364

Joseph A. Dworetzky, Esquire  
John P. Lavell, Jr., Esquire  
Hangley Aronchick Segal & Pudlin  
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Philadelphia, PA 19103

Terence Fitzpatrick, Esquire  
David Desalle, Esquire  
Ryan, Russell, Ogden & Seltzer  
800 North Third Street, Suite 101  
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(Counsel for GPU)

Neil Talbot  
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New York, NY 10013

David M. Wise  
WiseEnergy  
615 Summitt Avenue  
Maplewood, NJ 07040

Mr. Brian Kalcic  
Excel Consulting  
Suite 720-T  
225 S. Merames Avenue  
St. Louis, MO 63105

Audrey Van Dyke, Associate Counsel  
Naval Facility Engineering Command  
Washington Navy Yard, Bldg 218, Room 200  
901 M Street, S.E.  
Washington, DC 20374-5018

Peter Bradford  
P.O. Box 497  
Peru, VT 05152

Usher Fogel, Esquire  
Roland, Fogel, Koblenz & Carr, LLP  
Albany, NY 12207  
(Counsel for PPA)

Susan M. Shanaman, Esquire  
212 North Third Street, Suite 203  
Harrisburg, PA 17101

Janet Miller, Esquire  
Malatesta Hawke & McKeon  
100 N. Tenth Street  
Harrisburg, PA 17105  
(Counsel for Mid-Atlantic Power Supply Association)

Richard LaCapra/Lee Smith/Doug Smith  
LaCapra Associates  
The Province Building  
333 Washington Street  
Boston, MA 02108

Thomas Catlin  
Exeter Associates, Inc.  
Suite 350  
12510 Prosperity Drive  
Silver Spring, MD 20904

Nancy Brockway, Esquire  
Suite 400  
18 Tremont Street  
Boston, MA 02108

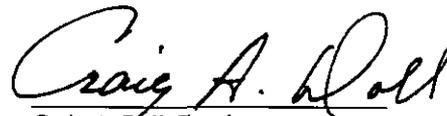
Stephen J. Baron  
J. Kennedy and Associates  
35 Glenlake Parkway, Suite 475  
Atlanta, GA 30328

Gary A. Jeffries, Senior Attorney  
CNG Energy Services Corporation  
One Park Ridge Center  
P.O. Box 15746  
Pittsburgh, PA 15244-0746

Richard Silkman  
163 Main Street  
Yarmouth, Maine 04096

Ralph Smith  
Larkin & Associates  
15728 Farmington Road  
Livonia, MI 48154

Dated: July 23, 1997



Craig A. Doll, Esquire  
214 State Street  
Harrisburg, PA 17101  
(717) 230-9555

Attorney for Delmarva Power & Light Company



PECO ENERGY

ORIGINAL

Legal Department

PECO Energy Company  
2301 Market Street  
PO Box 8699  
Philadelphia, PA 19101-8699  
215 841 5544  
Fax 215 568 3389

DOCUMENT  
FOLDER

Direct Dial: 215 841 4252

KJR

July 24, 1997

James W. Durham  
Senior Vice President  
and General Counsel

Sandra H. Byrne  
Legal Administrator

Paul R. Bonney  
Ellen M. Cavanaugh  
Edward J. Cullen, Jr.  
Todd D. Cutler  
Vilna Waldron Gaston  
Gregory Golazeski  
John C. Halderman  
Mary McFall Hopper  
Stephen L. Huntoon  
Thomas G. Jackson  
J. Lindsay Johnston  
Conrad O. Kattner  
Stephanie Whitton Lewis  
Jeffrey J. Norton  
Mark B. Peabody  
Roslyn G. Pollack  
Christine A. Reuther  
Wendy Schermer  
Susan E. Sciamanna Föehl  
Jenny P. Shulbank  
Ward L. Smith  
Dawn Getty Sutphin  
Noel H. Trask  
Assistant General Counsel

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

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 Mr. McNulty:

Please find enclosed an original and three (3) copies of the Motion for Admission Pro Hac  
Vice of Michael A. Carvin on behalf of PECO Energy Company.

Sincerely,

*Paul Bonney*

Paul Bonney

PRB/mbo

Enclosure

cc: Certificate of Service

RECEIVED  
97 JUL 25 PM 3:33  
P.A.P.U.C.  
PROTHONOTARY'S OFFICE

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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97 JUL 25 PM 3:33

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

Application Of PECO Energy for :  
Approval of Its Restructuring Plan :  
Under Section 2806 of the :  
Public Utility Code :

Docket No. R-00273993

**DOCKETED**  
JUL 29 1997

**DOCUMENT  
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**MOTION FOR ADMISSION PRO HAC VICE OF  
MICHAEL A. CARVIN**

PECO Energy Company ("PECO Energy"), through its undersigned attorney of record, moves the Pennsylvania Public Utility Commission ("PUC") to allow the admission *pro hac vice* of attorney Michael A. Carvin, as co-counsel and as grounds therefor states:

1. PECO Energy is a Pennsylvania corporation and has as its attorney of record in this proceeding the undersigned Paul R. Bonney, who is a practicing attorney duly admitted to and in good standing with the bar of the Commonwealth of Pennsylvania (Attorney No. 45098).
2. Michael A. Carvin, a partner in the law firm of Cooper & Carvin, is a practicing attorney duly admitted to and in good standing with the bars of the District of Columbia, the United States Supreme Court and several United States Courts of Appeal and District Courts.
3. PECO Energy desires that Mr. Carvin represent it in this action and respectfully requests that Mr. Carvin be admitted *pro hac vice* to practice before the Pennsylvania Public Utility Commission as co-counsel representing PECO Energy in this proceeding.

WHEREFORE, PECO Energy requests an order admitting Mr. Carvin to serve

as co-counsel for PECO Energy, along with PECO Energy's undersigned attorney of record.

Respectfully submitted,

*Paul R. Bonney*

---

Paul R. Bonney  
Assistant General Counsel  
PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(215) 841-4252

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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97 JUL 25 PM 3:33

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

Application Of PECO Energy for  
Approval of Its Restructuring Plan  
Under Section 2806 of the  
Public Utility Code

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:  
:  
:

Docket No. R-00973953

ORDER OF ADMISSION PRO HAC VICE OF  
MICHAEL A. CARVIN

Having duly considered PECO Energy Company's ("PECO Energy") motion for admission pro hac vice of Michael A. Carvin to serve as co-counsel in the above-captioned proceeding, and for the reasons stated in PECO Energy's motion, IT IS HEREBY ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 1997, that Michael A. Carvin is admitted pro hac vice to practice before the Pennsylvania Public Utility Commission in this proceeding.

\_\_\_\_\_  
Administrative Law Judge

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

Application Of PECO Energy for  
Approval of Its Restructuring Plan  
Under Section 2806 of the  
Public Utility Code

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:  
:  
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Docket No. R-00973953

VERIFICATION

I, Paul R. Bonney, hereby state that the facts set forth in the foregoing motion 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).

Date: July 24, 1997

Paul R Bonney  
Paul R. Bonney

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97 JUL 25 PM 3:34

Certificate of Service

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

I hereby certify that I have this day served the foregoing document on the following in the matter of Pennsylvania Public Utility Commission v. PECO Energy Company Pa. PUC Docket No. R-00973953.

Honorable Marlane R. Chestnut  
Administrative Law Judge  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130

Honorable Charles E. Rainey, Jr.  
Administrative Law Judge  
1302 Philadelphia State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130

Kenneth L. Mickens, Esquire  
Pennsylvania Public Utility Commission  
Office of Trial Staff  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Tanya McCloskey, Esquire  
Steven K. Steinmetz, Esquire  
Assistant Consumer Advocate  
Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

Derrick Williamson, Esquire  
David Kleppinger, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
Harrisburg, PA 17108-1166  
(Counsel for PAIEUG)

Karen Oill Moury, Esquire  
Assistant Small Business Advocate  
Suite 1102, Commerce Building  
300 N. 2<sup>nd</sup> Street  
Harrisburg, PA 17101

Christopher B. Craig, Esquire  
Democratic Committee on Appropriations  
Room 545, Main Capitol Building  
Harrisburg, PA 17120  
(Counsel for The Honorable Vincent J. Fumo)

Steven P. Hershey, Esquire  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102  
(Counsel for CEPA, TAG, Action Alliance of Sr. Citizens & John Long, Jr.)

Daniel Clearfield, Esquire  
Alan Kohler, Esquire  
Wolf, Block, Schorr and Solis-Cohen  
305 N. Front Street; Suite 401  
Harrisburg, PA 17101  
(Counsel for Enron)

Donald A. Kaplan, Esquire  
Preston, Gates, et al.  
Suite 500  
1735 New York Avenue, NW  
Washington, DC 20006-4759  
(Counsel for PP&L)

Paul Russell, Esquire  
Pennsylvania Power & Light Company  
Two North Ninth Street  
Allentown, PA 18101  
(Counsel for PP&L)

Alan J. Barak, Esquire  
Penn Energy Project  
1417 Blue Mountain Parkway  
Harrisburg, PA 17112  
(Attorney for Environmentalists)

Roger Clark, Esquire  
NESIP  
905 Denston Drive  
Ambler, PA 19002-3901

Linda C. Smith, Esquire  
Dilworth, Paxson, Kalish & Kauffman  
305 North Front Street, Suite 403  
Harrisburg, PA 17101  
(Counsel for AARP)

Craig A. Doll, Esquire  
214 State Street  
Harrisburg, PA 17101  
(Counsel for Delmarva Power & Light)

Randall V. Griffin, Esquire  
Delmarva Power & Light Company  
800 King Street  
Wilmington, DE 19899  
(Counsel for Delmarva Power & Light)

Walter W. Cohen, Esquire  
Andrew J. Giorgione, Esquire  
Obermayer Rebmann Maxwell & Hippel LLP  
204 State Street  
Harrisburg, PA 17101  
(Counsel for IPL)

Audrey Van Dyke, Associate Counsel  
Naval Facilities Engineering Command  
Washington Navy Yard, Building 218, Room 200  
901 M Street, S.E.  
Washington, DC 20374-5018  
(Counsel for Dept. of Navy)

Robert A. Mills, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
Harrisburg, PA 17108-1166  
(Counsel for PA Retailers' Association)

Joel D. Newton, Esquire  
Verner Lipfert Bernhard McPherson & Hand  
901 - 15<sup>th</sup> Street, NW  
Washington, DC 20005-2301  
(Counsel for Allegheny Power)

Gordon J. Smith, Esquire  
John & Hengerer  
1200 17<sup>th</sup> Street, NW - Suite 600  
Washington, DC 20036-3006  
(Duke Energy Trading and Marketing, Vastar, & Electric Clearinghouse)

Joseph A. Dworetzky, Esquire  
John P. Lavelle, Jr., Esquire  
Hangley Aronchick Segal & Pudlin  
One Logan Square - 12<sup>th</sup> Floor  
Philadelphia, PA 19102  
(Counsel for New Energy Ventures)

Michael G. Banta, Esquire  
Indianapolis Power & Light Company  
One Monument Circle  
P.O. Box 1595  
Indianapolis, IN 46206-1595

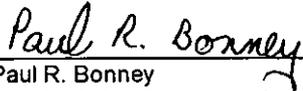
Janet Miller, Esquire  
William T. Hawke, Esquire/Todd S. Stewart, Esq.  
Malatesta Hawke & McKeon  
100 N. Tenth Street  
Harrisburg, PA 17105  
(Counsel for Mid-Atlantic Power Supply Association)

John L. Munsch, Esquire  
Allegheny Power  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689  
(Counsel for Allegheny Power)

Terence Fitzpatrick, Esquire  
David Desalle, Esquire  
Ryan, Russell, Ogden & Seltzer  
800 North Third Street, Suite 101  
Harrisburg, PA 17102  
(Counsel for GPU)

Joseph J. Malatesta, Jr., Esquire  
Lillian Smith Harris, Esquire  
Malatesta Hawke & McKeon LLP  
Harrisburg Energy Center  
100 North Tenth Street - P.O. Box 1778  
Harrisburg, PA 17105  
(Municipal Group)

Usher Fogel, Esquire  
Roland, Fogel, Koblenz & Carr, LLP  
1 Columbia Place  
Albany, NY 12207  
(Counsel for Pennsylvania Petroleum Association)

  
Paul R. Bonney  
Assistant General Counsel  
PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(215) 841-4252  
(215) 841-6863

Dated: July 24 1997

ROLAND, FOGEL, KOBLENZ & CARR, LLP

ATTORNEYS AT LAW

1 COLUMBIA PLACE

ALBANY, NEW YORK 12207

KEITH J. ROLAND  
USHER FOGEL  
MARK L. KOBLENZ  
MURRAY S. CARR\*  
EMILIO A. F. PETROCCIONE

(518) 434-8112  
(518) 462-4242

EDMUND A. KOBLENZ  
1908-1972  
A. ABBA KOBLENZ  
1922-1979

GEORGE A. ROLAND\*  
COUNSEL  
\*ALSO ADMITTED TO FLORIDA BAR

TELECOPIER (518) 434-3232

**ORIGINAL**

July 25, 1997

**BY TELECOPIER (717) 783-9526  
AND UPS OVERNIGHT**

RECEIVED MEM

Mr. James J. McNulty, Deputy Prothonotary  
Office of Prothonotary - Room B-20  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

JUL 25 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

Re: PECO Energy Company - Application for Approval of  
Restructuring Plan - Docket No. R-00973953

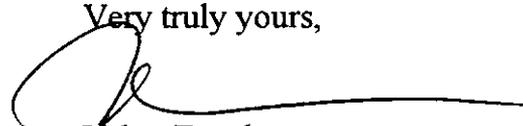
Dear Mr. McNulty:

Enclosed please find an original and nine (9) copies of the "Petition to Intervene of Pennsylvania Association of Plumbing, Heating, Cooling Contractors, Inc.", together with a "Motion To Appear Pro Hac Vice On Behalf Of Intervenor Pennsylvania Association of Plumbing, Heating, Cooling Contractors, Inc." in the above-captioned matter.

A copy of this filing has been served upon all active parties.

Please date stamp our "file copy" and return in the enclosed self-addressed envelope.

Very truly yours,

  
Usher Fogel

UF/mac  
Enclosures

cc: Active Parties to Docket No. R-00973953 (by first class mail)  
Hon. Marlane R. Chestnut (by telecopier and UPS overnight)  
Hon. Charles E. Rainey, Jr. (by telecopier and UPS overnight)

**DOCUMENT  
FOLDER**

149

ORIGINAL

Commonwealth of Pennsylvania

PENNSYLVANIA PUBLIC UTILITY COMMISSION

PECO ENERGY COMPANY

Docket No. R-00973953

Application for Approval of Restructuring Plan

RECEIVED

PETITION TO INTERVENE OF  
PENNSYLVANIA ASSOCIATION OF PLUMBING,  
HEATING, COOLING CONTRACTORS, INC. JUL 25 1997  
PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

Pursuant to the Rules and Practice of Procedure of the Pennsylvania Public Utility Commission (Commission), 52 Pa. Code §5.71, et. seq., the Pennsylvania Association of Plumbing, Heating, Cooling Contractors, Inc. ("PHCC"), through its attorneys, hereby petitions to intervene as a party in the captioned docket. In support thereof, the PHCC respectfully shows as follows:

1. The names and addresses of the individuals to whom notices, pleadings and other communications in this docket should be directed are as follows:

Usher Fogel  
Roland, Fogel, Koblenz & Carr, LLP  
1 Columbia Place  
Albany, New York 12207  
TEL: (518) 434-8112  
FAX: (518) 434-3232

John Haucke, Executive Vice President  
Pennsylvania Association of Plumbing,  
Heating, Cooling Contractors, Inc.  
4015 Jonestown Road  
Harrisburg, PA 17109-9109  
TEL: (717) 541-9109  
FAX: (717) 541-9823

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2. The PHCC is a statewide trade association representing independent equipment contractors located throughout the Commonwealth and in the service territory of the PECO Energy Company (PECO). The members of PHCC are engaged in the installation, distribution, sale, maintenance and repair of heating, cooling, plumbing and electrical equipment to residential and commercial customers, and desire to participate in the sale of electricity and related services to residential and commercial customers when retail access is authorized within the service territory of PECO. The members of PHCC represent an important segment of the economic infrastructure of the Commonwealth and have a significant interest in maintaining a vibrant, healthy and effective competitive market for the provision of all energy products and services.

3. On or about April 1, 1997, an Application for Approval of Restructuring Plan was submitted on behalf of PECO seeking approval of the proposal to restructure its corporate organization, separate generation, transmission and distribution functions, unbundle electric rates, and implement retail access for electric consumers. The restructuring plan, if approved, will determine to what extent and in what manner utility rates are unbundled and the various services included in rates are delineated and made transparent. Additionally, this proceeding will address in what manner and at what cost electric retail service is supplied to utility ratepayers. Accordingly, the ability of the members of PHCC to effectively compete in the sale of electricity and related equipment will be directly impacted by the Commission's resolution of the matters raised in this proceeding.

4. When operating their businesses, the members of the PHCC depend upon the receipt of safe and adequate electricity, which is currently provided by PECO. As the proposed restructuring will substantially impact upon the cost and the manner by which such electric service is provided, the economic viability of the businesses of PHCC's members is directly impacted by the ultimate outcome of this proceeding.

5. PHCC's interest as a consumer, customer and competitor will be directly affected by the outcome of this proceeding, and petitioner will be bound by the actions of the Commission in this proceeding.

6. PHCC has an interest which may be substantially and directly affected by the Commission's action in this proceeding. In order to protect such unique interest, PHCC requests permission to participate fully as a party in all aspects of this proceeding.

7. The outcome of this proceeding will fundamentally alter the electric distribution market in the Commonwealth, allowing for the transition from a regulated monopoly structure to a competitive environment. During this crucial transitional period, it is vitally necessary that independent vendors, distributors and users of electricity and energy equipment be authorized to participate in regulatory proceedings which will determine the contours and structure of the new competitive environment. Therefore, participation by PHCC in this proceeding will serve the public interest.

8. PHCC only recently was apprised of the pendency of this proceeding and has sought intervention as quickly as possible.

9. Granting intervention will in no way prejudice or burden any party or the record as PHCC does not seek to modify and will be bound by the schedule and record established by the presiding Administrative Law Judges.

**WHEREFORE**, the Pennsylvania Association of Plumbing, Heating, Cooling Contractors, Inc. requests that the Commission grant its petition to intervene as a party in this proceeding.

Respectfully submitted,

**Pennsylvania Association of Plumbing,  
Heating, Cooling Contractors, Inc.**

By: 

Usher Fogel, Esq.  
Roland, Fogel, Koblenz & Carr, LLP  
1 Columbia Place  
Albany, New York 12207  
(518) 434-8112

Dated: July 25, 1997  
Albany, New York

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITIES COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION )  
v. )  
PECO ENERGY COMPANY )

Docket No. R-00973953

RECEIVED

MOTION TO APPEAR PRO HAC VICE ON BEHALF  
OF INTERVENOR PENNSYLVANIA ASSOCIATION OF PLUMBING,  
HEATING, COOLING CONTRACTORS, INC.

JUL 25 1997

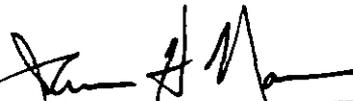
PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

The undersigned, James H. Norris, a member in good standing of the Pennsylvania Bar, respectfully moves that the following attorney be permitted to appear *pro hac vice* on behalf of the Pennsylvania Association of Plumbing, Heating, Cooling Contractors, Inc. ("PAPHCC"), an intervenor in the above-captioned proceeding:

Usher Fogel

In support of this Motion and attached hereto is an affidavit filed by Usher Fogel stating that he is a member in good standing of the Bar of the State of New York which grants like privileges to members in good standing of the Bar of this Commonwealth. See 52 Pa. Code § 1.22. Mr. Fogel has advised PAPHCC concerning the issues raised in the subject proceeding and he has special knowledge regarding such matters.

Respectfully submitted,



James H. Norris, Esquire  
Pa. I.D. # 28348

ECKERT SEAMANS CHERIN & MELLOTT  
600 Grant Street, 42nd Floor  
Pittsburgh, PA 15219  
(412) 566-6159

DATED: July 23, 1997

**DOCKETED**  
JUL 31 1997

**DOCUMENT  
FOLDER**

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITIES COMMISSION

AFFIDAVIT OF USHER FOGEL

I, Usher Fogel, hereby depose and say as follows:

1. I am an attorney with the law firm of Roland, Fogel, Koblenz & Carr, LLP, which has an office in Albany, New York.
2. I am a member in good standing of the Bar of the State of New York, which is the location of my principal office for the practice of law, and have been licensed to practice before the highest judicial court in the State of New York since 1977.
3. There are no disciplinary proceedings pending against me as a member of the bar in any jurisdiction.
4. I have advised The Pennsylvania Association of Plumbing, Heating, Cooling Contractors, Inc., an intervenor 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. § 4904, relating to the unsworn falsification to authorities.

  
Usher Fogel

Sworn to before me this  
25th day of July, 1997

  
Notary Public

MARY ANNE CLARK  
NOTARY PUBLIC, State of New York  
No. 4729130  
Qualified in Albany County  
Commission Expires: 10/31/98

CERTIFICATE OF SERVICE

Re: Pennsylvania Public Utility Commission  
v.  
PECO Energy Company  
(Application for Approval of a Restructuring Plan)  
Docket No. R-00973953

I hereby certify that I have this day served the foregoing document, "Petition to Intervene of Pennsylvania Association of Plumbing, Heating, Cooling Contractors, Inc.", together with a "Motion To Appear Pro Hac Vice On Behalf Of Intervenor Pennsylvania Association of Plumbing, Heating, Cooling Contractors, Inc." by first class mail, postage prepaid, upon the active parties of record in this proceeding.

Dated at Albany, New York, this 25th day of July, 1997.

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# PECO ENERGY

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Jenny P. Shulbank  
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Delia W. Stroud  
Dawn Getty Sutphin  
Noel H. Trask  
Ronald L. Zack  
Assistant General Counsel

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Direct Dial: 215 841 4252

July 25, 1997

**By Overnight Delivery**

Joseph J. Malatesta, Esquire  
Malatesta Hawke & McKeon LLP  
Harrisburg Energy Center  
100 North Tenth Street  
Harrisburg, PA 17105

DOCUMENT  
FOLDER

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 Joe:

KJR

Enclosed are PECO Energy Company's Answers to the Municipal Intervenors  
Group's Interrogatories:

Set I: MIG-I-1 through MIG-I-9.

If you have any questions, please call me at (215) 841-4252.

Sincerely,

Paul Bonney

PRB/mbo  
Enclosures

cc: w/enclosures  
Certificate of Service (w/enclosure)  
James McNulty, Acting Prothonotary (Certificate of Service Only)

Interrogatory MIG-I-1

MIG I-1 Question:

Please identify and quantify, with the greatest possible specificity, the costs of service that PECO recovers through the monthly location charge under Rate SL-E.

MIG-I-1 Answer:

The monthly location charge recovers the costs to serve a street light that are not a function of the demand or energy use of the street light. These costs include an allocated share of distribution expenses and distribution plant. An estimate of the cost-to-serve Rate SL-E are shown in the attached Exhibit MIG-1.

Responsible Witness: R. A. Clemmer and W. F. Sundermeir

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PECO Energy Company  
Estimated Breakdown of SLE Location Change

<u>Distribution O&amp;M</u>	<u>Total</u>	<u>Per Location</u>
Supervision & Engineering	\$86,000	\$0.10
Substations	6,000	0.01
Overhead lines	1,097,000	1.29
Underground lines	385,000	0.45
Equipment Rent	63,000	0.07
Transformers	<u>16,000</u>	<u>0.02</u>
	\$1,653,000	1.94
 Customer Accounts Expenses	 \$61,000	 \$0.07
A&G Expense (Pensions & Benefits, etc.)	\$ 844,000	\$0.99
 <u>Depreciation</u>		
Substation	14,000	0.02
Poles, Towers	95,000	0.11
Overhead lines	158,000	0.19
Underground lines	65,000	0.08
Underground Conduit	91,000	0.11
Line Transformer	89,000	0.11
General/Common Plant	45,000	0.05
Other Amortization	<u>496,000</u>	<u>0.58</u>
	\$1,053,000	\$1.25
 Other taxes (realty, gross receipts, etc.)	 500,000	 0.54
Income Tax	1,500,000	1.76
Return	3,000,000	<u>3.46</u>
Total		\$10.01

Total Investment = \$20,000,000  
Estimated Locations = 70,500

Interrogatory MIG-I-2

MIG I-2 Question:

For each category of costs of service identified in the response to Question #1, please identify each and every reason for its inclusion in the monthly location charge under Rate SL-E. If a reason is the fact that the same category of costs was or is included in PECO's Rate SL-S, from which Rate SL-E has been derived, then identify each and every reason for the inclusion of the category of costs in the charges for Rate SL-S.

MIG-I-2 Answer:

See response to Question No. 1. The same category of costs is allocated to Rate SL-S for the same reasons as Rate SL-E except that Rate SL-S has additional costs for the street lighting facilities and the maintenance of these facilities.

Responsible Witness: R. A. Clemmer and W. F. Sundermeir

Interrogatory MIG-I-3

MIG I-3 Question:

For each category of costs of service identified in the response to Question #1, please identify each and every reason for the amount of costs allocated to and recovered through the monthly location charge under Rate SL-E. If a reason is the fact that the same amount of costs was or is allocated to and recovered through PECO's Rate SL-S, from which Rate SL-E has been derived, then identify each and every reason for the inclusion of the amount of costs in the charges for Rate SL-S.

MIG-I-3 Answer:

See response to Questions No. 1 and 2.

Responsible Witness: R. A. Clemmer and W. F. Sundermeir

Interrogatory MIG-I-4

MIG I-4 Question:

Was Robert A. Clemmer involved in the development of Rate SL-E for presentation to the Pennsylvania Public Utility Commission in 1986 and, if so, to what extent?

MIG-4 Answer:

Mr. Clemmer was not involved in the development of Rate SL-E in 1986.

Responsible Witness: R. A. Clemmer

Interrogatory MIG-I-5

MIG I-5 Question:

Was William F. Sundermeir involved in the development of Rate SL-E for presentation to the Pennsylvania Public Utility Commission in 1986 and, if so, to what extent?

MIG-I-5 Answer:

Mr. Sundermeir directly supervised the development and filing of Rate SL-E.

Responsible Witness: W. F. Sundermeir

Interrogatory MIG-I-6

MIG I-6 Question:

In addition to Messrs. Clemmer and Sundermeir, if applicable, please provide the name, current employer and current business address of each PECO or Philadelphia Electric Company employee who was involved in the development of Rate SL-E for presentation to the Pennsylvania Public Utility Commission in 1986, and the extent of the employee's role.

MIG-I-6 Answer:

The only current employee that PECO Energy is aware of who was also involved in the development of Rate SL-E in 1986 was John F. Brodbeck. Mr. Brodbeck currently holds a staff position in Interconnection Arrangements. His business address is PECO Energy Company, 2301 Market Street, S10-2, P. O. Box 8699, Philadelphia, PA 19101-8699.

Responsible Witness: W. F. Sundermeir

Interrogatory MIG-I-7

MIG I-7 Question:

Please identify and explain each and every reason for PECO's continued collection of a fixed monthly location charge from Rate SL-E customers in a competitive environment for the generation of electricity.

MIG-I-7 Answer:

The costs recovered by a fixed location charge will not change in a competitive environment since the costs recovered by the charge are primarily distribution related. Distribution will remain regulated and will not be subject to competition. The cost of the generation of electricity is what will be open to competition, and this cost is not included in the location charge.

Responsible Witness: W. F. Sundermeir

Interrogatory MIG-I-8

MIG I-8 Question:

Please identify and explain each and every reason for any electric utility's collection of a charge from customers, that is not related to or measured by the customers' demand or consumption, in a competitive environment for the generation of electricity.

MIG-I-8 Answer:

See response to Questions No. 1 and 7.

Responsible Witness: W. F. Sundermeir

Interrogatory MIG-I-9

MIG I-9 Question:

Please identify each and every reason why Rate SL-E customers should pay rates that produce a rate of return that is greater than PECO's system average rate of return.

MIG-I-9 Answer:

At any point in time, some rates will have rates-of-return above the system average and some will be below. It would be extremely unlikely that any rate would be at the system average except when the rate is first designed. This was the case for Rate SL-E in 1986.

Responsible Witness: W. F. Sundermeir

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*Paul Bonney/m30*

Paul R. Bonney  
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PECO Energy Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103  
(215) 841-4252

Dated: July 25, 1997

Certificate of Service

I hereby certify that I have this date served the following Answers by facsimile, first class or overnight/express mail, upon the persons addressed below:

Office of Consumer Advocate's Interrogatories: Set XIV: OCA-XIV-1 through OCA-XIV-4. Set XVI: OCA-XVI-1 and OCA-XVI-2.

CEPA's Interrogatory Set III: CEPA-III-1.

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