

COMMONWEALTH OF PENNSYLVANIA

DATE: May 8, 1997

SUBJECT: R-00973953

TO: Office of Administrative Law Judge

KJR

FROM: *WS* John G. Alford, Secretary

PECO ENERGY COMPANY RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of Lance Haver filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

DOCUMENT  
FOLDER

DOCKETED  
MAY 08 1997

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James McNulty  
Deputy Prothonotary  
Pennsylvania Public Utility Commission  
206 North Office Building  
Harrisburg, PA 17105

Re: *Pennsylvania Public Utility Commission v. PECO Energy Company*  
Docket No. R-00973953

Dear Mr. McNulty:

On May 5, 1997, the presiding Administrative Law Judges in the above-captioned proceeding (Judges Chestnut and Rainey) issued an Order which, among other things, granted the Petition to Intervene of Metropolitan Edison Company and Pennsylvania Electric Company, trading as GPU Energy.

The purpose of this letter is to request a correction to the service list attached to that Order with respect to counsel for GPU Energy. Instead of this firm's Reading address, service should be directed to our Harrisburg office as follows:

Terrance J. Fitzpatrick  
David M. DeSalle  
Ryan, Russell, Ogden & Seltzer, LLP  
800 North Third Street, Suite 101  
Harrisburg, PA 17102

0000003

Please do not hesitate to contact me if you have any questions regarding this letter.

Very truly yours,

*Terrance J. Fitzpatrick*  
TERRANCE J. FITZPATRICK

Terrance J. Fitzpatrick

RECEIVED  
PROTHONOTARY'S OFFICE  
97 MAY -9 AM 8:16

TJF/cc

cc: The Honorable Marlane R. Chestnut  
The Honorable Charles E. Rainey, Jr.  
All parties of record



# PECO ENERGY

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Gregory Golazeski  
John C. Halderman  
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Wendy Schermer  
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Dawn Getty Sutphin  
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KJR

Derrick P. Williamson, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
Harrisburg, PA 17108-1166

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

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 Derrick:

Enclosed are PECO Energy Company's Answers to Philadelphia Area Industrial  
Energy Users Group's Interrogatories:

Set IV PAIEUG-IV-1, PAIEUG-IV-3, PAIEUG-IV-4, PAIEUG-IV-7, PAIEUG-IV-8,  
PAIEUG-IV-10, PAIEUG-IV-12, PAIEUG-IV-14, PAIEUG-IV-15, and PAIEUG-IV-  
16.

Set V PAIEUG-V-1, PAIEUG-V-3, PAIEUG-V-7, PAIEUG-V-8, PAIEUG-V-10,  
PAIEUG-V-12, PAIEUG-V-15, PAIEUG-V-16, PAIEUG-V-23 and PAIEUG-V-24.

Sincerely,

*Paul Bonney /mbo*

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MAY 11 1997

Paul Bonney

PRB/mbo

Enclosures

DOCUMENT  
FOLDER

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

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

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:

Philadelphia Area Industrial Energy Users Group's Interrogatories: **Set IV** PAIEUG-IV-1, PAIEUG-IV-3, PAIEUG-IV-4, PAIEUG-IV-7, PAIEUG-IV-8, PAIEUG-IV-10, PAIEUG-IV-12, PAIEUG-IV-14, PAIEUG-IV-15, PAIEUG-IV-16. **Set V** PAIEUG-V-1, PAIEUG-V-3, PAIEUG-V-7, PAIEUG-V-8, PAIEUG-V-10, PAIEUG-V-12, PAIEUG-15, PAIEUG-V-16, PAIEUG-V-23, PAIEUG-V-24.

Office of Trial Staff's Interrogatories: OTS-RS-11 and OTS-RE-2.

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Pennsylvania Public Utility Commission  
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Room 545, Main Capitol Building  
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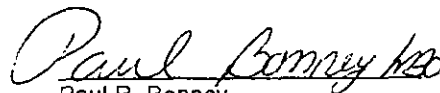
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2301 Market Street, S23-1  
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Dated: May 8, 1997



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### By Overnight Delivery

Kenneth L. Mickens, Senior Prosecutor  
Office of Trial Staff  
Pennsylvania Public Utility Commission  
901 North 7<sup>th</sup> Street Rear  
Harrisburg, PA 17120

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 Ken:

Enclosed are PECO Energy Company's Answers to the Office of Trial Staff's  
Interrogatories:

OTS-RS-11 and OTS-RE-2.

Sincerely,

*Paul Bonney/mbo*

Paul Bonney

PRB/mbo

Enclosures

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

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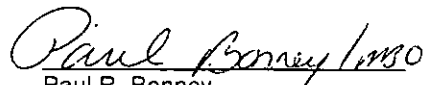
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Dated: May 8, 1997

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ROBERT A. WESHAAR, JR.  
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May 9, 1997

Paul R. Bonney, Esq.  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19103

**VIA FEDERAL EXPRESS**

**Re: Pennsylvania Public Utility Commission v. PECO Energy Company - 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. Bonney:

Please find enclosed two (2) copies of the Philadelphia Area Industrial Energy Users Group's Interrogatories, Set VII, to PECO Energy Company in the above-referenced proceeding.

Responses to these interrogatories are due within ten (10) days of service. Please endeavor to forward responses in an organized manner as they are completed; it is not necessary to await completion of all responses prior to forwarding those completed more quickly. Please send one (1) copy of your responses and all attachments to the undersigned. In addition, please provide one (1) copy of your responses and all attachments to:

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

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FOLDER

Paul R. Bonney, Esq.  
May 9, 1997  
Page 2

Please communicate any objections or questions that you may have to these interrogatories as quickly as possible.

Copies of these interrogatories are being served on all parties consistent with the attached Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,

McNEES, WALLACE & NURICK

By



Derrick P. Williamson

Counsel to the Philadelphia Area  
Industrial Energy Users Group

DPW/ah

Enclosures

c: Certificate of Service  
Mr. Stephen J. Baron  
James J. McNulty, Prothonotary (transmittal letter and Certificate of Service only)

K:\14608115\BONNEY6.LTR

CERTIFICATE OF SERVICE

97 MAY 12 PM 12:40

I hereby certify that I have this day served a true copy of the foregoing <sup>RECEIVED</sup> <sub>PROSECUTOR'S OFFICE</sub>

Interrogatories of the Philadelphia Area Industrial Energy Users Group upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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**DOCKETED**  
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CERTIFICATE OF SERVICE

Page 2

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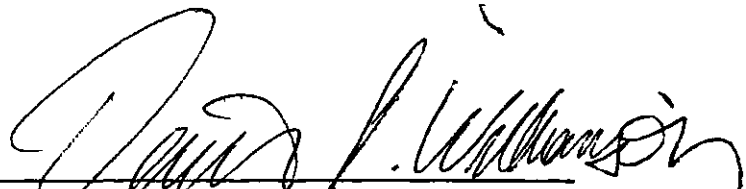
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Detrick P. Williamson

Dated this 9th day of May, 1997, in Harrisburg, Pennsylvania.



# PECO ENERGY

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## By Overnight Delivery

Derrick P. Williamson, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
Harrisburg, PA 17108-1166

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 Derrick:

Enclosed are PECO Energy Company's Answers to Philadelphia Area Industrial  
Energy Users Group's Interrogatories:

Set IV PAIEUG-IV-5.

Set V PAIEUG-V-4 and PAIEUG-V-5.

Sincerely,

*Paul Bonney/mbo*

**DOCUMENT  
FOLDER**

Paul Bonney

PRB/mbo

Enclosures

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

00279

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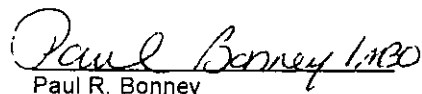
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Dated: May 9, 1997



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May 9, 1997

## By Overnight Delivery

Kenneth L. Mickens, Senior Prosecutor  
Office of Trial Staff  
Pennsylvania Public Utility Commission  
901 North 7<sup>th</sup> Street Rear  
Harrisburg, PA 17120

KJR

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 Ken:

Enclosed is PECO Energy Company's Answer to the Office of Trial Staff's  
Interrogatory:

OTS-RS-12.

Sincerely,

Paul Bonney

PRB/mbo

Enclosures

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

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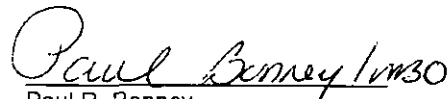
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Dated: May 9, 1997



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May 9, 1997

**By Overnight Delivery**

**Tanya McCloskey**  
Assistant Consumer Advocate  
Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

KJR

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 Tanya:

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

Sincerely,

*Paul Bonney /mbo*

Paul Bonney

PRB/mbo  
Enclosures

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

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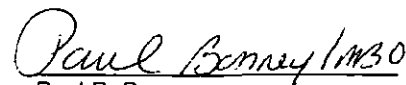
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Karen Oill Moury, Esquire  
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Suite 1102, Commerce Building  
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Docket No. R-00973953

Dear Karen:

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Set I OSBA-I-3, OSBA-I-11 and OSBA-I-12.

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

Sincerely,

*Paul Bonney /mbo*

Paul Bonney

PRB/mbo  
Enclosures

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

000277

97 MAY 12 PM 1:00  
RECEIVED  
PROTHONOTARY'S OFFICE

DOCUMENT  
FOLDER

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:

Philadelphia Area Industrial Energy Users Group's Interrogatories: **Set IV** PAIEUG-IV-5; **Set V** PAIEUG-V-4 and PAIEUG-V-5.

Office of Trial Staff's Interrogatory: OTS-RS-12.

Office of Consumer Advocate's Interrogatories: **Set IV** OCA-IV-1, OCA-IV-2, OCA-IV-4 through OCA-IV-8.

Office of Small Business Advocate's Interrogatories: **Set I** OSBA-I-3, OSBA-I-11 and OSBA-I-12.

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**DOCKETED**  
MAY 12 1997

**DOCUMENT  
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Barbara Alexander  
Consumer Affairs Consultant  
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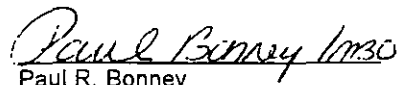
Janet Miller, Esquire  
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(215) 841-4252

Dated: May 9, 1997

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

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MAY 12 1997

KJR

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

May 9, 1997

**BY OVERNIGHT MAIL**

Robert F. Frazier, Prothonotary  
Pennsylvania Public Utility Commission  
B-20, North Office Building  
Harrisburg, PA 17120

ORIGINAL

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

**Motion To Intervene Out Of Time Of CNG Energy Services Corporation**

Dear Mr. Frazier:

CNG Energy Services Corporation ("CNG") files herewith the original and fifteen (15) copies of its "Motion To Intervene Out Of Time Of CNG Energy Services Corporation" in the above-captioned Docket.

Please date-stamp and return the enclosed extra copy of the filing in the enclosed self-addressed and postage-prepaid envelope.

Should you have any question, please do not hesitate to contact me at (412) 787-4268. Thank you for your assistance.

Very truly yours,



Gary A. Jeffries  
Senior Attorney

Enclosures

DOCUMENT  
FOLDER

169

RECEIVED

MAY 12 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of PECO Energy Company )  
for Approval of its Restructuring Plan Under )  
Section 2806 of The Public Utility Code )

Docket No. R-00973953

**ORIGINAL**

**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 April 1, 1997, PECO Energy Company ("PECO") 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.). PECO seeks Commission authority to (1) recover \$6.805 billion of Transition and Stranded Costs, (2) impose unbundled rates, Competitive Transition Charges ("CTC"), a universal service and energy conservation cost recovery mechanism, and certain specific tariff provisions, (3) implement direct access procedures, (4) implement a Consumer Education Program, and (5) implement its initial plan to meet its universal service and energy conservation obligations.

**DOCKETED**  
MAY 15 1997

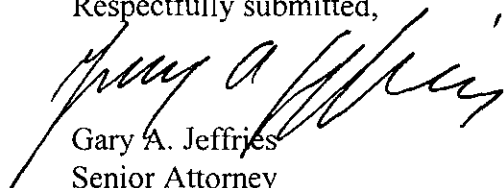
**DOCUMENT  
FOLDER**

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", as that term is defined in the Act and the Commission's Guidelines at Docket M-00960890 (the "Guidelines"). In that capacity, CNG intends to participate in PECO's Commission-approved retail access pilot program and further to offer retail services to customers on the PECO system post-restructuring. 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: May 9, 1997

Certificate of Service

I hereby certify that I have served the Motion to Intervene Out of Time of CNG Energy Services Corporation, dated May 9, 1997, by First Class Mail, upon the persons addressed below:

Robin L. Krongold, Paralegal  
Paul Bonney, Ward Smith  
2301 Market Street, P.O. Box 8699  
Philadelphia, PA 19101-8699

Senator Vincent J. Fumo, Chrm of Senate  
Democratic Committee on Appropriations  
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Harrisburg, PA 17120

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Charles Daniel Shields  
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Sen. Democratic Appropriations Committee  
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OORI  
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Terrance Fitzpatrick, Esquire  
David DeSalle, Esquire  
Ryan, Russell, Ogden & Seltzer  
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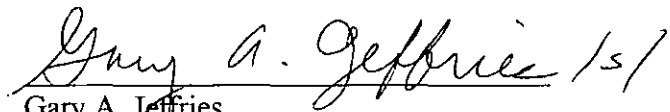
Audrey Van Dyke, Associate Counsel  
Washington Navy Yard, Bldg. 218, Room 200  
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Washington, DC 20374-5018

Community Legal Services  
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Philip A. Bertocci  
1424 Chestnut Street

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Zeigler & Zimmerman, P.C.  
355 N. 21st Street, Ste. 304  
P.O. Box 1080

Linda C. Smith, Esquire  
Dilworth, Paxson, Kalish & Kauffman, LLP  
305 N. Front Street, Suite 403  
Harrisburg, PA 17101-1236

Michael L. Kessler, Vice President  
and General Counsel  
111 S. Alfred Street  
Alexandria, VA 22304

A handwritten signature in cursive script that reads "Gary A. Jeffries" followed by a vertical line and the number "151".

Gary A. Jeffries  
Senior Attorney  
CNG Energy Services Corporation  
One Park Ridge Center  
P.O. Box 15746  
Pittsburgh, PA 15244-0746  
(412) 787-4268

Dated: May 9, 1996

**ORIGINAL**

000601  
KJR

**DOCUMENT  
FOLDER**

May 9, 1997

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

*R 00 973953*

97 MAY 14 PM 8:11  
PROCEEDINGS OFFICE

**RE: PECO Energy Company Restructuring Plan**

Ladies/Gentlemen:

Please accept these comments concerning the subject restructuring plan. I have lived in the PECO Energy Company (PECO) service area for approximately 20 years and cannot offer any favorable comments concerning the company or the plan to compensate PECO for "stranded costs".

PECO has in many instances demonstrated ineptitude in managing its affairs, resulting in one of the highest rate structures in the United States and, hence, exorbitant costs to users. To require users to now pay "stranded costs" resulting from this ineptitude is unfair and will further preclude economic growth in the Philadelphia area. A preferable alternative is to take no action and, if PECO is unable to achieve an adequate return for its shareholders, the shareholders may then elect to merge with another public utility or take other appropriate corporate actions.

Very truly yours,

*Rufus L. Miley*  
Rufus L. Miley

**DOCKETED**  
MAY 16 1997

22 Leopard Run  
Glen Mills, PA 19342

LAW OFFICES  
WOLF, BLOCK, SCHORR AND SOLIS-COHEN

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

(717) 237-7160  
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97 MAY 13 AM 9:57

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PROTHONOTARY'S OFFICE

DIRECT DIAL NUMBER:  
(215) 977-2118

May 12, 1997

VIA FAX AND OVERNIGHT DELIVERY

Paul R. Bonney, Esquire  
PECO  
2301 Market Street  
Philadelphia, PA 19101

DOCUMENT  
FOLDER

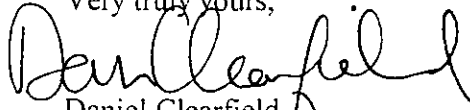
KJR

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 Paul:

Enclosed are Enron's Second Set of Interrogatories to PECO in the above-captioned matter. I also enclose a disk as you have requested.

Very truly yours,

  
Daniel Clearfield

For WOLF, BLOCK, SCHORR and SOLIS-COHEN

DC/lww

Enclosures

cc: James McNulty, Acting Prothonotary (Cert. of Service only)  
Certificate of Service

DSB:430981.1

**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 TELEFAX AND OVERIGHT DELIVERY**

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

**VIA FIRST CLASS MAIL**

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Derrick Williamson, Esquire  
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Democratic Committee on Appropriations  
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Atlanta, GA 30328

  
\_\_\_\_\_  
Daniel Clearfield, Esq.

Dated: May 12, 1997



PECO ENERGY

KJR

Legal Department

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PO Box 8699  
Philadelphia, PA 19101-8699  
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Fax 215 568 3389

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Gregory Golazeski  
John C. Halderman  
Mary McFall Hopper  
Stephen L. Huntoon  
Thomas G. Jackson  
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Jenny P. Shultbank  
Ward L. Smith  
Dawn Getty Sutton  
Noel H. Trask  
Assistant General Counsel

Direct Dial: 215 841 4252

May 12, 1997

DOCUMENT  
FOLDER

**By Overnight Delivery**

Kenneth L. Mickens, Senior Prosecutor  
Office of Trial Staff  
Pennsylvania Public Utility Commission  
901 North 7<sup>th</sup> Street Rear  
Harrisburg, PA 17120

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 Ken:

Enclosed is PECO Energy Company's Answer to the Office of Trial Staff's  
Interrogatory:

OTS-RS-10.

Sincerely,

Paul Bonney

PRB/mbo

Enclosures

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

000683

RECEIVED  
PROTHONOTARY'S OFFICE  
97 MAY 14 AM 9:42

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:

Philadelphia Area Industrial Energy Users Group's Interrogatories: Set V PAIEUG-V-14, PAIEUG-V-17 through PAIEUG-V-19, PAIEUG-V-21 and PAIEUG-V-22.

Office of Trial Staff's Interrogatory: OTS-RS-10.

DOCKETED  
MAY 14 1997

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Pennsylvania Public Utility Commission  
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Harrisburg, PA 17101

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(Counsel for The Honorable Vincent J. Fumo)

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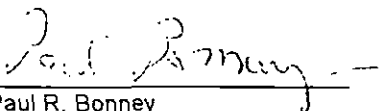
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Dated: May 12, 1997



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Assistant General Counsel

May 12, 1997

**By Overnight Delivery**

DOCUMENT  
FOLDER

Derrick P. Williamson, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
Harrisburg, PA 17108-1166

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 Derrick:

Enclosed are PECO Energy Company's Answers to Philadelphia Area Industrial  
Energy Users Group's Interrogatories:

Set V PAIEUG-V-14, PAIEUG-V-17 through PAIEUG-V-19, PAIEUG-V-21 and  
PAIEUG-V-22.

Sincerely,

*Paul Bonney*  
Paul Bonney

PRB/mbo

Enclosures

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

000684

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97 MAY 14 AM 9:12

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:

Philadelphia Area Industrial Energy Users Group's Interrogatories: Set V PAIEUG-V-14, PAIEUG-V-17 through PAIEUG-V-19, PAIEUG-V-21 and PAIEUG-V-22.

Office of Trial Staff's Interrogatory: OTS-RS-10.

DOCUMENT  
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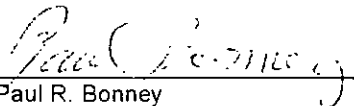
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Dated: May 12, 1997



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May 13, 1997

By Overnight Delivery

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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 Derrick:

Enclosed are PECO Energy Company's Answers to Philadelphia Area Industrial  
Energy Users Group's Interrogatories:

Set IV PAIEUG-IV-6, PAIEUG-IV-9 and PAIEUG-IV-13.

Set V PAIEUG-V-6, PAIEUG-V-11 and PAIEUG-V-13.

Sincerely,

*Paul Bonney /mbo*

Paul Bonney

PRB/mbo

Enclosures

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

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324

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Philadelphia Area Industrial Energy Users Group's Interrogatories: Set IV PAIEUG-IV-6, PAIEUG-IV-9 and PAIEUG-IV-13. Set V PAIEUG-V-6, PAIEUG-V-11 and PAIEUG-V-13.

Office of Trial Staff's Interrogatories: OTS-RS-9, OTS-RE-3 through OTS-RE-9 and OTS-RE-

Office of Consumer Advocate's Interrogatory: Set IV: OCA-IV-3.

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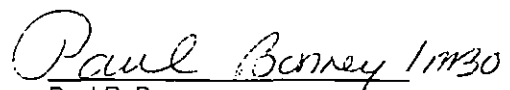
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Dated: May 13, 1997



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May 13 1997

**By Overnight Delivery**

Tanya McCloskey  
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Office of Consumer Advocate  
1425 Strawberry Square  
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DOCUMENT  
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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 Tanya:

Enclosed is PECO Energy Company's Answer to the Office of Consumer  
Advocate's Interrogatory:

Set IV OCA-IV-3.

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

Sincerely,

*Paul Bonney*

Paul Bonney

PRB/mbo  
Enclosures

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

001323

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Office of Trial Staff's Interrogatories: OTS-RS-9, OTS-RE-3 through OTS-RE-9 and OTS-RE-11.

Office of Consumer Advocate's Interrogatory: **Set IV**: OCA-IV-3.

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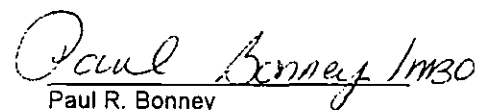
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Dated: May 13, 1997



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May 13, 1997

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Office of Trial Staff  
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901 North 7<sup>th</sup> Street Rear  
Harrisburg, PA 17120

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 Ken:

Enclosed are PECO Energy Company's Answers to the Office of Trial Staff's  
Interrogatories:

OTS-RS-9.

OTS-RE-3 through OTS-RE-9 and OTS-RE-11.

Sincerely,

*Paul Bonney/mbo*

Paul Bonney

PRB/mbo

Enclosures

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

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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:

Philadelphia Area Industrial Energy Users Group's Interrogatories: **Set IV** PAIEUG-IV-6, PAIEUG-IV-9 and PAIEUG-IV-13. **Set V** PAIEUG-V-6, PAIEUG-V-11 and PAIEUG-V-13.

Office of Trial Staff's Interrogatories: OTS-RS-9, OTS-RE-3 through OTS-RE-9 and OTS-RE-11.

Office of Consumer Advocate's Interrogatory: **Set IV**: OCA-IV-3.

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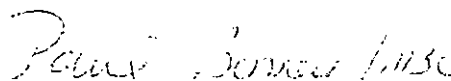
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Re: Application of PECO Energy Company for Approval of its Restructuring  
Plan under Section 2806 of the Public Utility Code  
Docket No. R-00973953

Dear Paul:

Enclosed are PECO Energy Company's Answers to Allegheny Power's  
Interrogatories:

Set I Allegheny-I-4 through Allegheny-I-7 and Allegheny-I-9.

Sincerely,

Paul Bonney

PRB/mbo

Enclosures

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

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:

Enron's Interrogatories: **Set I** Enron-I-32 through Enron-I-38, Enron-I-47 through Enron-I-49 and Enron-I-51 and Enron-I-52.

Office of Consumer Advocate's Interrogatory: **Set X** OCA-X-2.

Allegheny Power's Interrogatories: **Set I** Allegheny-I-4 through Allegheny-I-7 and Allegheny-I-9.

Office of Trial Staff's Interrogatory: OTS-RB-30

Office of Small Business Advocate's Interrogatories: **Set I** OSBA-I-4, OSBA-I-5, OSBA-I-6 and OSBA-I-13.

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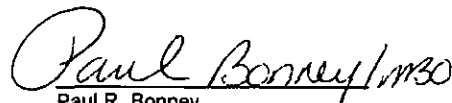
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Dated: May 23, 1997

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May 14, 1997

VIA FEDERAL EXPRESS

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PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

KJR

Re: **Application Of PECO Energy Company  
For Approval Of Its Restructuring Plan  
Under Section 2806 Of The Public  
Utility Code, Docket No. R-00973953**

DOCUMENT  
FOLDER

Dear Mr. McNulty:

Enclosed for filing in the above-captioned proceeding are an original and three copies of the Prehearing Memorandum of Allegheny Power.

Also enclosed is an additional copy to be stamped and returned to us in the enclosed self-addressed envelope. Thank you for your assistance.

Very truly yours,

*Joel D. Newton* <sup>PAS</sup>

Joel D. Newton  
Attorney for Allegheny Power

cc: The Honorable Marlane R. Chestnut (Via Federal Express)  
The Honorable Charles E. Rainey, Jr. (Via Federal Express)  
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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**ORIGINAL**

Application Of PECO Energy Company :  
For Approval Of Its Restructuring :  
Plan Under Section 2806 Of The :  
Public Utility Code :

Docket No. R-00973953

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**PREHEARING MEMORANDUM  
OF  
ALLEGHENY POWER**

MAY 14 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

Pursuant to Section 333 of the Public Utility Code, 66 Pa.C.S. § 333, and in response to the Presiding Judges' instructions at the prehearing conference in the above-captioned matter, Allegheny Power respectfully submits this Prehearing Memorandum.

**I. BACKGROUND**

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

On April 1, 1997, PECO Energy Company ("PECO") filed an application for approval of its Restructuring Plan, pursuant to the Commission's Order Re Restructuring Filings at Docket No. M-00960890F0003, which set forth requirements and procedures for filing restructuring plans pursuant to Section 2806(D) of the Public Utility Code. PECO's Restructuring Plan addresses the calculation and recovery of utility stranded costs, unbundling of utility rates, design of a Competitive Transition Charge ("CTC"), terms and conditions for retail competition in PECO's service area,

PECO's obligation to serve as a supplier of last resort, and the education of consumers about retail competition.

## **II. ISSUES TO BE EXAMINED**

Based upon a preliminary analysis of PECO's filing, Allegheny Power intends to investigate a number of issues raised in PECO's Restructuring Plan. The issues discussed below are tentative in nature and subject to change.

**Market Price Analysis:** Allegheny Power may examine whether the model and inputs employed by PECO to determine the future market clearing price of energy for the Pennsylvania-New Jersey-Maryland Interconnection pool provides a reasonable estimate of the market price of energy.

**CTC Reconciliation:** Allegheny Power may examine whether PECO's proposed methodology for reconciling its annual CTC collections with the authorized CTC collection confers any unfair competitive advantage on PECO.

**Direct Access:** Allegheny Power may examine whether PECO's proposed procedures for direct access unduly restrict alternative suppliers' access to customers located in PECO's service area.

**Terms And Conditions Of PECO's Relationship With Other Suppliers:** Allegheny Power may examine whether PECO has proposed terms and conditions governing its relationship with other suppliers (e.g., load balancing penalties, fees for billing) that are unreasonable or otherwise confer an undue competitive advantage on PECO.

**Special Rates:** Allegheny Power may examine whether PECO's proposed continuation of bundled service for certain customers and special riders are consistent with the Competition Act, or whether such programs confer an undue competitive advantage on PECO.

**Revised Tariffs, Rate Schedules, Rules & Regulations:** Allegheny Power may examine whether PECO's revised tariffs, rate schedules and proposed rules and regulations are consistent with the Competition Act and will allow for a competitive retail generation market.

**Code of Conduct:** Allegheny Power may examine PECO's proposed code of conduct to determine whether it is reasonable and consistent with the Competition Act.

**Cross-Subsidization:** Allegheny Power may examine whether PECO has shifted costs unreasonably from generation to distribution and whether such potential costs shifts confer an undue competitive advantage on PECO.

Allegheny Power reserves the right to raise additional issues and to respond to the issues raised by other parties in this proceeding.

### **III. WITNESSES**

Allegheny Power at this time has not identified who its witnesses will be in this proceeding. Allegheny Power will inform the Presiding Judges and all parties when such a determination is made.

Respectfully submitted,

By: Joel D. Newton <sup>PAS</sup>

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Attorneys for Allegheny Power

Dated: May 14, 1997

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application Of PECO Energy Company** :  
**For Approval Of Its Restructuring** : **Docket No. R-00973953**  
**Plan Under Section 2806 Of The** :  
**Public Utility Code** :

**CERTIFICATE OF SERVICE**

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

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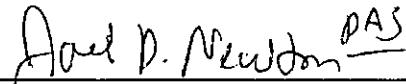
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Dated this 14th day of May, 1997.

  
\_\_\_\_\_  
Joel D. Newton  
Verner, Lipfert, Bernhard,  
McPherson and Hand  
901 15th Street, NW  
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Attorney for Allegheny Power



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May 14, 1997

## By Overnight Delivery

Derrick P. Williamson, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
Harrisburg, PA 17108-1166

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

00183

Dear Derrick:

Enclosed are PECO Energy Company's Answers to Philadelphia Area Industrial  
Energy Users Group's Interrogatories:

Set III PAIEUG-III-3.

Set IV PAIEUG-IV-11.

Set V PAIEUG-V-2 and PAIEUG-V-9.

Sincerely,

*Paul Bonney/mbo*

Paul Bonney

PRB/mbo

Enclosures

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

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Allegheny Power's Interrogatory: Set I: Allegheny-I-1.

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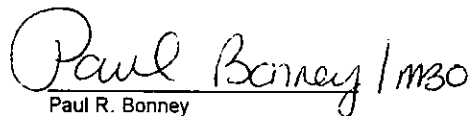
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Dated: May 14, 1997



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May 14, 1997

## By Overnight Delivery

Kenneth L. Mickens, Senior Prosecutor  
Office of Trial Staff  
Pennsylvania Public Utility Commission  
901 North 7<sup>th</sup> Street Rear  
Harrisburg, PA 17120

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 Ken:

Enclosed are PECO Energy Company's Answers to the Office of Trial Staff's  
Interrogatories:

OTS-RS-9 and OTS-RS-10.

OTS-RE-1.

Sincerely,

*Paul Bonney Imbo*

Paul Bonney

PRB/mbo

Enclosures

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

001882

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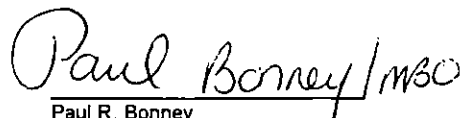
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Paul R. Bonney  
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(215) 841-4252

Dated: May 14, 1997



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Direct Dial: 215 841 4252

May 14, 1997

## By Overnight Delivery

Tanya McCloskey  
Assistant Consumer Advocate  
Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

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 Tanya:

Enclosed are PECO Energy Company's Answers to the Office of Consumer  
Advocate's Interrogatories:

Set I OCA-I-4.

Set VI OCA-VI-1 through OCA-VI-3, OCA-VI-5 through OCA-VI-10 and OCA-VI-  
12 through OCA-VI-17.

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)

00188

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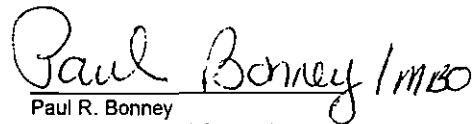
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(215) 841-4252

Dated: May 14, 1997



# PECO ENERGY

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Direct Dial: 215 841 4252

May 14, 1997

## By Overnight Delivery

Paul E. Nordstrom, Esquire  
Verner, Liipfert Bernhard McPherson and  
Hand  
901 - 15<sup>th</sup> Street, N.W.  
Washington, DC 20005-2301

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 Paul:

Enclosed are PECO Energy Company's Answer to Allegheny Power's  
Interrogatory:

Set I Allegheny-I-1.

Sincerely,

Paul Bonney

PRB/mbo

Enclosures

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

01884

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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:

Philadelphia Area Industrial Energy Users Group's Interrogatories: Set III PAIEUG-III-3., Set IV PAIEUG-IV-11. Set V PAIEUG-V-2 and PAIEUG-V-9.

Office of Trial Staff's Interrogatories: OTS-RS-9, OTS-RS10 and OTS-RE-1.

Office of Consumer Advocate's Interrogatory: Set I: OCA-I-4, Set VI: OCA-VI-1 through OCA-VI 3, OCA-VI-5 through OCA-VI-10 and OCA-VI-12 through OCA-VI-17.

Allegheny Power's Interrogatory: Set I: Allegheny-I-1.

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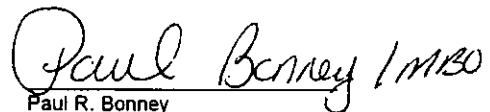
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Yarmouth, Maine 04096



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2301 Market Street, S23-1  
Philadelphia, PA 19103  
(215) 841-4252


Dated: May 14, 1997

DATE: May 15, 1997

SUBJECT: R-00973953

KJR

TO: Office of Administrative Law Judge

FROM:  John G. Alford, Secretary

APPLICATION OF PECO ENERGY COMPANY  
RESTRUCTURING PLAN

---

Attached is copy of a Motion to Intervene Out of Time of CNG Retail Services Corporation filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

DOCUMENT  
FOLDER

**DOCKETED**

MAY 15 1997



PECO ENERGY

000071

Legal Department

PECO Energy Company  
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Derrick P. Williamson, Esquire  
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100 Pine Street  
Harrisburg, PA 17108-1166

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Plan under Section 2806 of the Public Utility Code  
Docket No. R-00973953

Dear Derrick:

Enclosed is PECO Energy Company's Answer to Philadelphia Area Industrial  
Energy Users Group's Interrogatory:

Set V PAIEUG-V-20.

Sincerely,

Paul Bonney

PRB/mbo

Enclosures

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

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Environmentalists' Interrogatories: Set I: Environmentalists-I-1, Environmentalists-I-2 and Environmentalists-I-17.

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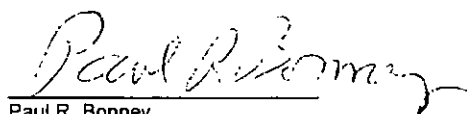
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Dated: May 15, 1997

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Linda C. Smith

May 15, 1997

Paul R. Bonney, Esq.  
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**Re: Pennsylvania Public Utility Commission v. PECO Energy Company - 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. Bonney:

Please find enclosed two (2) copies of the American Association of Retired Person's Interrogatories, Set I, to PECO Energy Company in the above-referenced proceeding.

Responses to these interrogatories are due within ten (10) days of service. Please endeavor to forward responses in an organized manner as they are completed; it is not necessary to await completion of all responses prior to forwarding those completed more quickly. Please send one (1) copy of your responses and all attachments to the undersigned. In addition, please provide one (1) copy of your responses and all attachments to:

Susan Weinstock  
American Association of Retired Persons  
State Legislation Department  
601 E. Street, NW  
Washington, DC 20049

Please communicate any objections or questions that you may have to these interrogatories as quickly as possible.

Copies of these interrogatories are being served on all parties consistent with the attached Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,

*Linda C. Smith*  
Linda C. Smith

LCS:sdC

Enclosures

cc: Certificate of Service  
James J. McNulty, Prothonotary (transmittal letter and  
Certificate of Service only)

CERTIFICATE OF SERVICE

I, Linda C. Smith, hereby certify that I have this day caused a true copy of the foregoing to be served upon the parties of record in Docket No. R-00973953 in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the parties listed below.

Dated at Harrisburg, Pennsylvania, May 15, 1997.

VIA FIRST CLASS MAIL

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Linda C. Smith



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May 15, 1997

### By Overnight Delivery

Daniel Clearfield, Esquire  
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305 North Front Street, Suite 401  
Harrisburg, PA 17101

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

0000068

Dear Derrick:

Enclosed is PECO Energy Company's Answer to Enron's Interrogatory;

Set I Enron-I-50.

Sincerely,

Paul Bonney

PRB/mbo

Enclosures

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

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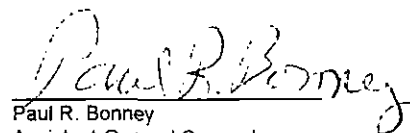
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May 15, 1997

**By Overnight Delivery**

Alan J. Barak, Esquire  
1417 Blue Mountain Parkway  
Harrisburg, PA 17112

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 Alan:

Enclosed are PECO Energy Company's Answers to the Environmentalists'  
Interrogatories:

Set I Environmentalists-I-1, Environmentalists-I-2 and Environmentalists-I-17.

Sincerely,

Paul Bonney

PRB/mbo

Enclosures

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

ENCLOSURE  
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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:

Philadelphia Area Industrial Energy Users Group's Interrogatory Set V: PAIEUG-V-20

Enron Corp. Interrogatory: Set I: Enron-I-50

Environmentalists' Interrogatories: Set I: Environmentalists-I-1, Environmentalists-I-2 and Environmentalists-I-17.

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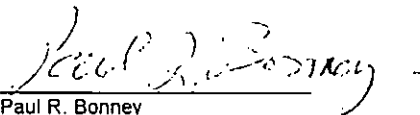
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May 16, 1997

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## By Overnight Delivery

Alan J. Barak, Esquire  
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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 Alan:

Enclosed are PECO Energy Company's Answers to the Environmentalists' Interrogatories:

Set I Environmentalists-I-6, Environmentalists-I-7 and Environmentalists-I-14 through Environmentalists-I-16.

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Sincerely,

*Paul Bonney/mbo*

Paul Bonney

PRB/mbo

Enclosures

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

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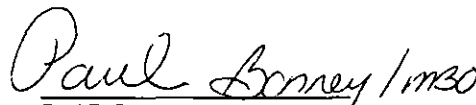
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Re: Application of PECO Energy Company for Approval of its Restructuring  
Plan under Section 2806 of the Public Utility Code  
Docket No. R-00973953

Dear Tanya:

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Set VI OCA-VI-4 and OCA-VI-11.

Set IX OCA-IX-24.

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

Sincerely,

*Paul Bonney/MB0*

Paul Bonney

PRB/mbo

Enclosures

cc: w/enclosures  
Certificate of Service (w/enclosure)  
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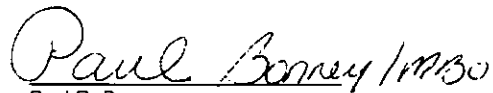
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Dated: May 16, 1997



**PECO ENERGY**

000071

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Wendy Schermer  
Susan E. Sciamanna  
Jenny P. Shulbank  
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Noel H. Trask  
Assistant General Counsel

**By Overnight Delivery**

Derrick P. Williamson, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
Harrisburg, PA 17108-1166

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 Derrick:

Enclosed is PECO Energy Company's Answer to Philadelphia Area Industrial  
Energy Users Group's Interrogatory:

Set V PAIEUG-IV-2.

Sincerely,

Paul Bonney

PRB/mbo

Enclosures

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

DOCUMENT  
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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:

Philadelphia Area Industrial Energy Users Group's Interrogatory Set IV PAIEUG-IV-2

Office of Consumer Advocate's Interrogatories: Set VI OCA-VI-4 and OCA-VI-11. Set IX OCA-IX-24.

Environmentalists' Interrogatories: Set I: Environmentalists-I-6, Environmentalists-I-7 and Environmentalists-I-14 through Environmentalists-I-16.

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Dated: May 16, 1997

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May 16, 1997

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Pennsylvania Public Utility Commission  
North Office Building - Filing Room  
PO Box 3265  
Harrisburg, PA 17105-3265

ORIGINAL

PA.P.U.C.  
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RE: R-00973953 - - Application of PECO Energy Company for Approval of its Restructuring Plan under Section 2806 of the Public Utility Code

Dear Mr. McNulty:

Enclosed, for filing with the Commission, are the original and three (3) copies of the Petition of the Municipal Intervenors Group to Intervene in this proceeding.

As noted below, and on the Certificate of Service that is attached to its Petition, the Municipal Group has served a copy of its Petition upon the presiding Administrative Law Judges, the Honorable Marlane R. Chestnut and Charles E. Rainey, Jr., and on all active parties of record of this proceeding.

Thank you for your attention to this matter.

Very truly yours,

*Joseph J. Malatesta, Jr.*  
Joseph J. Malatesta, Jr.

JJM/kmg  
Enclosure

cc: Honorable Marlane R. Chestnut (via facsimile and first class mail)  
Honorable Charles E. Rainey, Jr. (via facsimile and first class mail)  
All persons named on Certificate of Service  
Steven B. Harris, Esquire

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58

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

---

Administrative Law Judges  
Marlane R. Chestnut and  
Charles E. Rainey, Jr.

---

**ORIGINAL**

APPLICATION OF PECO ENERGY  
COMPANY FOR APPROVAL OF ITS  
RESTRUCTURING PLAN UNDER  
SECTION 2806 OF THE PUBLIC  
UTILITY CODE

:  
:  
: Docket No. R - 00973953  
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**PETITION OF  
MUNICIPAL INTERVENORS  
GROUP  
TO INTERVENE**

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The Municipal Intervenors Group ("Municipal Group"), by its counsel, and pursuant to the Commission's regulation at 52 Pa. Code §5.72 ("Eligibility to intervene"), petitions to intervene in this proceeding and, in support of this Petition, represents the following:

1. The Municipal Group is an *ad hoc* association, formed for purposes of this proceeding and for any discussions or negotiations with PECO Energy Company ("PECO") that arise as a result of or incident to this proceeding. The members of the

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Municipal Group are municipalities located within PECO's authorized service territory, each of whom purchases electricity for street lighting service from PECO under PECO's Rate SL-E. As of the date of this Petition, the Municipal Group's members include each of the municipalities listed on **Appendix "A"** to this Petition, but the Group's membership may change as this proceeding progresses. The Municipal Group will provide timely written notice to all parties of any changes in its membership.

2. As part of this proceeding, PECO has proposed to unbundle Rate SL-E to separate charges for generation from charges for transmission and distribution. PECO Statement No. 13 at p. 9. The manner in which PECO unbundles Rate SL-E (as well as its other unbundling proposals) will be a primary determinant of whether and the extent to which Rate SL-E customers will have a meaningful opportunity to reduce their costs for street lighting through the acquisition of generation in a competitive marketplace. Consequently, the interests of the members of the Municipal Group are directly affected by this proceeding.

3. The interests of the members of the Municipal Group also are not adequately represented by any other parties to this proceeding. While many of those parties have an interest in the manner in which PECO generally or specifically unbundles its existing rates for public utility service, none of those parties is a customer of PECO under Rate SL-E.

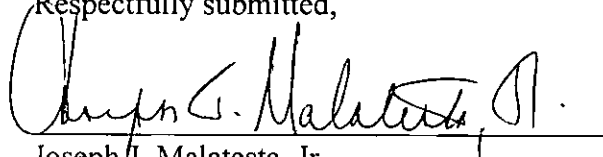
4. As customers of PECO under its Rate SL-E, the members of the Municipal Group also will be bound by the action of the Commission in this proceeding.

5. If allowed to intervene, the Municipal Group will focus its participation on the manner in which PECO has proposed to unbundle Rate SL-E, and on whether PECO's proposal will provide a meaningful opportunity for customers under Rate SL-E to participate in and benefit from the competitive marketplace for electricity generation.

6. The Municipal Group will take the Commission's procedural schedule and the current progress of this proceeding as it finds them. The Municipal Group does not and will not request any modifications in the procedural schedule in order to accommodate the Group's interests.

WHEREFORE, the Municipal Intervenors Group requests that the presiding Administrative Law Judges or the Pennsylvania Public Utility Commission allow it to intervene in this proceeding.

Respectfully submitted,



Joseph J. Malatesta, Jr.

Lillian Smith Harris

Malatesta Hawke & McKeon LLP

Harrisburg Energy Center

100 North Tenth Street

P.O. Box 1778

Harrisburg, PA 17105

Phone: 717-236-1300  
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[lsharris@mhm-law.com](mailto:lsharris@mhm-law.com)

Stephen B. Harris, Esquire  
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Counsel for the  
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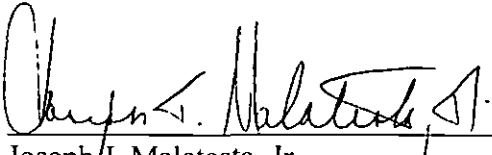
DATED: May 16, 1997

**MEMBERS OF MUNICIPAL INTERVENORS GROUP  
R-00973953**

1. Abington Township (Montgomery County)
2. Falls Township (Bucks)
3. Warrington Township (Bucks)
4. Royersford Borough (Montgomery)
5. West Chester Borough (Chester)
6. Haverford Township (Delaware)
7. Northampton Township (Bucks)
8. Parkesburg Borough (Chester)
9. Doylestown Borough (Bucks)
10. Lower Makefield Township (Bucks)
11. Middletown Township (Bucks)
12. Marcus Hook Borough (Delaware)
13. Buckingham Township (Bucks)
14. Newtown Township (Bucks)
15. Warick Township (Bucks)
16. Uwchlan Township (Chester)
17. Bensalem Township (Bucks)
18. Tredyffrin Township (Chester)
19. Towamencin Township (Montgomery)
20. West Fallowfield Township (Chester)
21. Upper Southampton Township (Bucks)
22. Upper Darby Township (Delaware)

**VERIFICATION**

I, Joseph J. Malatesta, Jr., counsel for the Municipal Intervenors Group, 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).

  
\_\_\_\_\_  
Joseph J. Malatesta, Jr.

DATED: May 16, 1997

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PROTHONOTARY'S OFFICE

## CERTIFICATE OF SERVICE

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.

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Paul R. Bonney, Esquire  
PECO Energy Company  
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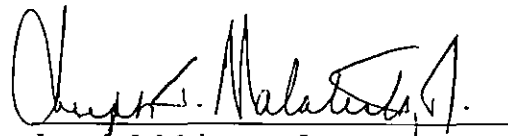
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May 19, 1997

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VIA FAX AND OVERNIGHT DELIVERY

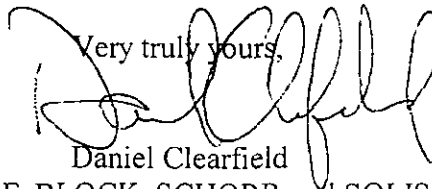
Paul R. Bonney, Esquire  
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RE: Application of PECO Energy Company for Approval  
of its Restructuring Plan Under Section 2806 of the  
Public Utility Code. Docket No. R-00973953

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Dear Paul:

Enclosed are Enron's Third Set of Interrogatories to PECO in the above-captioned matter. I also enclose a disk as you have requested.

Very truly yours,  
  
Daniel Clearfield

For WOLF, BLOCK, SCHORR and SOLIS-COHEN

DC/lww

Enclosures

cc: James McNulty, Acting Prothonotary (Cert. of Service only)  
Certificate of Service

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DSB:430981.1

**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):

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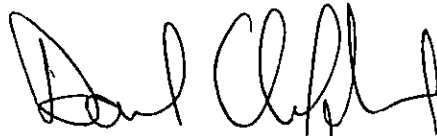
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Daniel Clearfield, Esq.

Dated: May 20, 1997



# PECO ENERGY

000094

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Noel H. Trask

May 19, 1997

**By Overnight Delivery**

Tanya McCloskey  
Assistant Consumer Advocate  
Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

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

Assistant General Counsel

Dear Tanya:

Enclosed are PECO Energy Company's Answers to the Office of Consumer  
Advocate's Interrogatories:

Set V OCA-V-1 through OCA-V-22.

Set VII OCA-VII-1, OCA-VII-2, and OCA-VII-4 through OCA-VII-11.

Set VIII OCA-VIII-1 through OCA-VIII-27.

Set IX OCA-IX-5.

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)

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:

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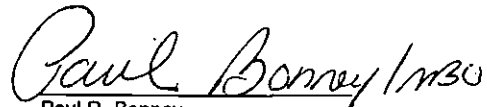
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Dated: May 19, 1997



**PECO ENERGY**

000095

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May 19, 1997

KJR

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Sincerely,

*Paul Bonney/mbo*

Paul Bonney

PRB/mbo

Enclosures;

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Certificate of Service (w/enclosure)  
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(215) 841-4252

Dated: May 19, 1997



**PECO ENERGY**

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KJR

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May 19, 1997

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Docket No. R-00973953

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Sincerely,

*Paul Bonney /mbo*

Paul Bonney

PRB/mbo

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Dated: May 19, 1997



**PECO ENERGY**

Legal Department

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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:

Philadelphia Area Industrial Energy Users Group's Interrogatory: **Set I** PAIEUG-I-13.

Office of Consumer Advocate's Interrogatories: **Set V** OCA-V-1 through OCA-V-22. **Set VII** OCA-VII-1, OCA-VII-2, and OCA-VII-4 through OCA-VII-11. **Set VIII** OCA-VIII-1 through OCA-VIII-27. **Set IX** OCA-IX-5..

Environmentalists' Interrogatories: **Set I:** Environmentalists-I-23, Environmentalists-I-30, Environmentalists-I-34 and Environmentalists-I-35.

Office of Small Business Advocate's Interrogatories: **Set I:** OSBA-I-7, OSBA-I-8, OSBA-I-10 and OSBA-I-14 through OSBA-I-16.

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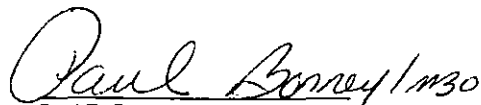
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Dated: May 19, 1997

**ORIGINAL**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE APPLICATION OF PECO :  
ENERGY COMPANY FOR APPROVAL OF :  
ITS RESTRUCTURING PLAN UNDER : DOCKET NO. R - 00973953  
SECTION 2806 OF THE PUBLIC :  
UTILITY CODE :

KJP

**PRE-HEARING MEMORANDUM OF CEPA, TAG, ACORN,  
ACTION ALLIANCE OF SENIOR CITIZENS, AND  
JOHN W. LONG, JR.**

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This pre-hearing memorandum is submitted pursuant to 66 Pa.C.S. § 333 and the order of the Administrative Law Judges.

**I. COMPLAINANTS**

The Consumers' Education and Protective Association (CEPA), Tenant Action Group (TAG), Action Alliance of Senior Citizens, and the Association of Community Organizations for Reform Now (ACORN) are membership organizations whose members are primarily low and moderate income customers of PECO Energy. John W. Long Jr. is a low income customer of PECO Energy.

All have filed formal complaints with the Commission and have asked that those complaints be consolidated with this proceeding.

**II. ISSUES**

Based upon a preliminary analysis of the April 1, 1997 filing of PECO Energy, the complainants will address the issues listed

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below, but reserve the right, as more information is received, to address additional issues.

1. Are the costs identified by PECO as "stranded" properly the responsibility of customers?

2. Is recovery of the level of such "stranded" costs from customers just and reasonable as defined by the standards set forth in the Act?

3. Has PECO made all reasonable efforts to mitigate generation-related transition costs and customer rate levels in light of all the standards set forth in the Act?

4. Would the granting of the relief requested by PECO violate the Pennsylvania or United States Constitutions?

5. Would the granting of the relief requested by PECO violate the goals set forth in the Act?

### III. WITNESSES

Complainants have not yet identified all of the witnesses who will testify on their behalf. The following consultants have been engaged to assist in this proceeding:

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P.O. Box 497  
Peru, Vermont 05152

Richard Silkman  
163 Main Street  
Yarmouth, Maine 04096

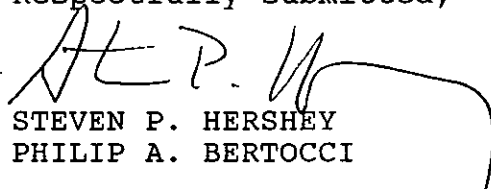
It is requested that all documents, including discovery requests and responses, be provided directly to them as well as to counsel.

IV. HEARINGS

In addition to the formal hearings, complainants request that public input hearings be held at convenient times and locations within the service territory to permit the public to testify on the issues to be decided in this proceeding. Complainants do not oppose the request, made by other parties, that public hearings be held during the same period as the formal hearings. However, because many people are away during August, we request that additional hearings be held during the week of September 8, 1997.

Complainants support the request of other parties that the due date for the main briefs be moved to September 23 in order to allow the parties to include comment on those later public hearings in their briefs.

Respectfully submitted,

  
STEVEN P. HERSHEY  
PHILIP A. BERTOCCI

COMMUNITY LEGAL SERVICES, INC.  
Attorneys for CEPA, TAG,  
Action Alliance of Senior  
Citizens, ACORN, and John W.  
Long Jr.

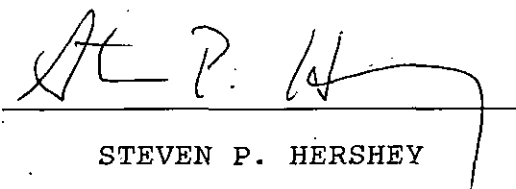
May 19, 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE APPLICATION OF PECO :  
ENERGY COMPANY FOR APPROVAL OF :  
ITS RESTRUCTURING PLAN UNDER : DOCKET NO. R - 00973953  
SECTION 2806 OF THE PUBLIC :  
UTILITY CODE :

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document on all parties on the service list in this proceeding.



May 20, 1997

STEVEN P. HERSHEY

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May 20, 1997

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KJR

Re: **Pennsylvania Public Utility Commission v. PECO Energy Company - 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:

Enclosed for filing with the Commission are the original and three (3) copies of the Prehearing Memorandum of the Philadelphia Area Industrial Energy Users Group in the above-referenced proceeding.

As evidenced by the attached Certificate of Service, all known 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* /aeh  
Derrick P. Williamson

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FOLDER

DPW/aeh  
Enclosures

- c: Certificate of Service  
Honorable Charles E. Rainey, Jr. (via facsimile)  
Honorable Marlane R. Chestnut (via facsimile)

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF PECO ENERGY )  
COMPANY FOR APPROVAL OF ITS )  
RESTRUCTURING PLAN UNDER )  
SECTION 2806 OF THE )  
PUBLIC UTILITY CODE )

DOCKET NO. R-00973953

PREHEARING MEMORANDUM OF THE  
PHILADELPHIA AREA INDUSTRIAL ENERGY USERS GROUP

Air Liquide America Corporation  
AlliedSignal, Inc. - Fibers Division  
Boeing Defense & Space Group - Helicopters Division  
Budd Company (The)  
Ford Motor Company  
Lukens Inc.  
Merck & Co. Inc.  
Nabisco Inc.  
Occidental Chemical Corporation  
Rohm and Haas Company  
SmithKline Beecham Pharmaceuticals  
Sun Company, Inc. (R&M)  
Temple University  
Thomas Jefferson University  
U.S. Steel - A Unit of USX Corporation

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Counsel to the Philadelphia Area  
Industrial Energy Users Group

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MAY 21 1997

Dated: May 20, 1997

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Pursuant to 66 Pa.C.S. § 333, 52 Pa. Code § 5.224, and in accordance with the directive of the presiding Administrative Law Judges ("ALJs") at the prehearing conference convened in this matter on April 15, 1997, the Philadelphia Area Industrial Energy Users Group ("PAIEUG") submits this Prehearing Memorandum.

**I. Introduction**

PAIEUG is an ad hoc association of large industrial and institutional customers of PECO Energy Company ("PECO" or "the Company"). PAIEUG's members are listed on the cover page of this Prehearing Memorandum. PAIEUG filed a Complaint against PECO's restructuring filing on April 21, 1997. This was acknowledged by the presiding ALJs in their Prehearing Order issued April 25, 1997.

**II. Issues**

Issues of primary concern to PAIEUG include, but are not limited to, the following:

- (a) compliance with 66 Pa.C.S. § 2801 et seq.;
- (b) the reasonableness of PECO's transition and stranded cost claim and the veracity of the methodologies and assumptions utilized to quantify that claim;
- (c) identification of a just and reasonable level of quantified stranded or transition costs for recovery from ratepayers;
- (d) the accuracy and internal consistency of market studies relied upon by PECO in identifying transition or stranded costs;
- (e) whether PECO has effectively mitigated costs and provided for a meaningful future mitigation plan;
- (f) whether PECO's proposed unbundling comports with the requirements of the Act, specifically the rate cap and prohibitions against inter- and intra-class cost shifting;

- (g) whether PECO has properly conducted and relied upon a reasonable cost-of-service study;
- (h) whether PECO's allocations of unbundled rates are proper;
- (i) whether the market energy prices derived by PECO through unbundling and allocation of transmission, distribution and stranded costs are proper;
- (j) whether PECO's restructuring plan fairly and properly treats LILR, EER, and Rule 4.6 customers;
- (k) whether PECO's filing complies with the Act insofar as PECO must submit a Customer Tariff and Supplier Tariff, as well as a delineation of its provision of retail transmission service;
- (l) whether PECO's proposed procedures for accommodating direct access are proper;
- (m) whether PECO's twelve-month contract requirement for returning customers is appropriate;
- (n) whether PECO's Code of Conduct is sufficient;
- (o) whether PECO's metering and billing proposals are appropriate;
- (p) whether PECO's proposal to address provisions of the Act governing self-generation and application of the CTC is appropriate; and,
- (q) whether PECO's proposal to assume load management responsibility for all interruptible service is appropriate.

PAIEUG reserves the right to raise and address other issues arising during the course of this proceeding.

### **III. Final Position On Issues**

PAIEUG's final positions with respect to the issues listed above, and any other issues that may arise during the course of the proceeding, will be contained in its Main Brief filed at the conclusion of this proceeding.

**IV. Discovery**

PAIEUG has conducted, and will continue to conduct, extensive discovery with respect to the issues listed above and any other issues that may arise during the course of this proceeding. Discovery is conducted pursuant to Commission rules and the procedures outlined by the ALJs in their Prehearing Order issued April 25, 1997.

**V. Witnesses**

PAIEUG has retained the consultant services of J. Kennedy and Associates for the presentation of direct, rebuttal, and surrebuttal testimony. PAIEUG's witnesses are:

- (1) Stephen J. Baron. Mr. Baron will address rate allocation, unbundling, cost recovery, implementation, and various other issues that are attendant to implementation of PECO's restructuring plan, as well as policy issues.
- (2) Randall J. Falkenberg. Mr. Falkenberg will address market valuation, attendant stranded cost identification/quantification issues, and related issues.
- (3) Lane W. Kollen. Mr. Kollen will address accounting issues concerning the identification and valuation of regulatory assets, regulatory benefits, and the quantification of stranded costs. In addition, Mr. Kollen will address the appropriate regulatory treatment of fossil fuel and nuclear decommissioning costs, tax effects, and rate of return issues, among others.

PAIEUG's witnesses are located at the following address, phone number, and facsimile number:

J. Kennedy and Associates, Inc.  
35 Glenlake Parkway, Suite 475  
Atlanta, GA 30328  
Phone: (770) 395-1288  
Fax: (770) 396-0151

**VI. Settlement**

PAIEUG is willing to enter settlement negotiations with other parties at any time during the course of this proceeding.

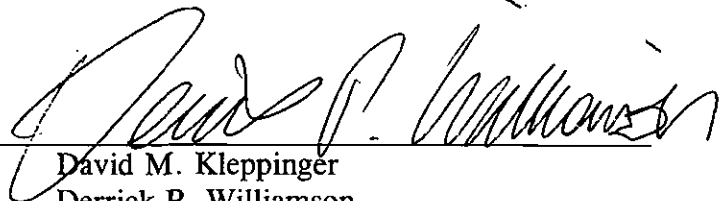
**VII. Schedule**

PAIEUG intends to abide by the procedural schedule adopted by the ALJs in their Prehearing Order issued April 25, 1997. PAIEUG is amenable to discussion of revision to that schedule as it relates to briefing and the Commission's final resolution of the proceeding.

Respectfully submitted,

McNEES, WALLACE & NURICK

By



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Counsel to the Philadelphia Area  
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Dated: May 20, 1997

K:\146\08115\RES-PRE.MEM

**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 52 Pa. Code § 1.54 (relating to service by a participant).

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

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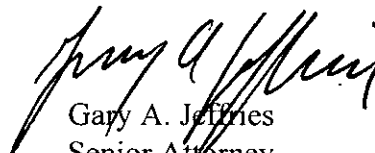
**Re: Application Of PECO Energy Company For Approval Of Its Restructuring  
Plan Under Section 2806 Of The Public Utility Code, Docket No. R-00973953**

Dear Mr. Frazier:

Enclosed for filing in the above-captioned proceeding are an original and three copies of the Prehearing Conference Memorandum of CNG Energy Services Corporation.

Please stamp and return the enclosed extra copy and return to me in the enclosed self-addressed envelope. Thank you for your assistance.

Very truly yours,

  
Gary A. Jeffries  
Senior Attorney

cc: The Honorable Marlane R. Chestnut (via facsimile)  
The Honorable Charles E. Rainey, Jr. (via facsimile)  
Service List (via first class mail)

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION RECEIVED  
NOTICE DELIVERY'S OFFICE

Application Of PECO Energy Company )  
For Approval Of Its Restructuring Plan ) Docket No. R-00973953  
Under Section 2806 Of The Public )  
Utility Code )

PREHEARING CONFERENCE MEMORANDUM  
OF  
CNG ENERGY SERVICES CORPORATION

CNG Energy Services Corporation ("CNG") hereby submits this Prehearing Conference Memorandum pursuant to the Public Utility Code, 66 Pa.C.S. § 333.

I. Statement of Issues

At this preliminary stage of the proceeding, CNG intends, subject to change, to raise and address the following issues in this proceeding:

1. What are the appropriate unbundled services and rates that should be implemented on the PECO system?
2. What are the appropriate safeguards to ensure a real functional separation between distribution, transmission and generation activities within PECO or as involving PECO affiliates?
3. What are the contractual requirements that will be imposed on electric generation suppliers

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doing business on the restructured PECO system?

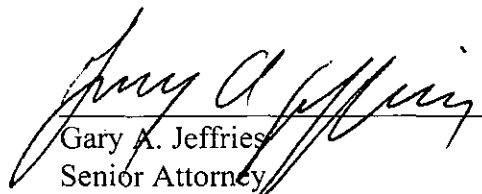
4. What are the appropriate procedures for enabling electric generation suppliers direct access to customers located in PECO's service territory?

CNG reserves the right to raise and address additional issues as well as any additional issues that may arise in the course of this proceeding.

**II. Witnesses**

CNG has not identified its witnesses in this proceeding. This information will be provided to the Administrative Law Judge and the parties as soon as available.

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: May 20, 1997

## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving by First Class U.S. Mail a copy of the foregoing document upon the persons named below:

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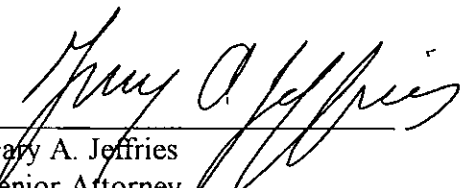
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Dated: May 20, 1997

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\*\*\*\*HONORARY CONSUL GENERAL OF GERMANY

DIRECT DIAL: ~~666~~

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May 20, 1997

### VIA HAND DELIVERY

Honorable John G. Alford  
Secretary  
Pennsylvania Public Utility Commission  
North Office Building, Room B-20  
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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 Secretary Alford:

Enclosed for filing please find an original and two copies of the Prehearing Memorandum of Indianapolis Power & Light Company in the above-referenced matter.

KJR

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PROTHONOTARY'S OFFICE

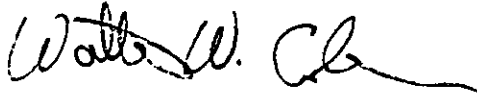
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Honorable John G. Alford  
May 20, 1997  
Page 2

Thank you for your time and consideration.

Respectfully,

OBERMAYER REBMANN MAXWELL &  
HIPPEL LLP

A handwritten signature in black ink, appearing to read "Walter W. Cohen". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Walter W. Cohen, Esquire  
Andrew J. Giorgione, Esquire

Attorneys for Intervenor Indianapolis Power &  
Light Company

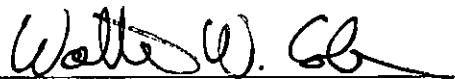
cc: All counsel of Record on attached Certificate of Service



Mr. Banta will also address the anticompetitive effects of PECO's proposal. At the time such testimony is submitted, Mr. Banta would withdraw as counsel of record for IPL in this docket.

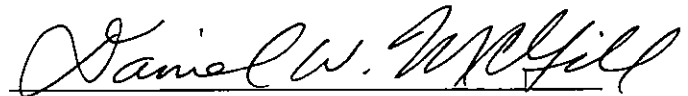
IPL reserves the right to cross-examine all witnesses on other issues and raise other issues as the proceeding develops.

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Attorneys for Indianapolis Power & Light Company

Dated: May 21, 1997

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I hereby certify that I have this 21<sup>st</sup> day of May, 1997, served a copy of the foregoing document by U.S. Mail or personal delivery, upon the persons addressed below:

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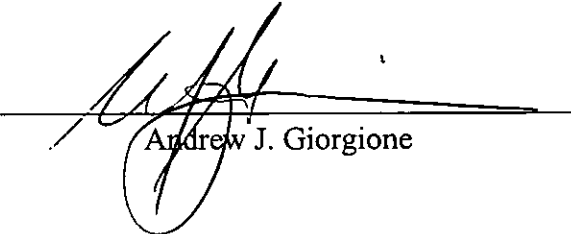
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Andrew J. Giorgione

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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 Derrick:

Enclosed are PECO Energy Company's Answer to Enron's Interrogatories:

Set I Enron-I-2 through Enron-I-31.

Sincerely,

Paul Bonney

PRB/mbo

Enclosures

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

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:

Enron's Interrogatories: Set I Enron-I-2 through Enron-I-31

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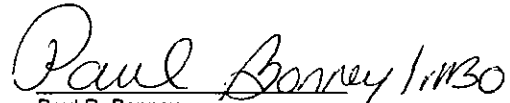
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Dated: May 20, 1997

**ORIGINAL**

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Office of the Prothonotary  
Pennsylvania Public Utility Commission  
Room B-20, North Office Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

HAND

**Re: Application of PECO Energy Company For  
Approval Of Its Restructuring Plan Under  
Section 2806 the Public Utility Code  
Docket No. R-00973953**

RECEIVED  
97 MAY 21 AM 9:08  
P.A.P.U.C.  
PROTHONOTARY'S OFFICE

Dear Sir or Madam:

Kindly accept for filing the following the original plus three copies of the following:

1. New Energy Venture's Petition to Intervene; and
2. New Energy Venture's Prehearing Memorandum.

Copies of each of the documents listed above have been served on all known parties in this proceeding. A Certificate of Service to that effect is enclosed.

Sincerely,

Joseph A. Dworetzky

**DOCUMENT  
FOLDER**

JAD:kbs  
encl.

cc: Honorable Marlane R. Chestnut  
Parties of Record

**ORIGINAL**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

---

**NEW ENERGY VENTURE'S  
PETITION TO INTERVENE**

---

New Energy Ventures, Inc. ("NEV"), by its counsel, Hangley Aronchick Segal & Pudlin, hereby petitions to intervene in the above-captioned proceeding in which PECO Energy Company ("PECO") seeks to obtain approval of its Restructuring Plan (the "Plan"), and, in support of its petition, NEV states as follows:

**Identification of Intervenor**

I. The name and address of the entity seeking intervention is

New Energy Ventures, Inc.  
Attn: David M. Boonin  
200 S. Broad Street  
Suite 800  
Philadelphia, PA 19102  
(215) 545-5058  
(215) 545-5811 (fax)

**DOCKETED**  
MAY 23 1997

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97 MAY 21 AM 9:08  
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PROTHONOTARY'S OFFICE

DOCUMENT  
FOLDER

2. The names and the addresses of counsel for NEV are

Joseph A. Dworetzky  
John P. Lavelle, Jr.  
HANGLEY ARONCHICK SEGAL & PUDLIN  
One Logan Square  
12th Floor  
Philadelphia, PA 19103  
(215) 496-7014  
(215) 568-0300 (fax)

3. NEV is a California corporation headquartered at 1000 Wilshire Boulevard, Suite 500, Los Angeles, CA 90017 and appears in this proceeding through its Mid-Atlantic regional offices.

4. NEV is a national leader in the organization and management of energy purchasing groups.

#### **Background**

5. On December 3, 1996, Governor Ridge signed the Electricity Generation Customer Choice and Competition Act, 66 Pa. C.S. §2801 et seq., 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.

6. Retail competition, once implemented in Pennsylvania, has the potential to provide far-reaching benefits to both residential and business consumers throughout the Commonwealth through reduced prices and improved services.

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 PECO to file Restructuring Plans by April 1, 1997.

8. On April 1, 1997 PECO filed its Plan at the above-captioned docket.

9. PECO requests the Commission, inter alia, to authorize: (a) the recovery of \$6.805 billion of Transition and Stranded Costs; (b) the establishment of unbundled rates for generation, transmission and distribution services, Competitive Transition Charges ("CTCs"), a universal service and energy conservation cost recovery mechanism, and certain specific tariff provisions attached as exhibits to the testimony presented by PECO's witnesses; (c) the imposition of procedures which purport to ensure direct access; (d) the implementation of the Consumer Education Program described therein; and (e) the implementation of PECO's initial plan to meet its universal service and energy conservation obligations.

10. Commission review of the Plan is an important step in the development of retail choice for consumers in PECO's service territory. The Commission's decision 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 PECO.

## NEV's Interests In This Proceeding

11. NEV seeks intervention in this proceeding to identify certain deficiencies in PECO's restructuring plan and oppose Commission approval thereof.

12. NEV has a unique perspective on this issues in this case. NEV is a national leader in the formation of retail energy power purchasers groups. NEV negotiates with energy suppliers nationwide to get the lowest electricity prices through the collective buying strength of its members. The members, in turn, maximize savings and receive the individual energy supply options which they need. NEV also acts as an advocate on its members' behalf in the development of electric restructuring policies at regulatory agencies and state legislatures. Membership in NEV is completely open and members pay nothing to join NEV. Members only pay NEV when they realize energy savings; other marketers, brokers and suppliers of electricity tack a mark-up on all customer purchases.

13. NEV organizes and and acts as manager for an energy buyers group that includes members located in PECO's service territory. NEV expects to buy electric power on behalf of its members in PECO's service territory and is keenly interested in the specific terms and procedures for the purchase, sale and delivery of electric power in Southeastern Pennsylvania.

14. Among NEV's local members is the Philadelphia area Building Owners and Managers Association ("BOMA"). NEV is BOMA's future energy provider

and serves as its advisor in connection with deregulation and competition in the electric power industry in the Philadelphia area. BOMA's local membership includes the owners and managers of more than 200 office buildings in PECO's service territory. BOMA Philadelphia is one of 95 local BOMA associations whose members own or manage more than 6 billion square feet of commercial properties in North America and abroad. BOMA in Los Angeles and Oakland, CA., also are members of the NEV buyers' alliance.

15. NEV is particularly capable of providing insight into the issues before the Commission.

16. NEV has experience in retail electric power restructuring in the states of California, Massachusetts and New York and has participated -- or is participating -- in proceedings similar to this one in each of those states. NEV is recognized as a qualified energy marketer by FERC and in California and Rhode Island.

17. The president of New Energy Ventures Mid-Atlantic is David Boonin. Mr. Boonin has extensive energy industry experience. He most recently had his own energy and utilities industry consulting practice, and also served as a senior advisor to Hagler Bailly Consulting, a national energy consultant. Before that, he was executive director of the Philadelphia Gas Commission, the regulatory body that oversees the Philadelphia Gas Works, the largest municipal natural gas utility in the U.S. Earlier, he was director of utility and regulatory affairs for the City of Philadelphia, and a member of the Philadelphia Gas Commission. Boonin's experience also includes

service as a corporate economist and Supervisor of Energy and Economic Forecasts for United Illuminating Co., a New Haven, CT electric utility. Prior to 1983 Boonin also served as Chief Economist for the Pennsylvania Public Utilities Commission.

18. As an entity that will be closely involved in the process of purchasing power competitively on behalf of its members, NEV is extremely concerned about various portions of PECO's proposed Plan that will restrict consumer choice, limit consumer information and negatively impact the energy savings that would otherwise be available to consumers in a competitive marketplace.

19. While NEV's review of PECO's plan and related filings is continuing and NEV reserves the right to challenge any aspects thereof, at this stage in its review (and subject to other intervention petitions), NEV expects to present testimony with respect to two general areas:

(a) NEV expects to set forth appropriate methodology for unbundling generating costs based on "prevailing market prices" and full recovery of "all reasonable costs". In that regard, NEV expects to explore the appropriate relationship among the unbundled generation price, the price cap and the determination of Competitive Transition Charges. NEV expects to present Mr. Boonin as an expert witness with respect to these matters.

(b) NEV expects to support the opportunity for alternative energy suppliers to provide full billing and metering services to their customers; to advocate for

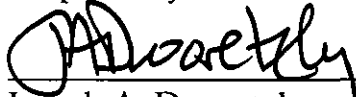
the necessity for unbundling metering and billing charges; and to identify the potential of billing aggregation for single entity users with multiple sites. NEV expects to present Nancy I. Day, Vice President - Customer Service of NEV, as an expert witness with respect to these matters.

20. NEV has an interest which will be directly affected and which is not adequately represented by existing participants, and as to which NEV may be bound by the Commission's action. NEV is in the process of preparing an application for an electric supplier license and intends to purchase for its members competitive retail electric services in PECO's service territory. The basis on which such purchases will be made will be directly affected by the Commission's decision in this proceeding, and, thus, NEV has standing to participate as an active party in this proceeding. NEV has a direct and substantial interest in the subject matter of the proceeding.

21. Participation by NEV is in the public interest.

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

Respectfully submitted,



Joseph A. Dworetzky

John P. Lavelle, Jr.

HANGLEY ARONCHICK SEGAL & PUDLIN

One Logan Square

12th Floor

Philadelphia, PA 19103

Attorneys for New Energy Ventures, Inc.

Dated: May 21, 1997

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 1997, I caused a true and correct copy of New Energy Venture's Motion to Intervene, to be served in the manner indicated, upon the following counsel at the addressed noted below:

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\_\_\_\_\_  
Joseph A. Dworetzky

Dated: May 20, 1997

**ORIGINAL**  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

---

**NEW ENERGY VENTURE'S  
PREHEARING MEMORANDUM**

---

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**I. INTRODUCTION**

New Energy Ventures, Inc. ("NEV") has this day petitioned to intervene in the above proceedings in order to advocate its position concerning PECO's proposed restructuring plan. If its petition is granted, NEV intends to be an active party in these proceedings.

**II. NEV'S INTERESTS**

NEV is a national leader in the formation of retail energy power purchasers groups. NEV negotiates with energy suppliers nationwide to get the lowest electricity prices through the collective buying strength of its members. The members, in turn, maximize savings and receive the individual energy supply options which they need. NEV also acts as an advocate on its members' behalf in the development of electric restructuring policies at regulatory agencies and state legislatures.

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**DOCKETED**  
MAY 23 1997

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### III. BRIEF IDENTIFICATION OF ISSUES AND WITNESSES

NEV and its counsel are in the process of reviewing PECO's filing and the interventions and pre-hearing memoranda filed by the other parties. That review is not complete and NEV has not yet made a final determination concerning the issues that it intends to raise in the proceeding. At this time, however, NEV expects to present testimony concerning two principal matters:

First, NEV expects to set forth appropriate methodology for unbundling generating costs based on "prevailing market prices" and full recovery of "all reasonable costs". In that regard, NEV expects to explore the appropriate relationship among the unbundled generation price, the price cap and the determination of Competitive Transition Charges. NEV expects to present David M. Boonin as an expert witness with respect to these matters. Mr. Boonin is President of New Energy Ventures Mid-Atlantic.

Second, NEV expects to support the opportunity for alternative energy suppliers to provide full billing and metering services to their customers; to advocate for the necessity for unbundling metering and billing charges; and to identify the potential of billing aggregation for single entity users with multiple sites. NEV expects to present Nancy I. Day, Vice President - Customer Service of NEV, as an expert witness with respect to these matters.

In addition, NEV will evaluate all other aspects of PECO's restructuring plan to see if they serve the interests of buyer's choice, customer information and maximizing energy savings through competition.

IV. SERVICE

NEV respectfully requests the parties to serve copies of all filings as follows:

David M. Boonin  
President, Mid-Atlantic  
New Energy Ventures, Inc.  
200 S. Broad Street  
Suite 800  
Philadelphia, PA 19102

Joseph A. Dworetzky, Esquire  
John P. Lavelle, Jr., Esquire  
HANGLEY ARONCHICK SEGAL  
& PUDLIN  
One Logan Square, 12th Floor  
Philadelphia, PA 19103

Respectfully submitted,



---

Joseph A. Dworetzky  
John P. Lavelle, Jr.  
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One Logan Square  
12th Floor  
Philadelphia, PA 19103

Attorneys for New Energy Ventures, Inc.

Dated: May 21, 1997

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 1997, I caused a true and correct copy of New Energy Venture's Prehearing Memorandum, to be served in the manner indicated, upon the following counsel at the addressed noted below:

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Joseph A. Dworetzky

Dated: May 20, 1997



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Noel H. Trask  
Assistant General Counsel

Direct Dial: 215 841 4252

KJR

May 20, 1997

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**By Fax**

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

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 Judge Chestnut & Judge Rainey:

Attached is PECO Energy Company's Second Prehearing Memorandum.

Sincerely,

Paul Bonney

PRB/mbo

Enclosure

cc: Certificate of Service  
James J. McNulty, Acting Prothonotary

DOCUMENT  
FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of PECO Energy Company :  
For Approval Of Its Restructuring Plan : Docket No. R-00973953  
Under Section 2806 Of The Public Utility :  
Code :

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SECOND PREHEARING MEMORANDUM  
OF  
PECO ENERGY COMPANY

---

BEFORE ADMINISTRATIVE LAW JUDGES MARLANE R. CHESTNUT AND CHARLES  
E. RAINEY, JR.

PECO Energy Company respectfully submits this second Prehearing  
memorandum:

Interventions

Twenty-one parties have intervened in this proceeding, as set forth in the  
attached service list. (Attachment 1)

Schedule

As noted in its May 2, 1997 letter to Administrative Law Judges Chestnut and  
Rainey, the OCA has requested a voluntary extension of the Commission consideration  
period from December 31, 1997 to January 8, 1998. The OCA has proposed that the

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briefing schedule be modified – with Initial Briefs due September 23 and Reply Briefs due October 9, and with a Recommended Decision to be issued on November 7 or 10. The OCA has also proposed that the existing schedule remain in place for testimony filing and hearing dates. PECO has agreed to this extension, and has confirmed that the Commission will hold a public meeting on January 8, 1998.

In Prehearing Order #1 (p. 3, n.1) the ALJs raised the question of whether such an extension is legally permissible even with PECO's agreement. PECO has not been able to identify any case which addresses the question of whether a mandatory statutory timeframe for Commission consideration may be voluntarily waived by the utility that is requesting Commission action. (Not surprisingly, the reported cases deal with situations where an extension was actively opposed by the utility or some other party).

PECO notes, however, that voluntary extensions of the suspension period pursuant to 66 Pa. C.S. § 1308(d) are regularly made by utilities. While the practice of granting voluntary extensions under Section 1308(d) does not conclusively resolve the question of whether a voluntary extension may be granted in a restructuring proceeding under Section 2806, it does suggest that such an extension is permissible when no party objects.

For these reasons, PECO is willing to grant the OCA's requested extension in this proceeding until January 8, 1988 if all parties agree. If so, PECO would ask that the OCA formally file its request with the Commission and indicate PECO's and all other parties' concurrence.

### Public Input Hearings

In its May 2 letter the OCA identified some possible locations for public input hearings. As an aid to the ALJs, the parties and the Commission's scheduling office, set forth for consideration in Attachment 2 are some specific sites throughout PECO's service territory.

Certain parties have requested that some of the public input hearings be held after the technical hearings, rather than earlier in the process as the Commission's regulations provide (52 Pa. Code at 3.163(c)). If public input hearings are scheduled after the technical hearings, PECO would ask that, as the party bearing the burden of proof, it be permitted to respond on the record to testimony provided at the public input hearings. PECO believes it is highly unlikely that it will present such responsive testimony but would like the opportunity to do so if necessary.

In its May 2 letter, the OCA recommends that a procedure to permit this opportunity be established at this prehearing conference. PECO suggests that it would be expeditious to permit the Company the opportunity to submit written responsive testimony within five business days after the last public input hearing. If any party desires to conduct cross-examination on that testimony, it could request a hearing within three business days after PECO's submission, and the ALJs would then schedule a hearing within three days for the limited purpose of permitting cross-examination on PECO's responsive testimony. This process will permit public input hearings to be held after the close of technical hearings, while protecting the parties' rights and without interfering with the submission of briefs.

PECO will publish a notice of each public input hearing in a newspaper of general circulation at least three weeks in advance of the hearing.

#### Plain-Language Statement of PECO's Restructuring Filing

At the first prehearing conference, PECO agreed to prepare a plain-language statement of its restructuring filing. PECO has done so, in coordination with the Commission's Bureau of Public Liaison, and has posted the statement on its web site at [www.peco.com](http://www.peco.com). PECO also has hard copies available for customers that call the Company with questions about the filing.

#### Discovery

As of May 19, PECO has received over 600 interrogatories and data requests, many with multiple subparts. To date, PECO has not objected to any of these discovery requests. Due to the volume, complexity, and sometimes simultaneous receipt of these discovery requests, PECO has not been able to provide an answer to each discovery request within 10 business days. The average response time, however, has been nine business days. In addition, much information was shared at the Technical Conference held on April 23.

At the first prehearing conference, PECO indicated that it would send a letter to the parties identifying PECO's e-mail address, website, and diskette format. PECO distributed that letter on April 17. PECO appreciates the parties' cooperation in providing interrogatories on diskette.

## Settlement

PECO continues to work to resolve a number of issues in this proceeding by settlement. For instance, PECO revised its customer notice in order to resolve issues raised by CEPA. The Company has identified other issues for settlement discussion with various parties. For example, PECO and interested parties will meet after the prehearing conference today to discuss, and begin to resolve, customer education issues. In addition, PECO is in the process of scheduling a meeting to discuss universal service issues. Progress is also being made in various areas through the Commission's working groups. To date, the parties have generally expressed strong interest in settlement discussions on additional issues, but have stated that their analysis of PECO's case is not yet sufficiently progressed to schedule these discussions. Finally, the Company remains interested in exploring with the parties alternative methods, such as mediation, for considering and resolving issues – perhaps, for example, the determination of appropriate market price projections for calculating stranded investment.

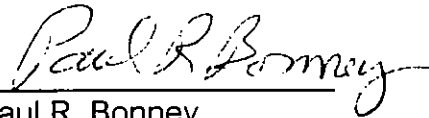
## Responses to Issues Identified by Commissioner Hanger

At the first prehearing conference, the ALJs directed the parties to address the issues identified by Commissioner Hanger in his February 13, 1997 Statement. PECO has supplied its responses to the ALJs and the parties.

Witnesses and Issue Identification

In its restructuring filing, PECO addressed through witness testimony the restructuring issues set forth in the Competition Act, and PECO has no additional witness or issue identification to make at this time. PECO reserves the right, however, to present rebuttal testimony from additional witnesses as necessary to reply to intervenor testimony.

Respectfully submitted,



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May 20, 1997

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DOCKET NO. R-00973953

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- Mr. Sam DeFrawi  
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LIST OF INTERVENORS IN RESTRUCTURING CASE  
DOCKET NO. R-00973953

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**PECO Energy Company****Memorandum**

Location: Legal Department, S23-1  
Date: May 16, 1997  
To: Paul R. Bonney  
From: Robin L. Krongold  
Subject: Possible Locations for Public Input Hearings

Set forth below are some possible locations for Public Input Hearings. I spoke with folks from Rates and Public Relations to determine where public input hearings had been held in prior rate cases and what other public meeting sites might be available.

Philadelphia County

- State Office Building at Broad and Spring Garden Streets (site of Public Input Hearings in the QRO case)
- Arch Street Methodist Church on North Broad Street
- Northeast High School

Montgomery County

- Borough Hall in Norristown (site of Public Input Hearings in the QRO case)

Delaware County

- The Annex to the Media Court House (site of Public Input Hearings in the QRO case)

Bucks County

- Delaware Valley College in Doylestown
- Warrington Inn at Rt 611 and State Road (charges a fee for room rental)

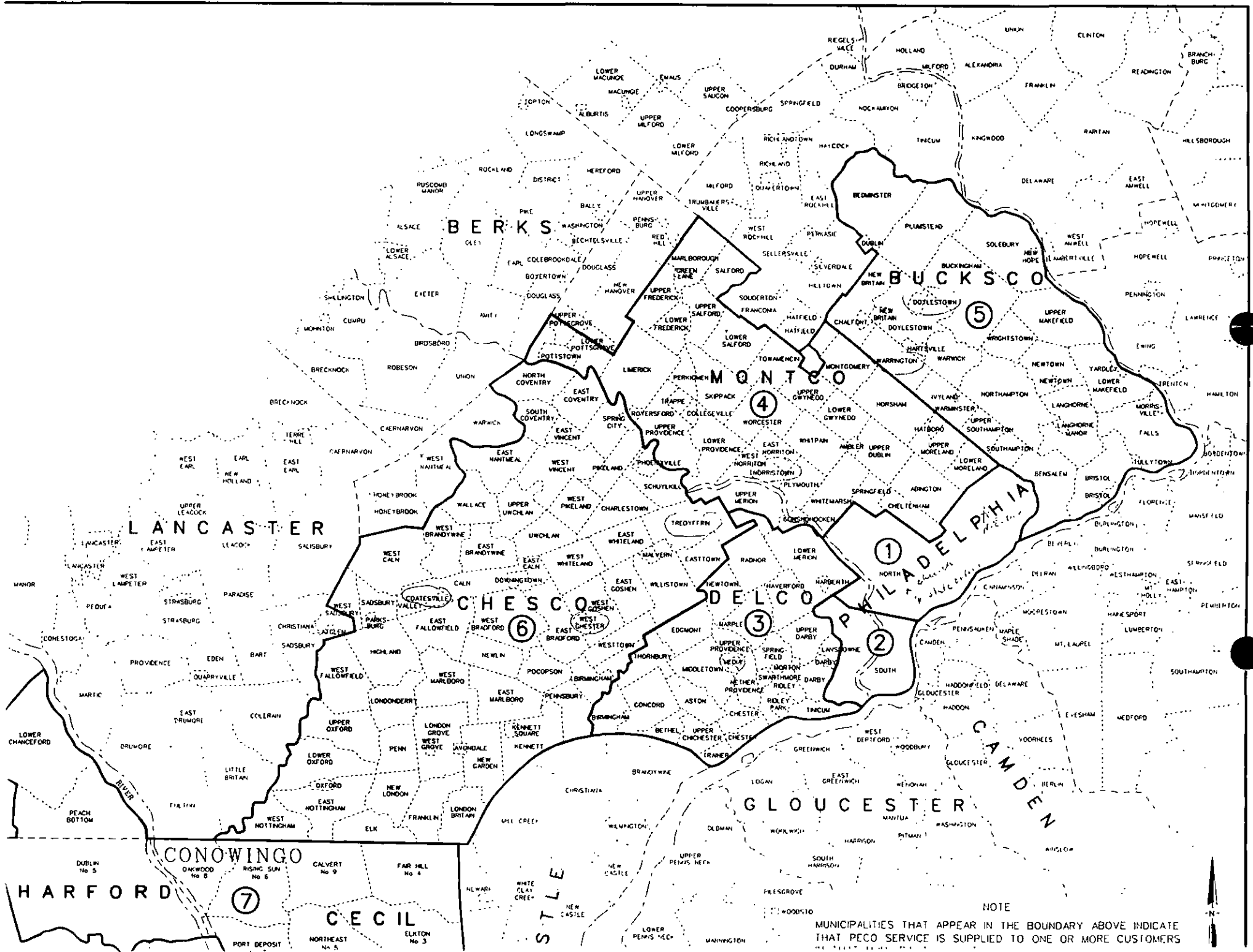
Chester County

Possible Locations for Public Input Hearings  
May 16, 1997  
Page 2

- PECO's Coatesville Emergency Operations Facility
- Government Services Center in West Chester
- Tredyffrin Township Municipal Building

Also attached is a map of PECO's service territory. I have marked the locations of the above suggestions for your reference.

Enclosure



NOTE  
 MUNICIPALITIES THAT APPEAR IN THE BOUNDARY ABOVE INDICATE THAT PECO SERVICE IS SUPPLIED TO ONE OR MORE CUSTOMERS

Certificate of Service

I hereby certify that I have this day served PECO Energy Company's Second Prehearing Memorandum 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  
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Honorable Charles E. Rainey, Jr.  
Administrative Law Judge  
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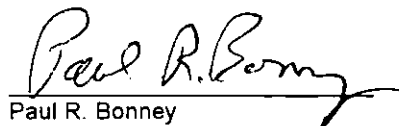
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Dated: May 20, 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APPLICATION OF PECO ENERGY  
COMPANY FOR APPROVAL OF ITS  
RESTRUCTURING PLAN UNDER  
SECTION 2806 OF THE PUBLIC  
UTILITY CODE

Docket No. R-00973953

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PREHEARING MEMORANDUM  
OF THE  
OFFICE OF CONSUMER ADVOCATE

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Pursuant to Section 333 of the Public Utility Code, 66 Pa.C.S. §333, and in response to a request contained in the Prehearing Order #1 issued in the above-captioned matter, the Office of Consumer Advocate (OCA) provides the following information:

I. BACKGROUND

On April 1, 1997, pursuant to the recently enacted Electricity Generation Competition and Customer Choice Act ("Act"), PECO Energy Company ("PECO" or "the Company") filed its Application For Approval of its Restructuring Plan under Section 2806 of the Act. 66 Pa.C.S. §2806. PECO's Plan proposes a Competitive Transition Charge ("CTC") tariff provision which seeks the

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recovery of \$6.805 billion of Transition and Stranded Costs. PECO's proposed CTC is to be recovered through 2005, from all ratepayers within the Company's service territory regardless of their future generation supplier. PECO's Restructuring Plan sets out the Company's specific proposal for the unbundling of its rates to provide its customers direct access to alternative generation providers and to provide generation suppliers direct access to PECO's customers. In addition to unbundled transmission, distribution and generation rates, PECO's Plan also contains numerous other provisions addressing such issues as billing, metering, reliability, self generation, universal service and consumer education.

## II. ISSUES AND SUB-ISSUES

Based upon a preliminary analysis of PECO Energy Company's filing of April 1, 1997, OCA has compiled a list of issues and sub-issues which it anticipates will be included in its investigation of PECO Energy Company's proposal. It is anticipated that other issues may arise and may be pursued once the answers to the OCA's interrogatories have been received and analyzed.

The OCA anticipates that in addition to formal discovery, informal discovery meetings will be necessary due to the size and complexity of PECO's filing. At those meetings, the OCA expects to narrow the scope of the issues and narrow the scope of additional information requests. Once this process has been completed, the OCA will file direct testimony which will set forth the specific issues to be addressed in this proceeding. At that time, the OCA will also be able to make and to quantify its specific recommendations.

The following list sets forth the issues at this time that the OCA anticipates it may raise:

**Stranded and Transition Costs:** The OCA will examine PECO's request to recover its stranded costs including PECO's methodologies and assumptions utilized to estimate its stranded or transition costs, whether the specific stranded and transition costs which PECO seeks to recover are properly recoverable from ratepayers, and whether the level of stranded or transition costs sought by PECO for recovery from ratepayers is just and reasonable.

**Market Price Analysis:** The OCA will investigate PECO's claimed amount of stranded costs including whether PECO's market price analysis of the prospective price of power provides a reasonably accurate forecast of PECO's alleged stranded costs. In its review of PECO's claimed level of stranded costs, the OCA will also examine whether PECO has utilized reasonable assumptions and market price models as well as whether PECO reasonably estimated the projected levels of operation and maintenance expenses.

**Specific Cost Claims:** The OCA will review a variety of claimed costs included by PECO in its determination of stranded costs. Some of the claimed costs which the OCA intends to investigate are PECO's claimed costs of decommissioning its fossil and nuclear power plants, PECO's claimed cost of capital and PECO's claims for certain deferred tax items as well as other regulatory asset claims.

**Mitigation:** The OCA will investigate whether PECO has taken all appropriate steps to mitigate the costs it seeks to recover through its proposed CTC.

**Unbundling:** The OCA will examine whether the Company properly unbundled the price terms of the rate schedules and riders in PECO's current electric tariff utilizing appropriate data. Central to this examination is a review of PECO's cost of service study, the allocation of the costs of

distribution, transmission and generation, the classification of costs, and the allocation of costs to rate classes.

**CTC Design, and Reconciliation Mechanisms:** The OCA will review PECO's allocation of the recovery of CTC revenues among each class of ratepayers as well as its design of the CTC. The OCA will investigate whether the Company's application and reconciliation proposal for the CTC and ITC are appropriate.

**Revised Tariffs, Rate Schedules, Rule & Regulations:** The OCA will examine PECO's revised tariffs, rate schedules and proposed rules and regulations for consistency with the Act and to ensure that they are reasonable, non-discriminatory, in the public interest, and that they do not improperly shift costs.

**Direct Access, Supplier Access:** The OCA will review the Company's proposed procedures enabling customers direct access to alternative generation suppliers and the suppliers access to PECO consumers. PECO's proposals concerning supplier licensing, reciprocity, metering, transmission and related ancillary services, load balancing and billing will all be reviewed by the OCA, as will PECO's proposed phase-in procedures. The OCA will examine whether these procedures provide effective, fair and nondiscriminatory access to alternative generation suppliers consistent with the Electricity Generation and Customer Choice Act.

**Universal Service, Energy Conservation:** The OCA will examine whether the Company's proposals properly satisfy the universal service and low-income assistance requirements of the Act and are in the public interest. The OCA will also examine the Company's proposal for funding its universal service charge, including allocation of all costs to residential customers.

**Consumer Education:** The OCA will review the Company's proposed plan for Consumer Education to determine whether it will properly educate consumers about the options, benefits and methods of purchasing electricity from alternative generation providers.

**Obligation to Serve, Reliability:** The OCA will review PECO's provisions concerning its continuing obligation to serve and PECO's proposals for maintaining system reliability to ensure that they are consistent with the goals of the Act.

**Standards of Conduct:** The OCA will examine PECO's proposed standards of conduct for consistency with the Act.

The OCA reserves the right to raise other issues presented by the responses to discovery or testimony. In addition, the OCA reserves the right to address issues raised by other parties.

### III. WITNESSES

The OCA intends to present the direct, rebuttal and surrebuttal testimony, as may be necessary, of the following witnesses in this proceeding. Each witness will present testimony in written form and will also attach various exhibits, documents, and explanatory information which will assist in the presentation of OCA's case. In order to expedite the resolution of this proceeding, the OCA requests that copies of all interrogatories, testimony, and answers to interrogatories be mailed directly to the expert witnesses, as well as mailing a copy to counsel for the OCA.

The OCA's expert witnesses for this proceeding are:

Richard LaCapra/Lee Smith  
LaCapra Associates  
The Province Building  
333 Washington Street  
Boston, MA 02108  
Phone: 617-367-6500  
Fax: 617-951-0528  
E-mail: 73623.3635@compuserve.com

Neil Talbot  
81 Grand Street, No. 5  
New York, NY 10013  
Phone: 212-334-4921  
Fax: 212-334-4922  
E-mail: 75321.453@compuserve.com

Thomas Catlin  
Exeter Associates, Inc.  
Suite 350  
12510 Prosperity Drive  
Silver Spring, MD 20904  
Phone: 301-622-4500  
Fax: 301-622-2686

David M. Wise  
Wise Energy  
615 Summit Avenue  
Maplewood, NJ 07040  
Phone: 201-763-6504  
Fax: 201-763-4901

#### **Universal Service**

Nancy Brockway, Esq.  
Suite 400  
18 Tremont Street  
Boston, Mass. 02108  
Phone: 617-523-8010  
Fax: 617-523-7398

#### **Consumer Education/Protection**

Barbara R. Alexander  
15 Wedgewood Drive  
Winthrop, ME 04364  
Phone/Fax: 207-395-4143

#### IV. SERVICE ON OCA

The OCA will be represented in this case by Assistant Consumer Advocates Tanya J. McCloskey and Steven K. Steinmetz. Two copies of all documents should be served on the OCA as follows:

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

Telephone: (717) 783-5048  
Telecopier: (717) 783-7152  
E-mail paoca@ptd.net

#### V. MODIFICATION OF SCHEDULE

As discussed at the first Prehearing Conference, the OCA has requested that the Company agree to a voluntary extension of the suspension period to afford all parties adequate time to prepare this case. In a letter dated May 2, 1997, the OCA indicated that PECO has agreed to this voluntary extension. In that letter, the OCA proposed specific modest extensions to the due dates for the Main and Reply Briefs as well as the Recommended Decision. These proposed changes would extend the Commission's polling date to December 18, 1997 and the Commission's final vote until January 8, 1998. The OCA would urge Your Honors to adopt these limited schedule extensions.

In your Prehearing Order #1, Your Honors expressed concern over the legality of any schedule extension beyond the statutorily mandated nine month language of 66 Pa.C.S. §2806(F). The OCA submits that the statutory period for review of a restructuring plan contained within Section 2806(F) of the Act is similar to language throughout the Public Utility Code which also establish time

periods for the Commission's review of utility filings.<sup>1</sup> Yet, the Commission has traditionally held that such time constraints are directory in nature and not mandatory. See, Livery Services v. Vesci Cadillac Limousine Service, 63 Pa. PUC 549 (1987). In Livery Services, the Commission rejected a Motion to Strike the Initial Decision of the ALJ where, following the granting of an extension of time, the Initial Decision was ultimately not signed until one week short of two years after the deadline required by Section 332(g) of the Public Utility Code, 66 Pa.C.S. §332(g). The basis of the Motion to Strike the Initial Decision of the ALJ was that the delayed decision violated the mandatory timeline of Section 332(g) of the Code. Relying in part on the Commonwealth Court's decision in West Penn Power Company v. Pennsylvania Public Utility Commission, 104 Pa. Cmwlth. Ct. 21, 521 A.2d 75 (1987), and on its own previous holdings, the Commission concluded that the time period prescribed within 66 Pa.C.S. §332(g) "is hortatory<sup>2</sup> or injunctive in nature." Livery Services at 551.

In West Penn Power Company the Commonwealth Court explained the criteria used to determine whether a statute is mandatory or directory as follows:

If the thing directed to be done is the essence of the thing required, the statute is mandatory. If, however, the statute merely directs that certain proceedings be done in a certain manner or at a certain time, it is directory.

Id. at 78 (citations omitted). Even more applicable to the instant matter is the Commonwealth Court's discussion of the Pennsylvania Supreme Court's reasoning in Moore Nomination Petition, 447 Pa. 526, 291 A.2d 531 (1972). Moore also dealt with statutory time restrictions and the debate

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<sup>1</sup> See, e.g., Sections 332(g), 1308(b) and 1308(d) of the Public Utility Code, 66 Pa.C.S. §332(g), 1308(b) and (d).

<sup>2</sup> Webster's Ninth New Collegiate Dictionary (1985) defines "hortative" as "giving exhortation" or "advisory."

over mandatory versus directory. Summarizing the Supreme Court's ruling, the Commonwealth Court stated:

The Moore court explained that, while the legislature may fix a time within which ministerial acts of procedure must be performed by the litigants, it cannot fix a time in which the exercise of the purely judicial function must occur and, thus, when a statute appears to do so it will be considered as directory.

West Penn Power Company, at 78.

Like the statutory time constraints in Moore and West Penn Power Company, the nine month language of 66 Pa.C.S. §2806(F) is imposed upon the adjudicatory body and not the litigants. Indeed, Section 2806(F) of the Act is entitled "Commission Review" and begins with the words "The Commission shall". Accordingly, the OCA submits that the time limitations of this section of the Act are directory and not mandatory in nature and Commission approval of a voluntary and uncontested request to modestly extend the schedule beyond nine months would not be improper.<sup>3</sup>

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<sup>3</sup> The OCA would also note that the time constraint language of Section 1308(d) of the Code, (concerning general rate increases), is very similar to the language of Section 2806(F) of the Act yet the Commission often agrees to voluntary schedule extensions beyond the statutory deadline. Several cases currently before the Commission have resulted in extensions which exceed the statutory deadline. See Pa. PUC v. Wynnewood Water and Sewer, Docket No. R-00963708; Pa. PUC v. Venus Water Supply Co., Inc., Docket No. R-00963716; Pa. PUC v. Glendale Yearound Sewer, Docket No. R-00963673. Moreover, as evidence that the legislative time limits of the Public Utility Code are directory rather than mandatory, the OCA would point to the Commission's policy statements on Alternative Dispute Resolution which specifically authorizes schedule extensions despite conflicting statutory deadlines for adjudication. See 52 Pa Code §69.394. Again, the OCA would emphasize that PECO, as the party submitting the Application at issue and retaining the burden of proof, has agreed to the modest schedule extension currently being sought.

VI. PUBLIC INPUT HEARINGS

The Office of Consumer Advocate has previously addressed both the time and location of public input hearings in its letter of May 2, 1997. The OCA is willing to work with the parties to this proceeding to arrive at mutually agreeable times and locations for these hearings.

Respectfully submitted,



---

Tanya J. McCloskey  
Steven K. Steinmetz  
Assistant Consumer Advocates

Counsel For:  
Irwin A. Popowsky  
Consumer Advocate

Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120  
(717) 783-5048

DATED: May 20, 1997  
42022

DATE: May 21, 1997.

SUBJECT: R-00973953

TO: Office of Administrative Law Judge

FROM: *WJB* John G. Alford, Secretary

PECO ENERGY COMPANY  
RESTURCTURING PLAN

---

Attached is copy of a Petition to Intervene of the Municipal Intervenors Group 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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MAY 22 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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97 MAY 23 AM 9:42  
P.A.P.U.C.  
PROTHONOTARY'S OFFICE

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

PREHEARING MEMORANDUM OF GPU ENERGY

Metropolitan Edison Company and Pennsylvania Electric Company, individually and collectively trading as GPU Energy, hereby submit the following Prehearing Memorandum in the above captioned proceeding. GPU Energy's Petition to Intervene in this proceeding was granted on May 5, 1997.

**I. Introduction**

This restructuring filing of PECO Energy Company ("PECO"), along with a similar filing by Pennsylvania Power & Light Company, is the first that the Commission will adjudicate under the Electricity Generation Customer Choice and Competition Act ("The Competition Act"). The GPU Energy companies will file their restructuring plans with the Commission on June 2, 1997, and these plans will move through the Commission's adjudicatory process roughly two months behind the plans of PECO and PP&L.

Obviously, there is a great deal of overlap in the issues that will be addressed in the restructuring proceedings of all of the Commonwealth's regulated electric utilities. GPU Energy contends that the Commission should act with caution and adopt a case by case approach to resolving these restructuring issues due to the different circumstances of each utility, the complexity of the issues, and the relatively tight time frames for resolving the issues. Despite

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this, it is possible that the precedent established in this proceeding will have an impact upon how various issues are resolved in the GPU Energy restructuring proceedings. Because of this potential precedential impact, GPU Energy has intervened in this proceeding.

## **II. Issues GPU Energy May Litigate**

As stated above, this proceeding will address myriad issues involving the restructuring of the electric utility industry. PECO's restructuring plan itself, and the testimony and exhibits accompanying it, do not contain any information that would cause GPU Energy to raise any issue or submit testimony in the proceeding. The extent to which GPU Energy may contest any issue in this proceeding depends upon the positions taken by the opposing parties as this proceeding unfolds, particularly in opposing party testimony to be submitted on June 20, 1997. When this testimony is filed, GPU Energy will be in a position to determine whether it needs to assert its position on any issue.

GPU Energy can only state at this time that there are certain issues that it will observe closely in making its determination whether to submit testimony, or otherwise assert its position. Among these issues are the market price of electricity, stranded cost recovery, issues related to contracts with non-utility generators of electricity, and the precedential impact of the Commission's decision in this proceeding.

## **III. Testimony GPU Energy May Sponsor**

Consistent with the statements in the previous section, GPU Energy cannot determine whether it will be necessary to sponsor any testimony in this proceeding until it scrutinizes the opposing party testimony to be submitted on June 20, 1997. In the event that GPU Energy believes it is necessary to submit testimony to address, from its perspective, any

issue raised in the opposing party testimony, GPU Energy intends to submit such testimony by July 18, 1997, the date set for submission of rebuttal testimony.

Respectfully submitted,

*Terrance J. Fitzpatrick*

Terrance J. Fitzpatrick

David M. DeSalle

RYAN, RUSSELL, OGDEN & SELTZER, LLP

800 North Third Street, Suite 101

Harrisburg, PA 17102

Phone: (717) 236-7714

Counsel for GPU Energy

Date: May 21, 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PROTHONOTARY'S OFFICE

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

PREHEARING MEMORANDUM  
OF PENNSYLVANIA POWER & LIGHT COMPANY

Pennsylvania Power & Light Company ("PP&L") submits this Prehearing Memorandum to clarify that it desires to remain an active party in this proceeding but does not intend to submit answering testimony or sponsor any witnesses at this time.

**I. Introduction**

The Restructuring Plan filing of PECO Energy Company ("PECO") raises many of the same issues involved in the PP&L's Restructuring Plan filing, which was also filed on April 1, 1997. PP&L believes that the Commission should address the issues raised by these restructuring filings, and those that will be submitted in the future by other Pennsylvania utilities, on a case-by-case basis, particularly in light of the different circumstances of each utility, the complexity of the issues and the procedural schedules in each case.

## II. Issues

PECO's Restructuring Plan filing and the supporting testimony and exhibits do not contain any information that would cause PP&L to raise any issues or submit testimony in the proceeding at this time. However, the extent to which PP&L may actively litigate any issue in this proceeding in the future depends upon the positions taken by the other parties in this proceeding, particularly in the answering testimony. PP&L will be in a better position to evaluate the need to actively litigate any issues in this proceeding or submit testimony after the parties' answering testimony is filed. Among the issues that PP&L may decide to actively litigate in this proceeding are the market price of electricity, stranded cost recovery, rate design and the precedential impact of the Commission's decision in this proceeding. If PP&L does decide to submit testimony, it will do so by the date on which rebuttal testimony must be filed pursuant to the procedural schedule adopted in this proceeding.

III. Conclusion

PP&L respectfully requests that it be permitted to continue to participate in this proceeding as an active party on the grounds set forth above.

Respectfully submitted,

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

Donald A. Kaplan  
Preston Gates Ellis  
& Rouvelas Meeds LLP  
Suite 500  
1735 New York Avenue, NW  
Washington, DC 20006  
(202) 628-1700

By: 

Dated: May 21, 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

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KJR

**PREHEARING MEMORANDUM OF ENRON  
CAPITAL & TRADE RESOURCES, INC.**

**I. INTRODUCTION**

Pursuant to the directions of the presiding Administrative Law Judges at the first prehearing conference in this matter on April 15, 1997, Enron Capital & Trade Resources, Inc. ("Enron") submits its prehearing memorandum in this matter.

On April 1, 1997, PECO Energy Company ("PECO") filed an Application for Approval of its Restructuring Plan under Section 2806 of the Electricity Generation Customer Choice and Competition Act, ("the Competition Act") 66 Pa. C.S. § 2806. By this Application, PECO seeks to recover \$6.805 billion of Transition and Stranded Costs. PECO proposes a Competitive Transition Charge ("CTC") tariff provision that would allow the recovery of this amount from all ratepayers through 2005. PECO's Application also sets forth its proposal for the unbundling of rates as well as several other issues affecting interaction with suppliers and the implementation of direct access, including billing, metering, reliability, direct access phase in, universal service and consumer education.

Enron, which is the largest non-regulated wholesale electric supplier in the Nation, petitioned to intervene on the ground that it has a direct and substantial interest in this

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proceeding which is not adequately represented by any other party. Enron will be both a competitor of PECO for retail electric services and a customer for unbundled transmission and distribution services from PECO. At the first prehearing conference, as confirmed by Prehearing Order # 1 dated April 25, 1997 at 2, Enron was permitted to intervene in this matter.

## **II. IDENTIFICATION OF ISSUES AND WITNESSES**

Based on a preliminary analysis, Enron has identified numerous issues that it is currently investigating and on which it tentatively plans to submit testimony in this proceeding, including the following:

- 1. Unbundling & Cost Allocation Issues.** Enron will present testimony on the appropriate manner in which PECO's retail rates should be unbundled to separately state charges for wire and non-wire services (such as billing and metering) and whether PECO's claimed rates for each category of service is reasonable.
- 2. Competitive Provisioning of Non-wire Services.** Enron will present testimony showing that permitting the competitive offering of non-wire services, such as metering and billing, will provide benefits to customers and is technically feasible.
- 3. Delivery Service Tariff.** Enron will present testimony supporting a "delivery service tariff" by which competitive suppliers will be permitted nondiscriminatory and reasonable access to PECO's jurisdictional transmission and distribution facilities.

4. **Competitive Safeguards.** Enron will present testimony on the sufficiency of the "standards of conduct" suggested by PECO as well as the physical and accounting separation of PECO's generation supply affiliate or division necessary in order to assure fair competition.

5. **Retail Phase-In.** Enron will present testimony demonstrating the appropriate manner in which phase-in of direct access, as required by the Electric Competition Act, should be accomplished for customers within PECO's territory.

6. **Customer Eligibility for Direct Access.** Enron will present testimony demonstrating the way in which residential, commercial and industrial customers should be able to become participants in direct access, once deemed eligible for participation and the reasonableness of rules for verifying residential customer switching.

7. **Supply Obligations and Procedures, Energy Balancing and Load Reconciliation.** Enron will present testimony on the reasonableness of PECO's proposed rules for suppliers with respect to supply obligations and procedures, energy balancing and load reconciliation.

8. **Wholesale Transmission Procedures, Access and Rules.** Enron will present testimony on the reasonableness of PECO's proposal to limit a supplier's ability to contract for wholesale transmission service.

9. **Customer Education and Information.** Enron will present testimony on the reasonableness of PECO's proposals with respect to customer education.

10. **Billing Format & Rules.** Enron will present testimony on the reasonableness of PECO's proposal in this area.

11. **Compliance with 52 Pa. Code Chapter 56.** Enron will present testimony on the reasonableness of PECO's proposal for supplier compliance in this regard.

12. **Stranded Investment and Competitive Transition Charge.** Enron will present testimony on the reasonableness of PECO's claim for stranded investment recovery for regulatory and generating assets.

13. **Universal Service.** Enron will present testimony on the reasonableness of PECO's proposal for a universal service plan.

14. **Reliability Rules.** Enron will present testimony on PECO's proposed reserve requirements for suppliers.

15. **Supplier of Last Resort Rules.** Enron will present testimony on PECO's proposed rules and procedures for fulfilling the "supplier of last resort" obligations established by the Competition Act.

Enron will consider the reasonableness and legality of PECO's position on all of these issues and whether they are fair to customers and competitors.

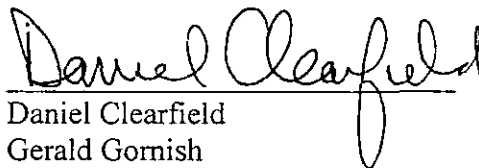
Enron may present direct, or rebuttal and surrebuttal testimony in this proceeding on the matters identified above as well as any additional issues that arise or become apparent during the course of the proceeding. Enron reserves the right to add to or modify the above list. Enron may use witnesses presently employed by Enron as well as the following:

Michael Dirmeier and/or  
Richard Koda  
Georgetown Consulting Group, Inc.  
456 Main Street  
Ridgefield, CT 06877

Paul D. Reising and/or  
Glenn Coles  
R.W. Beck  
550 Congressional Blvd.  
Suite 290  
Carmel, IN 46032

Enron reserves the right to add additional witnesses as its investigation continues.

Respectfully submitted,



Daniel Clearfield  
Gerald Gornish  
WOLF, BLOCK, SCHORR and  
SOLIS-COHEN  
305 N. Front Street, Ste. 401  
Harrisburg, PA 17101  
(717) 237-7160

Attorneys for Enron Capital & Trade Resources, Inc.

Dated: May 21, 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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PROTHONOTARY'S OFFICE

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

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PREHEARING MEMORANDUM OF  
DELMARVA POWER & LIGHT COMPANY  
(SECOND PREHEARING CONFERENCE)

---

KJR

Pursuant to Section 333 of the Public Utility Code, 66 Pa.C.S. §333, Delmarva Power & Light Company ("DP&L") provides the following information intended to clarify and narrow the issues of concern to DP&L in the above captioned matter.

**INTRODUCTION**

Delmarva Power & Light is a corporation organized and existing under the laws of the State of Delaware for the purposes, *inter alia*, of acquiring, owning, operating and maintaining property, equipment and facilities for the generation, transmission, distribution and furnishing of electricity and natural gas to and for the public for the production of light, heat and power. Applicant currently furnishes electricity to and for the public throughout the State of Delaware, and natural gas

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service in certain parts of the northern portion of the State of Delaware. Subsidiaries of Applicant furnish electric service in certain parts of the States of Maryland and Virginia in the Delmarva Peninsula. In addition, on May 20, 1997, DP&L filed an Application for a License as a Generation Supplier, Marketer, and Aggregator throughout the Commonwealth with the Commission.

#### ISSUES AND SUB-ISSUES

Based upon DP&L's review of the record in this proceeding, DP&L has compiled a list of issues and sub-issues which it anticipates will be pursued. DP&L, in reliance upon the information received and reviewed to date, including but not limited to PECO Energy Company's ("PECO's") filing, direct testimony, and formal discovery responses, has attempted to narrow the issues to be addressed in this proceeding by DP&L. In addition, DP&L is willing to undertake informal discussion with PECO to resolve certain issues which may be unique to DP&L.

The following list sets forth the issues, at this time, that DP&L anticipates it may raise:

1. Generation Credit. PECO's retail plan should allow customers to achieve at least a 20% savings from current tariff rates on their electric supply.

2. Cost shifting. In the allocation of costs between generation and transportation and distribution, PECO should not be able to shift costs from generation to T&D in a manner so as to artificially reduce the cost of generation.

3. Universal Service. The costs of providing universal service should be borne by the local distribution company and not

by electric generation suppliers. The LDCs should be entitled to recover the costs of providing universal service through local delivery charges to ratepayers.

4. Stranded Costs. PECO should be entitled to recover reasonable and verifiable stranded costs. PECO should not be entitled to recover its costs for Limerick or for the 1400 MW which are not included in its rate base.

5. Calculation of Stranded Costs.

- a. Load forecasting
- b. O&M and capital expenditures - inflation rate
- c. Mitigation factors such as unit efficiencies
- d. Discount factor based upon differing capital structure

6. Metering. Electric generation suppliers should have open access to the data from their customer's meters, whether those meters are owned by the LDC or the customer. Electric suppliers should also have the right to provide customers with centralized metering for multiple properties or locations.

7. Outages. Electric generation suppliers should have direct line access to trouble repair systems of PECO to monitor outages recorded. Electric generation suppliers should have the right to submit trouble tickets on behalf of their customers so that the supplier has the ability to furnish service information directly to its customers without having to contact PECO. Repairs should be made on a first come first serve basis with no priority given to LDC supply customers. An electric generation supplier should not be penalized for any over/under deliveries for outage affected customers.

8. Billing. Electric generation suppliers should have the right to bill for not only their own services, but the services of PECO if requested by the customer.

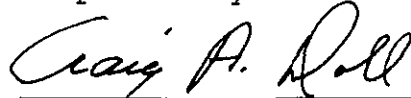
9. System bypass. PECO's proposal to prohibit customer bypass of the PECO distribution system should be rejected. The customer should have the right to bypass both the PECO transmission and distribution system.

10. Transmission charges. A retail customer should have the ability to choose its transmission service (if available) and not be forced to utilize PECO's distribution service. PECO must totally unbundle its rates.

**WITNESSES**

DP&L does not anticipate presenting any witnesses in this proceeding.

Respectfully submitted,



Craig A. Doll  
214 State Street  
Harrisburg, PA 17101  
(717) 230-9555  
(717) 230-9750 FAX

Dale Griffin, Esquire  
Delmarva Power & Light Company  
800 King Street  
P. O. Box 231  
Wilmington, DE 19899  
(302) 429-3757  
(302) 429-3801 FAX

Dated: May 21, 1997



**PECO ENERGY**

Legal Department

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

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Todd D. Cutler  
Viina 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 Foehl  
Jenny P. Shulbank  
Ward L. Smith  
Dawn Getty Sutphin  
Noel H. Trask  
Assistant General Counsel

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PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

Direct Dial: 215 841 4252

May 21, 1997

**By Overnight Delivery**

Derrick P. Williamson, Esquire  
McNees, Wallace & Nurick  
100 Pine Street  
Harrisburg, PA 17108-1166

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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 Derrick:

Enclosed are PECO Energy Company's Answers to Philadelphia Area Industrial  
Energy Users Group's Interrogatories:

Set VI PAIEUG-VI-5 through PAIEUG-VI-8.

Sincerely,

*Paul Bonney/mbo*

Paul Bonney

PRB/mbo

Enclosures

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

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:

Enron's Interrogatories: **Set I** Enron-I-40 through Enron-I-50 and Enron-I-53.

Office of Consumer Advocate's Interrogatory: **Set VII** OCA-VII-3.

Philadelphia Area Industrial Energy Users Group's interrogatories: **Set VI** PAIEUG-VI-5 through PAIEUG-VI-8.

Office of Trial Staff's Interrogatory: OTS-RS-13.

Environmentalists' Interrogatories: **Set I** Environmentalists-I-21, Environmentalists-I-23, Environmentalists-I-24 and Environmentalists-I-27.

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 17108-1166  
(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  
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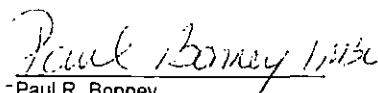
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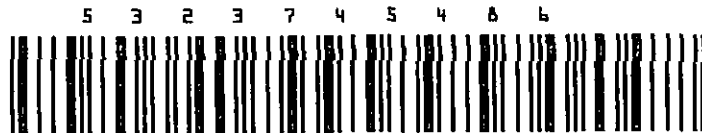
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Direct Dial: 215 841 4252

May 21, 1997

**By Overnight Delivery**

Alan J. Barak, Esquire  
1417 Blue Mountain Parkway  
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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 Alan:

Enclosed are PECO Energy Company's Answers to the Environmentalists'  
Interrogatories:

Set I Environmentalists-I-21, Environmentalists-I-23, Environmentalists-I-24  
and Environmentalists-I-27.

Sincerely,

*Paul Bonney/mbo*

Paul Bonney

PRB/mbo

Enclosures

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

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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:

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Office of Trial Staff's Interrogatory: OTS-RS-13.

Environmentalists' Interrogatories: **Set I** Environmentalists-I-21, Environmentalists-I-23, Environmentalists-I-24 and Environmentalists-I-27.

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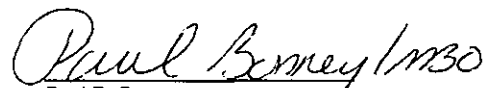
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Direct Dial: 215 841 4252

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**By Overnight Delivery**

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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 Tanya:

Enclosed is PECO Energy Company's Answer to the Office of Consumer  
Advocate's Interrogatory:

Set VII OCA-VII-3.

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

Sincerely,

*Paul Bonney/mbo*

Paul Bonney

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cc: w/enclosures  
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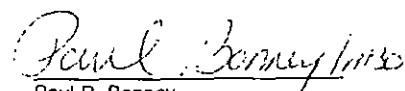
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Dated: May 21, 1997

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Company Pennsylvania Public Utility Corp Dept./Floor/Suite/Room

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May 21, 1997

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**By Overnight Delivery**

Kenneth L. Mickens, Senior Prosecutor  
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901 North 7<sup>th</sup> Street Rear  
Harrisburg, PA 17120

KJR

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 Ken:

Enclosed is PECO Energy Company's Answer to the Office of Trial Staff's  
Interrogatory:

OTS-RS-13.

Sincerely,

*Paul Bonney/mbo*

Paul Bonney

**DOCUMENT  
FOLDER**

PRB/mbo

Enclosures

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

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:

Enron's Interrogatories: **Set I** Enron-I-40 through Enron-I-50 and Enron-I-53.

Office of Consumer Advocate's Interrogatory: **Set VII** OCA-VII-3.

Philadelphia Area Industrial Energy Users Group's Interrogatories: **Set VI** PAIEUG-VI-5 through PAIEUG-VI-8.

Office of Trial Staff's Interrogatory: OTS-RS-13.

Environmentalists' Interrogatories: **Set I** Environmentalists-I-21, Environmentalists-I-23, Environmentalists-I-24 and Environmentalists-I-27.

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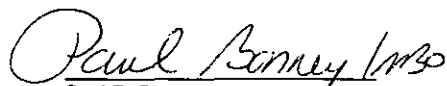
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Dated: May 21, 1997