

COMMONWEALTH OF PENNSYLVANIA

DATE: April 3, 1997

SUBJECT: R-00973953

KJR

TO: Office of Administrative Law Judge

FROM: Robert F. Frazier, Prothonotary



PECO ENERGY COMPANY

Attached is copy of a application for restructuring plan filed in connection with the above docketed proceeding.

This matter is assigned to your Office for action.

Attachment

cc: Bureau of Fixed Utility Services  
Bureau of Consumer Services  
Law Bureau  
John Frazier, BPL  
Office of Trial Staff

amh

DOCKETED  
APR 03 1997



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

IN REPLY PLEASE  
REFER TO OUR FILE

April 3, 1997

In Re: **R-00973953**

(See attached list)

**PECO ENERGY COMPANY**

KJR

Application for approval of a Restructuring Plan and Consumer Education Program.

**NOTICE**

This is to inform you that a prehearing conference on the above-captioned case will be held as follows:

Type: **Initial**

Date: **Tuesday, April 15, 1997**

Time: **10:00 a.m.**

Location: **Hearing Room Number 3  
Ground Floor  
North Office Building  
North Street and Commonwealth Avenue  
Harrisburg, Pennsylvania**

Presiding Officers: **Administrative Law Judge Marlane R. Chestnut  
Administrative Law Judge Charles E. Rainey, Jr.  
1302 Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, Pennsylvania 19130  
Telephone (215) 560-2105**

**RECEIVED**

APR 3 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

**DOCKETED**

APR 15 1997

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

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

**DOCUMENT  
FOLDER**

pc: **Chairman Quain**  
**Vice Chairman Crutchfield**  
**Commission Bloom**  
**Commissioner Rolka**  
**Commissioner Hanger**  
Judge Chestnut  
Judge Rainey  
Kevin Cadden - BPL 111  
John Frazier - BPL 101  
Office of Trail Staff (2)  
Consumer Advocate  
Small Business Advocate  
Bill Barrett - FUS  
Norma Lewis  
*Steve L. Springer, Scheduling Officer*  
Beth Plantz  
Docket Section  
Calendar File

Application for approval of a Restructuring Plan and Consumer Education Program

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**ORIGINAL**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**DOCKETED**  
APR 18 1997

Pennsylvania Public Utility  
Commission :  
:  
:  
v. :  
:  
PECO Energy Company :

Docket No. KJR  
R-00973953

**DOCUMENT  
FOLDER**

**NOTICE OF APPEARANCE**

To The Secretary:

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

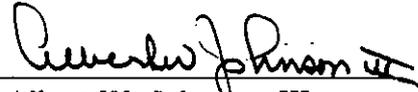
Prosecutor(s) for the Office of Trial Staff, in addition to the undersigned, will be:

Kenneth L. Mickens  
Charles Daniel Shields

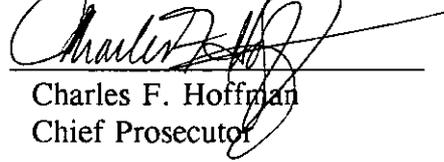
All service on and communications to the Office of Trial Staff in this proceeding should be addressed to:

Kenneth L. Mickens  
Charles Daniel Shields  
Prosecutors, Office of Trial Staff  
Pa. Public Utility Commission  
Post Office Box 3265  
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(717) 787-1976

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Albert W. Johnson, III  
Deputy Chief Prosecutor



Charles F. Hoffman  
Chief Prosecutor

Date: April 8, 1997

R-00973953

VINCENT J. FUMO  
CHAIRMAN



PAUL S. DLUGOLECKI  
EXECUTIVE DIRECTOR

DEMOCRATIC COMMITTEE ON APPROPRIATIONS  
SENATE OF PENNSYLVANIA  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

April 10, 1997

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Robert Frazier, Prothonotary  
Pennsylvania Public Utility Commission  
Room 206, North Office Building  
Harrisburg, Pennsylvania 17107-3265

ORIGINAL

Office of Prothonotary  
Public Utility Commission

**Re: In re the 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. Fraizer:

Enclosed for your consideration is an original and three copies of the Verified Application for Leave to Intervene of Senator Vincent J. Fumo in the above captioned matter.

A copy of the Reply has been sent overnight delivery on this date to all counsels of record. Please do not hesitate to contact me if there are any questions.

Sincerely,

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

Christopher B. Craig  
Counsel

Attachment

cc: All parties of record

DOCUMENT  
FOLDER

ERM

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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ORIGINAL

Office of Prothonotary  
Public Utility Commission

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

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Docket No. R-00973953

VERIFIED APPLICATION FOR LEAVE TO INTERVENE  
OF SENATOR VINCENT J. FUMO, CHAIRMAN  
PENNSYLVANIA SENATE DEMOCRATIC APPROPRIATIONS COMMITTEE

State Senator Vincent J. Fumo, individually as a taxpayer and a utility ratepayer, and in his official capacity as the Democratic Chairman of the Pennsylvania Senate Appropriations Committee, by and through his undersigned counsel, hereby files this Verified Application for Leave to Intervene in this proceeding pursuant to 52 Pa. Code §§ 5.71 to 5.74, and in support thereof avers the following:

1. Vincent J. Fumo (hereinafter "the intervener"), is an adult individual, taxpayer and residential PECO Energy Company ratepayer.

2. State Senator Vincent J. Fumo (hereinafter "the intervener"), is a member of the Pennsylvania State Senate as the duly elected State Senator representing the voters of the First State Senatorial District, and is the Democratic Chairman of the Senate Appropriations Committee.

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APR 11 1997

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3. The Intervener possesses standing to bring this action to this Honorable Commission in both his official capacity and as an individual ratepayer. *See*, 52 Pa. Code § 5.72(b); *Rydal-Meadowbrook Civic Ass'n v. Pennsylvania Public Utility Commission*, 173 Pa. Super. 380, 98 A.2d 481 (1953).

4. On January 22, 1997, pursuant to sections 2808 and 2812 of the Pennsylvania Public Utility Code,<sup>1</sup> PECO Energy Company (hereinafter "the Petitioner") filed an Application For Issuance of A Qualified Rate Order seeking recovery of approximately \$3.9 billion in asserted Qualified Transition Expenses through the issuance of Transition Bonds to be secured by the creation of Intangible Transition Property. The Petitioner requests the ability to sell, assign, transfer or pledge the Intangible Transition Property and the Transition Bonds secured thereby, and further requests the imposition of an Intangible Transition charge ("ITC") to create an irrevocable mechanism through which the revenues required to fund the Transition bonds may be recovered from PECO ratepayers, including the intervener. In these proceedings, Senator Fumo was granted active party intervener status. *See*, Order of J. Weismandel, February 10, 1997.

6. On April 1, 1997, pursuant to an order by the Public Utility Commission, PECO filed an Application for Approval of its Restructuring Plan under Section 2806 of the Public Utility Code. The filing seeks, in part: the recovery of 6.8 billion of Transition and Stranded Costs; the imposition of unbundled rates; the implementation of procedures to ensure direct service access; the implementation of a balanced Consumer Education Program; and, the implementation of PECO's initial plan to meet its universal service and energy conservation obligations.

7. Intervener has a direct and distinct interest, as a member of the Pennsylvania General

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<sup>1</sup> Act of July 1, 1978, P.L.598, No. 116, *as amended*, 66 Pa.C.S.A. § 101 *et seq.*

Assembly, to ensure that statutory mandates of the legislature are appropriately executed by administrative agencies, including the interpretation and application of the Pennsylvania Electricity Generation Customer Choice and Competition Act<sup>2</sup> in order to minimize energy costs to Pennsylvania residential energy consumers.

8. Intervener has a direct and distinct interest as a residential energy ratepayer; approval of the Petitioner's application will result in a substantial loss of potential residential energy rate savings that would otherwise be statutorily passed onto the Intervener and other similarly situated ratepayers. A decision by this Commission to grant in total or in part the application of the Petitioner will result in substantial costs, associated with the Petitioner's stranded assets, being born by PECO ratepayers, as well as affecting universal service coverage and mitigation measures to be taken by the Company.

9. This matter is still pending before this Honorable Commission.

10. If not granted leave to intervene in this matter and participate, this Commission will not be able to receive the perspective from members of the Pennsylvania General Assembly who debated and considered the Electricity Generation Customer Choice and Competition Act, its policy objectives and implementation provisions.

11. If this Commission grants this Application for Leave to Intervene, Senator Vincent J. Fumo intends to aggressively participate in this proceeding, to the extent limited resources permit, in opposition to the Petitioner's Application and in support of positions taken by CEPA, TAG and Action Alliance of Senior Citizens.

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<sup>2</sup> Act of December 3, 1996, P.L. 819, No. 138, 66 Pa.C.S.A. § 2801 *et seq.*

WHEREFORE, Senator Vincent J. Fumo respectfully requests that the Commission grant this Application for Leave to Intervene in the above caption matter.

Respectfully Submitted,



**Christopher B. Craig**

Attorney No. 65203

Counsel, Senate Democratic Appropriations Committee

Room 545, Main Capitol Building

Harrisburg, Pennsylvania 17120

(717) 787-5662

*Counsel for Senator Vincent J. Fumo*

**Dated:** April 10, 1997

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

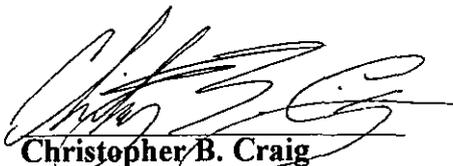
**In re the Application of PECO Energy  
Company for Approval of its Restructuring  
Plan Under Section 2806 of the Pennsylvania  
Public Utility Code**

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**Docket No. R-00973953**

**VERIFICATION**

I, Christopher B. Craig, hereby depose and state that I am authorized to execute this Verification on behalf of the Petitioner. The facts set forth in the foregoing are true and correct to the best of my knowledge, information and belief. I understand that this Verification is made pursuant to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsifications to authorities.



**Christopher B. Craig**  
Attorney No. 65203  
Counsel, Senate Democratic Appropriations Committee  
Room 545, Main Capitol Building  
Harrisburg, Pennsylvania 17120  
(717) 787-5662

*Counsel for Senator Vincent J. Fumo*

April 10, 1997

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**Docket No. R-00973953**

**CERTIFICATION OF SERVICE**

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

The Honorable Charles E. Rainey, Jr.  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
1302 Philadelphia State Office Building  
Philadelphia, Pennsylvania 19130  
(215) 560-2105

The Honorable Marlane R. Chestnut  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
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The Honorable Angel L. Ortiz  
Philadelphia City Council  
Room 590, City Hall  
Philadelphia, Pennsylvania 19107  
(215) 686-3420

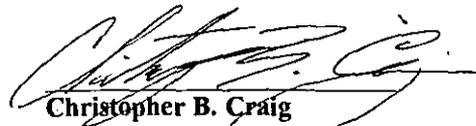
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**Christopher B. Craig**  
Counsel, Senate Democratic Appropriations Committee  
Room 545, Main Capitol Building  
Harrisburg, Pennsylvania 17120  
(717) 787-5662

*Counsel for Senator Vincent J. Fumo*

**Dated:** April 10, 1997

**ORIGINAL**

1417 Blue Mtn Pkwy  
Harrisburg PA 17112

Penn. Energy Project  
000134

717-540-5106 v.  
717-652-6899 f.

97barak@igcap.org: 32

RECEIVED  
PROTHONOTARY'S OFFICE

KJR

April 8, 1997

**DOCUMENT  
FOLDER**

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

RE: Electric Utility Restructuring Plan Filings  
PECO Dkt. No. R-00973953  
PP&L Dkt. No. R-00973954

Dear Mr. McNulty:

Enclosed please find the Notice of Environmentalists' Intent to Participate in the above-docketed proceedings, and a Certificate of Service for each proceeding.

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

Sincerely,



Mary Lou Morin  
Secretary to Alan J. Barak  
Counsel for the Environmentalists

cc: Service List

# ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of  
PECO Energy Company  
Restructuring Plan Filing

)  
)  
)  
)

Dkt. No. R-00973953

000135

NOTICE OF INTENT TO PARTICIPATE

by

THE ENVIRONMENTALISTS

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FOLDER

DOCKETED

APR 9 1997

Alan J. Barak (Sup. Ct. #67886)  
Counsel to the Environmentalists

1417 Blue Mountain Pkwy  
Harrisburg, PA 17112  
v. 717-540-5106  
f. 717-541-1970

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of )  
PECO Energy Company ) Dkt. No. R-00973953  
Restructuring Plan Filing )

NOTICE OF INTENT TO PARTICIPATE

The Environmentalists hereby give you notice that they intend to participate as an active party in the above-referenced docket. Please add the following people to your Service List:

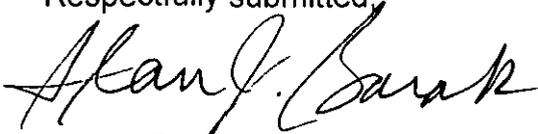
Alan J. Barak, Esq.  
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1417 Blue Mtn Parkway  
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f. 717-541-1970  
e-mail: *barak@jgc.apc.org*

Roger Clark, Esq.  
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Jerry Mendl  
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and,  
Andrew Altman, Deputy Director  
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e-mail: [aaltman@cleanair.org](mailto:aaltman@cleanair.org)

Respectfully submitted,

A handwritten signature in black ink that reads "Alan J. Barak". The signature is written in a cursive, flowing style.

Alan J. Barak (Sup. Ct. #67886)  
Counsel for the Environmentalists

1417 Blue Mountain Pkwy  
Harrisburg, PA 17112  
v. 717-540-5106  
f. 717-541-1970

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**ORIGINAL**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

000136

97 APR -9 PM 12:32

In the Matter of )  
PECO Energy Company )  
Restructuring Plan Filing )  
)

RECEIVED  
CLERK'S OFFICE  
Dkt. No. R-00973953

CERTIFICATE OF SERVICE

I hereby certify that I have on the 8th day of April, 1997, served the following document, Environmentalists' Notice of Intent to Participate, upon the following parties and in the manner outlined below.

SERVICE BY FIRST CLASS MAIL, POSTAGE PREPAID

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Respectfully submitted,



---

Alan J. Barak (Sup. Ct. No. 67886)  
Counsel for the Environmentalists

1417 Blue Mtn Parkway  
Harrisburg PA 17112  
v. 717-540-5106  
f. 717-541-1970

COMMONWEALTH OF PENNSYLVANIA

DATE: April 11, 1997

SUBJECT: R-00973953

TO: Office of Administrative Law Judge

FROM: *WJB* John G. Alford, Secretary

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

---

Attached is copy of Senator Vincent J. Fumo's  
Verified Application for Leave to Intervene filed in  
connection with the above docketed proceeding.

This matter is assigned to your Office for  
appropriate action.

Attachment

cc: Law Bureau

wjz

DOCKETED

APR 11 1997

DOCUMENT  
FOLDER

ERM

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MARJORIE H. GORDON  
NICHOLAS PODUSLENKO\*  
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\*\*\* ALSO MEMBER D.C. BAR  
\* ALSO MEMBER N.J. & D.C. BAR  
\*\* ALSO MEMBER N.J. & FLORIDA BAR  
\*\*\* ALSO MEMBER D.C. & MA. BAR  
\*\*\*\* ALSO MEMBER N.Y. BAR

April 11, 1997

VIA HAND DELIVERY

Honorable John Alford  
Secretary  
Pennsylvania Public Utility Commission  
North Office Building,  
P.O. Box 3265  
Harrisburg, PA 17105-3265

ORIGINAL

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

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97 APR 11 PM 3:48

KJR

Re: In re: Application of PECO Energy Company for Approval of its  
Restructuring Plan Under 2806 of the Public Utility Code  
Docket No. R-009739573

R-00973953

Dear Secretary Alford:

Enclosed for filing please find an original and two copies of a Petition to Intervene in the above-captioned matter filed on behalf of Indianapolis Power & Light Company.

As indicated on the attached Certificate of Service, PECO Energy Company and all parties of record in PECO's Application for a Qualified Rate Order docketed at PUC Docket No. R-00973877 have been served a copy of this Petition. All correspondence and legal documentation should be provided to me at our Harrisburg Office at 204 State Street, Harrisburg, Pennsylvania, 17101, phone # (717) 221-7920.

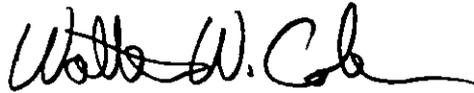
43

Secretary Alford  
April 11, 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 stroke at the end.

Walter W. Cohen, Esquire

Enclosures

c: Michael G. Banta, Esquire  
Andrew J. Giorgione, Esquire  
All parties on attached certificate of service.

DOCUMENT  
FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

**ORIGINAL**

APPLICATION  
DOCKET NO. R-00973953

**DOCKETED**  
APR 21 1997

PETITION TO INTERVENE  
OF INDIANAPOLIS POWER & LIGHT COMPANY

Indianapolis Power & Light Company, by and through its undersigned counsel, and pursuant to 52 Pa. Code § 5.72, files this Petition to Intervene in the above-captioned proceeding, and in support whereof avers as follows:

1. On April 1, 1997, PECO Energy Company ("PECO") filed an Application for Approval of its Restructuring Plan, pursuant to Section 2806 of the Electrical Generation Competition and Customer Choice Act of the Pennsylvania Public Utility Code, 66 Pa. C.S. §2801 *et seq.* (the "Competition Act"), requesting that the Pennsylvania Public Utility Commission ("Commission") review and approve a comprehensive restructuring plan containing, *inter alia*, unbundled rates for generation, transmission, distribution and other services, a Competitive Transition Charge, procedures for ensuring direct access to electric generation suppliers, and revised tariffs and rate schedules ("Restructuring Plan").

2. Petitioner Indianapolis Power & Light Company ("IPL") provides retail electric service to more than 400,000 residential, commercial and industrial customers in Indianapolis, Indiana, and portions of other Central Indiana communities. IPL is a subsidiary of IPALCO Enterprises, Inc., a multi-state energy company providing a variety of energy products and services.

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PROHIBITED

3. Pursuant to the provisions and purposes of the Competition Act, Petitioner IPL will be able to directly compete against PECO in the retail market for electricity in Pennsylvania.

4. Petitioner IPL and its parent are current competitors against PECO and its parent in national capital markets. The outcome of the pending case will affect IPL's comparative competitive position in that market. If this Commission allows PECO to recover the alleged stranded investment it seeks to recover through this proceeding, the effect on IPL will be direct, adverse and substantial.

5. Petitioner IPL directly competes against PECO in the provision of wholesale power. If this Commission grants the request by PECO to recover the alleged stranded investment as it seeks to do in this proceeding, the effect on IPL's ability to compete in the wholesale power market will be adversely affected in a direct and substantial degree.

6. Petitioner IPL is a potential future retail competitor of PECO. IPL's ability to compete against PECO in this retail power market will be directly and substantially adversely affected if the Commission allows recovery by PECO of its alleged stranded costs in the manner PECO proposes in this proceeding.

7. The Commission's approval of PECO's Restructuring Plan, in whatever form the Commission deems just and reasonable, may adversely affect and impact on IPL because the terms of the Restructuring Plan concern the procedures PECO intends to employ to ensure direct access to electric generation suppliers like IPL, and the extent of the cost recovery PECO intends to implement for its unbundled rates for generation,

transmission, distribution and other services, Competitive Transition Charge, and revised tariffs and rate schedules.

8. IPL has a direct, immediate and substantial interest in the outcome of this proceeding since IPL has an interest in this proceeding that is distinguishable from the interest shared by other citizens.

9. IPL has a substantial interest in availing itself of the benefits of the Competition Act and a concomitant substantial interest grounded in obtaining access to the critical, bottleneck facilities of PECO.

10. In a related matter captioned, *Application of PECO Energy Company for a Qualified Rate Order Under 2808 and 2812 of the Public Utility Code*, PUC Docket No. R-009733877, PECO intimated in its Answer and Objections to IPL's Petition to Intervene, although it believed IPL lacked standing in that proceeding, IPL would have a legitimate interest in this proceeding where the terms and conditions pursuant to which IPL and other potential retail electric generation suppliers will gain access to PECO's facilities would be determined by the Commission.

11. Since the regulatory scheme has changed in Pennsylvania, participation by IPL in this proceeding will further the public good by assisting the Commission to develop a full and complete record concerning the factual nature of, the economic and regulatory theories opposing, and the practical effect granting PECO's Restructuring Plan will have on competition in the provision of retail electric power in Pennsylvania.

12. IPL's participation in this proceeding will help assure that the Commission fully and fairly adjudicates the issues pertaining to PECO's Restructuring Plan and that the

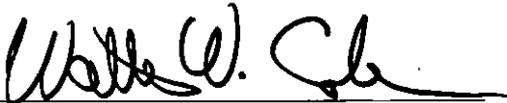
resulting rates are just, reasonable, not unduly discriminatory, lawful under the provisions and requirements of the Competition Act, and otherwise lawful and in the public interest.

13. IPL's participation is necessary for it to protect its interest in the outcome of this proceeding and no other party can adequately protect those interests.

WHEREFORE, Petitioner Indianapolis Power & Light Company hereby respectfully requests that the Public Utility Commission grant its Petition to Intervene as a party participant in this proceeding.

Respectfully submitted,

OBERMAYER REBMANN MAXWELL  
HIPPEL LLP

By: 

Walter W. Cohen, Esquire  
Attorney I.D. No. 12097  
Andrew J. Giorgione, Esquire  
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Attorneys for Petitioner Indianapolis  
Power & Light Company

Of Counsel:

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(317) 261-8449

Dated: April 11, 1997

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

I hereby certify that, on this 11<sup>th</sup> day of April, 1997, I served true and correct copies of Indianapolis Power & Light Company's Petition to Intervene upon the persons set forth below by first class mail, postage prepaid, in accordance with 52 Pa. Code §1.54:

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Hon. Charles E. Rainey, Jr.  
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HIPPELL LLP



Walter W. Cohen, Esquire

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717-540-5106 v.  
717-652-6899 f.

barak@igc.apc.org

# Penn. Energy Project

April 11, 1997

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

**ORIGINAL**

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

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

**DOCUMENT  
FOLDER**

Dear Mr. McNulty:

Enclosed please find the original and fifteen copies of the Environmentalists' Formal Complaint, Protest And Petition to Intervene in the above-docketed proceeding, as well as a Certificate of Service. I have also included two computer diskettes with the documents in WordPerfect 5.1 format.

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

Sincerely,



Mary Lou Morin  
Secretary to Alan J. Barak  
Counsel for the Environmentalists

cc: Service List

COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

FORMAL COMPLAINT

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

**ORIGINAL**

FORMAL COMPLAINT, PROTEST AND PETITION TO INTERVENE  
OF THE ENVIRONMENTALISTS  
REGARDING THE PECO ENERGY RESTRUCTURING PLAN  
DOCKET R-00973953

For Commission Use Only:

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

PLEASE PRINT:

1. YOUR NAME, ADDRESS AND TELEPHONE NUMBER.

Name Alan J. Barak, Esq., Alan J. Barak, PC (Attorney for Environmentalists)<sup>1</sup>  
Street 1417 Blue Mountain Parkway  
City Harrisburg State PA Zip 17112  
County Dauphin Work Telephone - Area Code ( 717 ) 540-5106

2. COMPANY YOU ARE COMPLAINING ABOUT

Name PECO Energy Company

**DOCKETED**

APR 21 1997

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PROTHONOTARY'S OFFICE

<sup>1</sup>The Environmentalists are represented by Penn. Energy Project. Located in offices on the Harrisburg campus of Widener University School of Law, Penn. Energy is supported by gifts from the Heinz Endowments and receives further assistance from the Widener Law School. Penn. Energy secures *pro bono publico* representation primarily for environmental and other public interest groups which could not meaningfully participate in legal proceedings without such assistance.

For Commission Use Only:

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

**DOCUMENT  
FOLDER**

**3. WHAT IS YOUR COMPLAINT? (DESCRIBE PROBLEM)**

BACKGROUND

1. On April 1, 1997, PECO Energy Company ("PECO" or "the Company") filed its Application for Approval of its Restructuring Plan and with it submitted the written testimony and exhibits of seventeen witnesses and related materials. This filing was made to comply with the requirements of the Electricity Generation Customer Choice and Competition Act ("the Act") (66 Pa.C.S. §§2801 *et seq.*). The Commission assigned the matter Docket No. R-00973953.

INTERESTS

**2. SUMMARY OF INTERESTS**

We are a coalition of groups which have come together to advocate a common agenda of interests in PECO's restructuring proposal. These groups and organizations, many of which are themselves PECO ratepayers and all which have members who are PECO ratepayers, have interests in the following aspects of this proceeding:

- a. The protection of the natural environment and public health from the serious environmental consequences of electricity generation and use. The Environmentalists want an electric power marketplace which does not encourage and contribute to the degradation of Pennsylvania's air, water and land water quality.
- b. An electric power marketplace designed to allow for the development of clean, distributed energy technologies and supplies as a component of Pennsylvania's sustainable economy. The Environmentalists want the development of safe, clean and reliable energy projects in the PECO service territory or are interested in selling electricity to PECO customers.
- c. An electric power marketplace and a regulatory system designed to make energy conservation and energy efficiency meaningful options for consumers and for the distribution and transmission systems. The Environmentalists believe that conservation and efficiency are cost-effective strategies which have broad economic and environmental benefits.

- d. A fair, healthy and robust electric power marketplace in which PECO is denied the ability to use its influence and power for anti-competitive ends. The Environmentalists believe that the Act must deliver real competition, not a hollow promise.
- e. A significant rate reduction for all ratepayers. The Environmentalists want competition to fulfill its promise of economic benefits to the PECO service territory.
- f. An effective Universal Service program. The Environmentalists want PECO to fulfill the Act's promise of universal access to electricity at affordable rates.
- g. An effective consumer education program. The Environmentalists believe that consumers will realize the potential savings and environmental benefits only if they have access to objective information in consistent formats and an accurate understanding of the choices they are called on to make.

### 3. IDENTIFICATION OF THE MEMBER ORGANIZATIONS

The Environmentalists represent an important segment of the Pennsylvania community, one particularly concerned with the interrelationships between energy production, distribution and consumption, public health and the quality of our natural environment. The Environmentalist coalition consists of the following organizations:<sup>2</sup>

- a. The Delaware Valley Citizens' Council for Clean Air ("Clean Air Council") has been actively involved in Pennsylvania's air quality issues for 30

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<sup>2</sup>The vast majority of these organizations were members of the Environmentalists coalition which has been an active participant in many of the Commission's previous restructuring proceedings, including Docket No. R-00973877 (the PECO securitization case), Docket No. M-00960890 F.003 (the restructuring Guidelines), Docket Nos. P-00971168, P-00971169, P-00971170, P-00971172, P-00971175 and P-00971183 (the pilot programs), Docket No. M-00960890 (the Pilot Program guidelines), Docket No. M-00960890 F.004 (the Licensing guidelines), Docket No. M-00960890 F.002 (the Qualified Rate Order guidelines) and Docket No. L-97-00970120 (the Reliability ratemaking).

years.<sup>3</sup> It has separately intervened in PECO Energy proceedings at the Commission addressing, *inter alia*, clean air and planning issues.<sup>4</sup>

- b. The Sierra Club<sup>5</sup> is a century-old broad-based citizens' environmental organization with active members throughout the Commonwealth. It has devoted significant resources to advocating cost-effective, environmentally benign alternatives to traditional supply side utility resources.<sup>6</sup>
- c. Citizen Action is Pennsylvania's largest consumer and environmental non-profit watchdog organization, with over 50,000 members in the state. Citizen Action fights for more and better paying jobs; a clean, healthy environment; cheaper, less-polluting energy; affordable and quality health care; a system of justice that protects consumers; and a democracy free

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<sup>3</sup>The Delaware Valley Citizens' Council for Clean Air ("Clean Air Council") is a membership-based environmental advocacy organization, headquartered in downtown Philadelphia and incorporated in Pennsylvania as a not-for-profit corporation. Most of its members reside in the Delaware Valley, primarily southeastern Pennsylvania. It has over 1,000 members statewide, and its membership takes service from many of the state's electric utilities, including PECO Energy. The Clean Air Council is the Delaware Valley region's oldest citizens' environmental advocacy organization, with 30 years of public advocacy.

<sup>4</sup>Complaint of Irwin Popowsky, Consumer Advocate, etc., No. M-00930387 F002 (Conemaugh scrubbers Clean Air compliance filing).

<sup>5</sup>The Sierra Club is based in San Francisco, California, and maintains a Pennsylvania Chapter with executive offices in Harrisburg, Pennsylvania. The organization's state membership of over 17,000 is located throughout the Commonwealth, and a state volunteer board is broadly representative of the interests of the state's regions. Sierra Club members take service from virtually all of the state's energy utilities. The Sierra Club has, since its founding in 1892, been concerned with the exploration, enjoyment, and protection of wild and scenic places of the Earth. Today's agenda includes protection of the national and global environment against threats of acid rain, water and air pollution, hazardous wastes, ozone depletion and global warming. The Sierra Club works to promote the utilization of renewable resources and technologies in order to preserve non-renewable natural resources for usages for which alternatives have not been identified.

<sup>6</sup>Metropolitan Edison, et. al. and Duquesne Light Co., Docket No., A-110300F051 (PA PUC) (filed 1991) (Sierra Club intervention granted). It has advocated environmental interests as a party to a traditional rate case. Re: PP&L, No. R-000943271 (Rate Filing) (1995), and in Commission generic and rulemaking cases, Investigation Into Demand Side Management By Electric Utilities, Docket No. I-900005 (Order of December 13, 1993), as one of the "Environmentalists", and has filed comments in Commission dockets I-860025 (all source bidding), I-900005 (seven electric utility DSM programs), and M-00940623 (IRP) as one of the Environmentalists.

from the unfair domination of special interests. Its membership includes PECO Energy customers.<sup>7</sup>

- d. The Pennsylvania Public Interest Research Group ("PennPIRG") is a student-founded, state-wide public interest group that advocates for all citizens on a wide variety of consumer issues.<sup>8</sup>
- e. The Grass Roots Alliance for a Solar Pennsylvania ("GRASP") is a Philadelphia-based private, nonprofit organization founded in 1979 to improve the quality of the natural, social and built environment by promoting and developing technologies and approaches which foster resource efficiency, sustainability, and self-reliance.<sup>9</sup>
- f. The Nonprofits Energy Savings Investment Program ("NESIP") is a Philadelphia-area organization which provides educational, technical, financial and project implementation assistance to nonprofit organizations in southeastern Pennsylvania to help them reduce their energy costs through energy efficiency measures and related strategies.<sup>10</sup>

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<sup>7</sup>Citizen Action's work in Pennsylvania focuses on research, public education, lobbying and statewide outreach. Its membership takes service from most of the state's utilities.

<sup>8</sup>PennPIRG is the Pennsylvania Public Interest Research Group, founded 20 years ago by Pennsylvania college and university students to advocate the interests of ordinary citizens to the Commonwealth's decision makers. PennPIRG now has 10,000 members statewide, of all ages. It advocates for environmental quality. Its membership takes service from seven of the state's largest utilities.

<sup>9</sup>GRASP serves nonprofit, low income, middle income and private interests through its technical consulting activities. Using a building science approach, GRASP provides training and technical assistance, and conducts applied research to advance cost-effective, practical uses of technology in the development of energy efficient, durable, healthy and comfortable environments.

<sup>10</sup>NESIP began in January 1993 with the mission of helping nonprofit organizations in southeastern Pennsylvania reduce their energy bills. NESIP has over 65 nonprofit clients which have implemented energy saving measures and another 40 clients which have received technical services. NESIP's energy workshops to date have attracted over 200 attendees.

- g. The Philadelphia Solar Energy Association (“PSEA”) is a business-citizen membership organization dedicated to promoting the benefits of renewable energy sources, particularly solar energy.<sup>11</sup>
- h. The Environmentalists will update this list as necessary throughout the proceedings, in the form of amendments to this Complaint, Protest, and Petition.

#### THE ENVIRONMENTALISTS' POSITIONS

4. Based on a preliminary examination of the Company's filing, the Environmentalists intend to advance the following positions in this proceeding:
- a. PECO's restructuring plan fails to reduce electric rates by a meaningful amount and thus fails to deliver the economic benefits which is the underlying foundation of the Act.
  - b. PECO's restructuring plan will create barriers to a healthy and robust electric power marketplace contrary to the public interest and the goals of the Act.
  - c. PECO's restructuring plan contains many anti-competitive features which will limit market entry by alternative suppliers and will have extremely negative consumer and environmental impacts. Among other things, the Environmentalists are concerned that PECO has not erected an adequate firewall between its power marketing and its other divisions.
  - d. PECO has not fairly and properly unbundled its rates.
  - e. PECO has not properly computed its stranded costs.
  - f. PECO's estimate of future electric prices is seriously flawed.

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<sup>11</sup>PSEA is a nonprofit, tax-exempt, membership organization whose purposes are to: (1) promote citizen education and participation in matters related to the discovery, development, and application of renewable energy sources, especially solar energy; (2) review and evaluate energy policies; and (3) assist in the implementation of energy programs. PSEA members reside primarily in Philadelphia, Bucks, Montgomery, Delaware, and Chester Counties.

- g. PECO has not adequately mitigated its stranded costs.
- h. PECO has not proposed a fair sharing of its stranded costs.
- i. PECO's proposed Competition Transition Charge is excessive and unreasonable.
- j. PECO's universal service plan is inadequate and fails to meet the standards of the Act.
- k. PECO's consumer information and education plan is inadequate and fails to meet the standards of the Act.
- l. PECO's restructuring plan fails to adopt the integrated resource planning strategies of energy conservation, load management and distributed power generation to reduce or hold down the future costs of distribution system improvements.
- m. PECO's restructuring plan fails to adequately address how PECO will work with the Commission and others to establish independent system operators ("ISOs") and to operate the transmission system and the interstate power pools in a fair and reliable manner.
- n. PECO has not properly dealt with the costs of nuclear decommissioning and the costs of safely storing and disposing of its nuclear waste.
- o. PECO's restructuring plan proposes to use the stranded investment proceeds in ways which fail to reduce the stranded investments and are not in the public interest.

5. The Environmentalists reserve the right to identify and raise other issues relating to PECO's restructuring plan as the facts become more apparent in the discovery and evidentiary phases.

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

WHEREFORE, the Environmentalists REQUEST THAT THE COMMISSION:

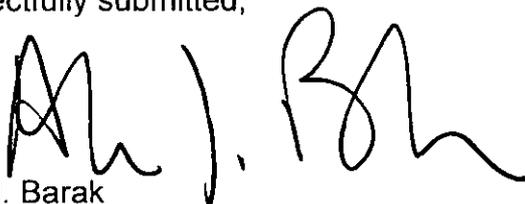
- a. Receive for filing and docket this Formal Complaint, Protest and Intervention;
- b. Consolidate this Formal Complaint, Protest and Intervention with PECO's Application and all other Complaints, Protests and Interventions which are made part of Docket Number R-00973953;
- c. Order that the Environmentalists be a party to such proceedings, that they be placed on the service list, and that each party to the proceeding provide them with all papers filed therein;
- d. Hold full evidentiary contested case hearings examining the reasonableness of PECO's Application and the policies, programs, terms of service, rates and other charges it proposes to implement;
- e. After the completion of the formal parties' evidentiary hearings, hold public input hearings throughout PECO's service territory in order to provide its customers with an opportunity to be heard on the record, and make the testimony and exhibits received therein a part of the record;
- f. Deny any increase or change in PECO's rates, charges and/or policies that is unjust, unreasonable, unduly discriminatory or inconsistent with the Public Utility Code, sound ratemaking principles, and public policy;
- g. Determine the justness and reasonableness of PECO's Application and the policies, programs, terms of service, rates and other charges it proposes to implement, as appropriate and lawful;
- h. Grant the relief requested in this Formal Complaint, Protest and Intervention;
- i. Grant all other relief to which the Environmentalists are entitled; and,
- j. Grant such other relief which the Commission may deem to be necessary and proper.

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

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

**SIGNATURE OF COMPLAINANT:**

Respectfully submitted,



Alan J. Barak

Alan J. Barak, PC  
Attorney for the Environmentalists  
(Sup. Ct. No. 67886)

Dated: April 11, 1997

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

Lawyer's Name Alan J. Barak, Esq.  
Street 1417 Blue Mountain Parkway  
City Harrisburg State PA Zip 17112  
Telephone Number - ( 717 ) 540-5106  
Fax Number - ( 717 ) 541-1970  
E-mail address - barak@igc.apc.org

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

**CERTIFICATE OF SERVICE**

I hereby certify that I have on the 11th day of April, 1997, served the Environmentalists' Formal Complaint, Protest And Petition to Intervene upon the following parties and in the manner outlined below.

SERVICE BY PERSONAL DELIVERY

ALJ Marlane R. Chestnut  
PA Public Utility Commission  
1302 Philadelphia State Office Building  
Broad & Spring Garden Streets  
Philadelphia PA 19130

ALJ Charles E. Rainey, Jr.  
PA Public Utility Commission  
1302 Philadelphia State Office Building  
Broad & Spring Garden Streets  
Philadelphia PA 19130

Paul Bonney, Esq.  
PECO Energy Company  
P.O. Box 8699  
2301 Market St.  
Philadelphia, PA 19101-8699

Office of Trial Staff  
Attn: Kenneth Mickens  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Steven Steinmetz, Esq.  
Tanya J. McCloskey, Esq. (OCA)  
Assistant Consumer Advocates  
Office of the Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

David M. Kleppinger, Esq. (PAIEUG)  
James P. Dougherty, Esq.  
Derrick P. Williamson, Esq.  
McNees Wallace & Nurick  
P.O. Box 1166  
Harrisburg, PA 17108-1166

Karen Oill Moury, Esq. (OSBA)  
Office of Small Business Advocate  
Suite 1102 - Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

Christopher B Craig Esq  
Office of Sen Vincent Fumo  
Room 545  
Main Capitol Bldg  
Harrisburg PA 17120

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Paul Russell, Esq. (PPL)  
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Pennsylvania Power & Light Co.  
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Allentown, PA 18101-1179

Joan O. Brandeis, Esq. (BET)  
Schnader, Harrison Segal & Lewis  
Suite 3600  
1600 Market Street  
Philadelphia, PA 19103-4252

Kenneth Zielonis (CART)  
Stevens & Lee  
208 N. 3rd St., Suite 310  
P.O. Box 12090  
Harrisburg, PA 17108-2090

David A. McCormick, Esq. (DOD)  
Regulatory Law Office  
Office of the Judge Advocate General  
Dept. of the Army  
901 North Stuart Street - Room 713  
Arlington, VA 22203-1837

James P. Melia, Esq. (UCC)  
Kirkpatrick & Lockhart  
240 North Third Street  
Harrisburg, PA 17101-1507

Stephen J. Selden, Esq. (BET)  
Assistant General Counsel  
Bethlehem Steel Corporation  
1170 Eighth Avenue  
Bethlehem, PA 18016-7699

Robert P. Haynes, III, Esq. (FOD)  
Mette, Evans & Woodside  
3401 North Front Street  
P.O. Box 5950  
Harrisburg, PA 17110

Dan Clearfield, Esq.(ENRON)  
Alan Kohler, Esq.  
Wolf, Block, Schorr & Solis-Cohen  
305 N. Front St., Suite 401  
Harrisburg, PA 17101

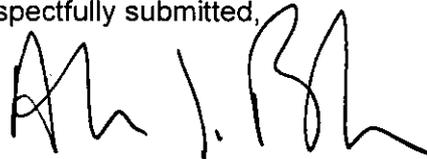
Roger Clark, Esq.  
NESIP  
905 Denston Dr.  
Ambler, PA 19002-3901

Jerry Mendl  
MSB Energy Associates  
Suite 200  
7505 Hubbard Avenue  
Middletown WI 53562

Michael Banta, Esq.  
V.P. and Assistant Gen'l Counsel  
Indianapolis Power & Light Co.  
One Monument Circle  
P.O. Box 1595  
Indianapolis, IN 46206-1595

Donald A. Kaplan, Esq. (PPL)  
Preston Gates Ellis & Rouvelas Meeds  
1735 New York Ave NW  
Suite 500  
Washington DC 20006-4759

Respectfully submitted,



Alan J. Barak (Sup. Ct. No. 67886)  
Counsel for the Environmentalists

1417 Blue Mtn Parkway  
Harrisburg PA 17112  
v. 717-540-5106  
f. 717-541-1970



*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 certain parts of the States of Maryland and Virginia in the Delmarva Peninsula. Petitioner is a member of the Pennsylvania-Maryland-New Jersey Interconnection Association ("PJM") and has authority from the Federal Energy Regulatory Commission ("FERC") to make wholesale sales at market-based rates.

2. DP&L is the holder of four Certificates of Public Convenience issued by the Commission at the following Docket numbers: A-91675; A-93235; A-94227; and A-96380.

3. DP&L's principal place of business is:

Delmarva Power & Light Company  
800 King Street  
Wilmington, DE 19899

4. DP&L will be represented in this proceeding by the following counsel, who should be placed on the Commission's

service list and receive copies of all correspondence and other documents:

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

(717) 230-9555  
(717) 230-9750 FAX

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

(302) 429-3757  
(302) 429-3801 FAX

Mr. Griffin is an attorney in good standing before the bar in the State of Delaware, whose Commission permits Pennsylvania attorneys to appear before it in cases of special interest.

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

6. To implement these restructuring changes, the Act adds Chapter 28 to the Pennsylvania Public Utility Code (the "Code"), 66 Pa. C.S. §101 et seq. Specifically, 66 Pa. C.S. §2806(d) requires all electric utilities in Pennsylvania to file restructuring plans with the Pennsylvania Public Utility

Commission (the "PUC" or "Commission") on a schedule to be developed by the PUC.

7. On or about April 1, 1997, PECO Energy filed with the Commission its proposed restructuring plan pursuant to Section 2806 of the Code, 66 Pa.C.S. §2806.

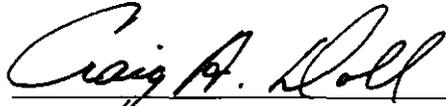
8. DP&L is in the process of filing an application for the issuance of a license for it to become a supplier of electric generation within Pennsylvania.

9. DP&L has a direct interest in this proceeding. DP&L's intent to participate in the competitive marketplace in Pennsylvania will be substantially affected by the resolution of issues raised in this proceeding. No party, other than DP&L, can adequately represent DP&L's unique position or protect its interests in this proceeding.

10. Permitting DP&L's intervention in this proceeding will not delay any on-going proceedings nor prejudice any existing party or the public interest. DP&L states that the public interest is best served by permitting the intervention of DP&L.

WHEREFORE, Delmarva Power & Light Company respectfully requests that its Petition to Intervene in this proceeding be granted.

Respectfully submitted,



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

Randall V. Griffin, Esquire  
Delmarva Power & Light Company  
800 King Street  
P.O. Box 231  
Wilmington, DE 19899

(302) 429-3757  
(302) 429-3801 FAX

Dated: April 14, 1997

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

**CERTIFICATE OF SERVICE**

I, Craig A. Doll, attorney for Respondent, 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.

**VIA FIRST CLASS MAIL**

James W. Durham  
Senior VP and General Counsel  
2301 Market Street  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
(For PECO Energy)

Bernard Ryan, Esquire  
Karen Oill Moury, Esquire  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North 2<sup>nd</sup> Street  
Harrisburg, PA 17101  
(For OSBA)

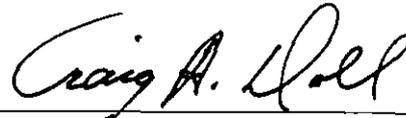
Kenneth Mickens, Senior Prosecutor  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
(For Pa.PUC)

Senator Vincent J. Fumo, Chairman of  
Senate Democratic Committee on  
Appropriations  
Room 545, Main Capitol Building  
Harrisburg, PA 17120  
(For self)

Tanya McCloskey, Esquire  
Steven Steinmetx, Esquire  
Office of Consumer Advocate  
14<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
(For OCA)

Honorable Marleane R. Chestnut  
Honorable Charles E. Rainey, Jr.  
Administrative Law Judges  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Dated this 14th day of April 1997.

  
\_\_\_\_\_  
Craig A. Doll, Esquire

VINCENT J. FUMO  
CHAIRMAN



PAUL S. DLUGOLECKI  
EXECUTIVE DIRECTOR

000244  
DEMOCRATIC COMMITTEE ON APPROPRIATIONS  
SENATE OF PENNSYLVANIA  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG

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PROTHONOTARY'S OFFICE

April 14, 1997

Robert Frazier, Prothonotary  
Pennsylvania Public Utility Commission  
Room 206, North Office Building  
Harrisburg, Pennsylvania 17107-3265

ORIGINAL

KJR

Re: **In re the Matter of the Petition of PECO Energy Company for Issuance of a Qualified Rate Order Under Sections 2808 and 2812 of the Pennsylvania Utility Code — Docket No. R-00973877.**

R-00973953

Dear Mr. Fraizer:

Enclosed for your consideration is an original and three copies of the Motion of Senator Vincent J. Fumo, CEPA, *et al.*, for Consolidation and Temporary Stay of Proceedings in the above captioned matter.

A copies have been sent overnight delivery on this date to all counsels of record. Please do not hesitate to contact me if there are any questions.

Sincerely,

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

Christopher B. Craig  
Counsel

DOCUMENT  
FOLDER

Attachment

cc: All parties of record

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION APR 14 PM 12:46

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In re the Matter of the Petition of PECO  
Energy Company for Issuance of a Qualified  
Rate Order Under Sections 2808 and 2812  
of the Pennsylvania Public Utility Code

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R-00973953

Docket No. ~~R-00973877~~

**ORIGINAL**

**MOTION OF SENATOR VINCENT J. FUMO, CEPA, ET AL.,  
FOR CONSOLIDATION AND TEMPORARY  
STAY OF PROCEEDINGS**

State Senator Vincent J. Fumo, CEPA, TAG, Action Alliance of Senior Citizens, and John W. Long, Jr., (hereinafter "CEPA, *et al.*") pursuant to section 5.81 of the Pennsylvania Public Utility Commission's Rules of Administrative Practice and Procedure, hereby file this Temporary Stay of Proceedings in the above captioned matter and Consolidation with the Application of PECO Energy Company for Approval of Its Restructuring Plan Under Section 2806 of the Public Utility Code, docket number R-00973953. Specifically, Senator Fumo, CEPA, *et al.*, request that: (1) the Commission order the consolidation of docket number R-00973877 proceedings and docket number R-00973953 proceedings which involve common questions of law and facts; and, (2) that the Commission temporarily stay consideration and issuance of a final order in the above captioned matter until the completion of the evidentiary record of PECO Energy Company's Application for Approval of its Restructuring Plan. In support thereof, Senator Fumo, CEPA, *et al.*, aver the following:

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APR 21 1997

1. On January 22, 1997, pursuant to sections 2808 and 2812 of the Pennsylvania Public Utility Code,<sup>1</sup> PECO Energy Company (hereinafter "PECO") initiated the above captioned proceedings originally seeking issuance of an irrevocable Qualified Rate Order designating approximately \$3.6 billion in claimed Qualified Transition Expenses to be secured by the creation of Intangible Transition Property.

2. On March 20, 1997, Administrative Law Judge Louis G. Cocheres concluded seven (7) days of evidentiary hearings and two (2) days of public participation hearings on the Application of PECO for a Qualified Rate Order, and closed the evidentiary record in the above captioned matter.

3. On April 1, 1997, a multi-volume 4,000 page Restructuring Plan Application was filed by PECO with this Commission pursuant to section 2806 of the Pennsylvania Electricity Generation Customer Choice and Compensation Act (hereinafter "the Act").<sup>2</sup> Said Restructuring Plan Application was filed eleven (11) days following the close of the evidentiary record in the above captioned proceedings.

4. PECO's request for a Qualified Rate Order was made pursuant to section 2812(b) of the Act allegedly providing for an expedited determination of its request — to securitize \$3.6 billion in stranded investments in advance of this Commission's review and approval of the Company's Restructuring Plan Application. PECO has represented to this Commission that its request for securitization constitutes only one-half of its total stranded investments.

5. PECO Energy Company's Application for Approval of its Restructuring Plan (Docket No. R-00973953) claims that its total net stranded costs are approximately \$6.8 billion. PECO has indicated that because the Application for a Qualified Rate Order seeking securitization of

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<sup>1</sup> Act of July 1, 1978, P.L. 598, No. 116, as amended, 66 Pa.C.S.A. § 101 et seq.

<sup>2</sup> Act of December 3, 1996, P.L. 819, No. 138, 66 Pa.C.S.A. §2801 et seq.

\$3.6 billion of stranded costs is still pending, it has not included a request for a Qualified Rate Order in this matter. However, PECO indicates that a "final Commission Order in that case is expected to be issued on or about May 22, 1997 and will, in all likelihood, also necessitate revision to PECO's proposals herein." (PECO Application for Approval of its Restructuring Plan, page 5.).

6. In each application, the Application for a Qualified Rate Order and the Application for Approval of its Restructuring Plan substantially the same facts and questions of law are involved — specifically an analysis by the Commission of PECO's total stranded costs and a determination as to the level that is justly and reasonably recoverable from ratepayers. Though, as a matter of state law, the Restructuring Plan is significantly larger in its scope, the Restructuring Plan provides a total account of the Company's stranded cost exposure, while the Application for a Qualified Rate Order involves only a portion of PECO's total stranded costs. As conceded by PECO, a Commission decision regarding the Qualified Rate Order will necessitate revision of the Company's Restructuring Plan.

7. The Commission's strict and absolute adherence to the 120 day period of review of the Application for a Qualified Rate Order pursuant to section 2812(b) of the Act would preclude consideration of the Application within the context of PECO's comprehensive restructuring filing, thereby depriving the Commission of the ability to evaluate the Company's requests concerning stranded costs recovery within the context of the interdependent standards set forth in the Act.

8. This Commission possesses the authority to extend the period necessary to review the Application for a Qualified Rate Order. The 120 day period for review of a Qualified Rate Order Application pursuant to section 2812(b) is appropriately interpreted to be directory in nature and not mandatory. *See, Livery Services v. Cadillac Limousine Service*, 63 Pa. PUC 549 (1987) (Public Utility Commission determined that legislative rules prescribing initial decision time limits and deadline exceptions are advisory only); *County of Allegheny v. Pennsylvania Public Utility Commission*, 182 Pa. Super. 100, 159 A.2d 227 (1960) (Superior Court determined that a 30 day

limitation period for approval of contracts between utilities and municipalities is directory, not mandatory); *West Penn Power Company v. Pennsylvania Public Utility Commission*, 104 Pa. Cmwlth. 21, 512 A.2d 75 (1987) (Commonwealth Court maintained that the 90 day period for Administrative Law Judges to commence evidentiary hearings and the 90 day period for rendering decisions after close of evidentiary hearings were directory, not mandatory). In fact, statutory time limitations cannot be construed as mandatory if the effect is to impair the legislative purpose of a statute, such as ensuring that Commission decision are made on the basis of a complete evidentiary record.

9. Consideration and issuance of a final Qualified Rate Order providing for the securitization of a portion of PECO's stranded investments by this Commission outside of the context and consideration of the Company's comprehensive restructuring filing is both contrary to the provisions of the Act, as well as sound public policy. By definition, transition or stranded costs may only be determined as part of the applicant's comprehensive restructuring filing. *See*, 66 PA.C.S.A. §2803. In addition, section 2812(b) of the Act provides that the recovery of stranded investments must be made pursuant to the interdependent standards of sections 2804 and 2808.

10. Consolidation of these two filings is both appropriate under the present circumstances and necessary to ensure compliance with the Act. Pursuant to section 5.81 of the Commission's Rules of Administrative Practice and Procedure, this Commission possesses the discretionary right to grant consolidation where there is a common question of law or fact; when said consolidation would facilitate the proceedings; and, if the cost of litigation to the parties will decrease. *See*, *Dopp v. Williamsburg Borough Dept. Of Water and Sewer*, 59 Pa. PUC 25 (1984); *In re Assessments for Office of Consumer Advocate*, 51 Pa. PUC 734 (1978); *In re Middletown Taxi Company*, 50 Pa. PUC 263 (1976). In fact, it has been the practice of this Commission to consolidate separate proceedings together in which evidence and supporting data of one

proceeding goes to the heart of another. *Pennsylvania Public Utility Commission v. Bell Telephone Company*, 46 Pa. PUC 568 (1973); *Pennsylvania Public Utility Commission v. Butler Township Water Co.*, 52 Pa. PUC 442 (1978).

11. Both the Application for a Qualified Rate Order and the Restructuring Plan involve a common question of law and fact — the level of stranded investments that are recoverable from ratepayers either through the issuance of a competitive transition charge or through issuance of an intangible transition charge. Consideration and final determination of the level of stranded investments to be securitized pursuant to a Qualified Rate Order without full review of the Restructuring filing will imprudently force this Commission to make its final determination without knowledge or analysis of the Company's total stranded cost exposure or total mitigation measures assumed. This concern is heightened by the irrevocable nature at the applicant's request.

12. Consolidation of these two proceedings would facilitate this Commission's analysis of PECO's total level of stranded investments, and enable the Commission's decision to be made as part of its comprehensive analysis of PECO's restructuring plan, and not in a piece-meal fashion. Such a decision would permit the Commission to evaluate the Company's total stranded costs and total mitigation efforts within one proceeding and within a complete evidentiary record - thereby avoiding the risk of inconsistent decisions created by issuance of an irrevocable Qualified Rate Order while the evidentiary record before the Commission is still being developed on these common questions of fact.

13. PECO will not suffer any harm or prejudice if these proceedings were consolidated. PECO's right to seek issuance of a Qualified Rate Order in an expedited manner pursuant to Section 2812(b) does not absolutely mandate issuance of said order within 120 days. In fact, the Act clearly provides that any matter not resolved by the Commission shall be deferred to its restructuring plan. See, 66 PA.C.S.A. § 2812(b)(1)(i). The use of the phrase "deferred for" in lieu of "consolidated with" presumes consolidation of the proceedings has already occurred.

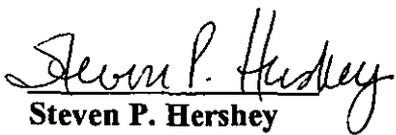
Furthermore, PECO has no reasonable expectation to the relief requested in the immediate future because existing legal challenges to the Act's constitutionality and future appeals to a Commission decision, will prevent the issuance of the transition bonds. *See*, 66 Pa.C.S.A. § 2812(4); *Fumo, et al. v. Pennsylvania Public Utility Commission, et al.*, 269 M.D. (Cmwlt. Ct. 1997); Cross Examination of T. Hill, pages 405- 411.

THEREFORE, for the forgoing reasons, Senator Fumo, CEPA, *et al.*, hereby respectfully request the Honorable Commission to grant the following:

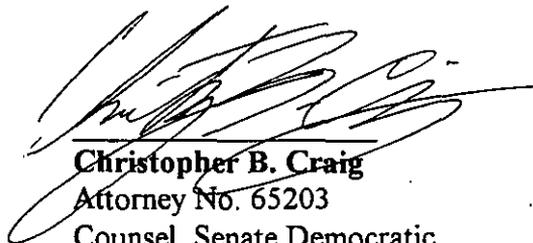
- a ) consolidate docket number R-00973877 proceedings and docket number R-00973953 proceedings which involve common questions of law and facts;
- b ) temporarily stay the request for a Qualified Rate Order until PECO Energy Company's Application for Approval of its Restructuring Plan has been consolidated and made part of the existing evidentiary record;
- c ) delay consideration and issuance of the request for a final Qualified Rate Order until the completion of the evidentiary record of PECO Energy Company's Application for Approval of its Restructuring Plan; and,

GRANT such further relief that may be just and equitable under these circumstances.

Respectfully Submitted,



**Steven P. Hershey**  
Attorney No. 22986  
**Philip A. Bertocci**  
Attorney No. 32329  
Community Legal Services, Inc.  
1424 Chestnut Street  
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(215) 981-3777  
*Counsel for CEPA, et al.*



**Christopher B. Craig**  
Attorney No. 65203  
Counsel, Senate Democratic  
Appropriations Committee  
Room 545, Main Capitol Building  
Harrisburg, Pennsylvania 17120  
(717) 787-5662  
*Counsel for Senator Fumo*

**Dated:** April 14, 1997

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

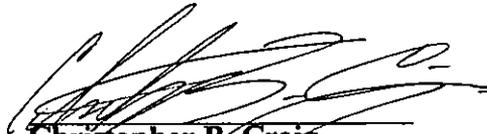
**In re the Matter of the Petition of PECO  
Energy Company for Issuance of a Qualified  
Rate Order Under Sections 2808 and 2812  
of the Pennsylvania Public Utility Code**

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**Docket No. R-00973877**

**VERIFICATION**

I, Christopher B. Craig, hereby depose and state that I am authorized to execute this Verification on behalf of the Petitioner. The facts set forth in the foregoing are true and correct to the best of my knowledge, information and belief. I understand that this Verification is made pursuant to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsifications to authorities.



**Christopher B. Craig**  
Attorney No. 65203  
Counsel, Senate Democratic Appropriations Committee  
Room 545, Main Capitol Building  
Harrisburg, Pennsylvania 17120  
(717) 787-5662

*Counsel for Senator Vincent J. Fumo*

April 14, 1997

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**In re the Matter of the Petition of PECO  
Energy Company for Issuance of a Qualified  
Rate Order Under Sections 2808 and 2812  
of the Pennsylvania Public Utility Code**

+  
+  
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**Docket No. R-00973877**

**CERTIFICATION OF SERVICE**

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

The Honorable Louis G. Cocheres  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
North Office Building, Room G8A  
Harrisburg, PA 17105

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Office of Consumer Advocate  
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Senior Prosecutor, Office of Trial Staff  
Pennsylvania Public Utility Commission  
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Harrisburg, PA 17101-1236  
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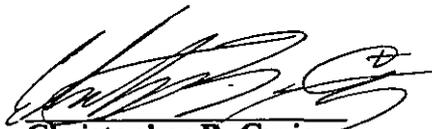
John L. Munsch, Esquire  
Allegheny Power  
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Greensburg, PA 15601-1689  
412-838-6210

Alan J. Barak, Esquire  
Alan J. Barak, P.C.  
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Harrisburg, PA 17112  
717-540-5106

The Honorable Angel L. Ortiz  
Philadelphia City Council  
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Ernest E. Jones, Esquire  
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7<sup>th</sup> Floor  
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Lance Haver  
6048 Ogontz Avenue  
Philadelphia, PA 19141



**Christopher B. Craig**  
Counsel, Senate Democratic Appropriations Committee  
Room 545, Main Capitol Building  
Harrisburg, PA 17120  
717-787-5662

*Counsel for Senator Vincent J. Fumo*

**Dated:** April 14, 1997



ORIGINAL

OFFICE OF SMALL BUSINESS ADVOCATE

Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, Pennsylvania 17101

Bernard A. Ryan, Jr.  
Small Business Advocate

April 14, 1997

KJR (717) 783-2525  
(717) 783-2831(FAX)

**HAND DELIVERED**

DOCUMENT  
FOLDER

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

RECEIVED  
97 APR 14 PM 3:05  
PROTHONOTARY'S OFFICE  
P.A.P.U.C.

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

Dear Prothonotary:

I am delivering for filing today the original plus three copies of the:

1. Notice of Intervention of the Small Business Advocate in the above captioned matter; and
2. Public Statement of the Small Business Advocate relating to the filing of that Notice of Intervention.

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

Sincerely,

Karen Oill Moury  
Assistant Small Business Advocate

Enclosures

cc: Hon. Marlane R. Chestnut  
Hon. Charles E. Rainey, Jr.  
Parties of Record  
Mr. Brian Kalcic

DP

**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 :

DOCUMENT  
FOLDER

Office of  
Small Business Advocate  
Notice of Intervention

The Office of Small Business Advocate, an agency of the Commonwealth authorized by the Small Business Advocate Act (Act 181 of 1988, 73. P.S. §§399.41 - 399.50) to represent the interest of small business consumers as a party in proceedings before the Pennsylvania Public Utility Commission, files this Notice of Intervention in this proceeding pursuant to the provisions of 52 Pa. Code §5.71(a)(1).

Representing the Office of Small Business Advocate in this proceeding is:

Karen Oill Moury  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, Pennsylvania 17101  
(717) 783-2525

RECEIVED  
APR 14 PM 3:05  
P.A.P.U.C.  
PROTHONOTARY'S OFFICE

DOCKETED

APR 23 1997

*Karen Oill Moury*  
Karen Oill Moury  
Assistant Small Business Advocate

Dated: April 14, 1997

DOCKETED  
APR 23 1997

PUBLIC STATEMENT OF  
SMALL BUSINESS ADVOCATE  
CONCERNING THE INTEREST  
OF SMALL BUSINESS CONSUMERS  
TO BE PROTECTED BY THE FILING OF A  
NOTICE OF INTERVENTION  
IN THE APPLICATION OF PECO ENERGY COMPANY  
FOR APPROVAL OF ITS RESTRUCTURING PLAN  
UNDER SECTION 2806 OF THE PUBLIC UTILITY CODE  
AT DOCKET NO. R-00973953

DOCUMENT  
FOLDER

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§399.41 - 399.50 (the "Act"). The Act further provides that the Small Business Advocate is to issue publicly a written statement setting forth the specific interest of small business consumers to be protected by the intervention in any proceeding involving those interests before the Public Utility Commission ("PUC" or "Commission"). This public statement relates to the filing today by the Small Business Advocate of a notice of intervention in the proceeding initiated by PECO Energy Company ("PECO") on April 1, 1997. Specifically, PECO filed an Application with the Commission for Approval of its Restructuring Plan, pursuant to Section 2806 of the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §2806.

By this Application, PECO proposes a Competitive Transition Charge ("CTC") tariff provision, which would allow the recovery of \$6.805 billion of Transition and Stranded Costs from ratepayers through 2005. PECO's Application also sets forth its proposal for the unbundling of rates. In addition, PECO's filing addresses

several other issues, including billing, metering, reliability, self-generation, universal service and consumer education.

The Office of Small Business Advocate ("OSBA") has intervened in this case to assure that the interests of PECO's small business customers are adequately represented and protected. While the OSBA intends to review all aspects of PECO's filing, the OSBA will particularly focus on any issue where the impact on the interests of PECO's small business consumers is significant or unjustifiably different from the impact on other classes of customers.

In an effort to represent and protect the interests of PECO's small business customers, the OSBA will pursue numerous issues relating to PECO's restructuring plan. In particular, the OSBA will consider the reasonableness of PECO's stranded cost claim, including the reliability of PECO's market price analyses and underlying assumptions and the appropriateness of various components of stranded costs that PECO has included in its request. That inquiry will necessarily involve a review of whether PECO has taken adequate steps to mitigate the costs that it now seeks approval to recover from ratepayers.

The OSBA will also examine the Company's unbundling proposal and allocation methods, along with the supporting cost data submitted with its plan. That review will consider whether PECO has designed its CTC in a manner that is fair to all customers and whether PECO has proposed an appropriate allocation of the recovery of CTC revenues among customer classes.

In addition, the OSBA will evaluate all other aspects of PECO's restructuring plan to ensure that the needs and interests of small business customers have not been overlooked. To the extent that a feature of PECO's proposal would adversely affect small businesses, the OSBA intends to raise such issues.

Finally, the OSBA will review all items submitted by other parties to this proceeding. As necessary to protect the interests of small businesses, the OSBA will respond to or endorse the positions of other parties.

In order to adequately protect and advance the interests of PECO's small business consumers, the OSBA intends to fully participate in this proceeding. To the extent that the OSBA concludes that any aspect of PECO's filing or of proposals submitted by other parties would adversely affect the interests of the small business community within PECO's service territory, the OSBA will ensure that those concerns are set forth and addressed.

Date: April 14, 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 :

CERTIFICATE OF SERVICE

I certify that I am serving copies of the Notice of Intervention on behalf of the Office of Small Business Advocate in the manner indicated upon the persons addressed below:

Hon. Marlane R. Chestnut  
Administrative Law Judge  
Pa. Public Utility Commission  
1302 Phila. State Office Bldg.  
Broad and Spring Garden Streets  
Philadelphia, PA 19130  
(FAX and first class mail)

Hon. Charles E. Rainey, Jr.  
Administrative Law Judge  
Pa. Public Utility Commission  
1302 Phila. State Office Bldg.  
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Paul Bonney, Esquire  
Ward Smith, Esquire  
PECO Energy Company  
2301 Market Street  
P.O. Box 8699  
Philadelphia, PA 18101-8699  
(first class mail)

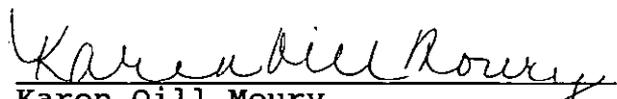
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McNees, Wallace & Nurick  
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P.O. Box 1166  
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Kenneth L. Mickens, Esquire  
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Christopher B. Craig, Esquire  
Counsel to Senator Fumo  
Room 545, Main Capitol Bldg.  
Harrisburg, PA 17120  
(first class mail)

  
Karen Oill Moury  
Assistant Small Business Advocate

Date: April 14, 1997

COMMONWEALTH OF PENNSYLVANIA

DATE: April 15, 1997

SUBJECT: R-00973877

TO: Office of Special Assistants

FROM: *WJS* John G. Alford, Secretary

KJR

PETITION OF PECO ENERGY COMPANY FOR ISSUANCE OF A  
QUALIFIED RATE ORDER UNDER SECTIONS 2808 AND 2812 OF THE  
PENNSYLVANIA UTILITY CODE.

---

Attached is copy of Motion of Senator Vincent J.  
Fumo, CEPA, ET AL., for Consolidation of R-00973877 and  
R-00973953 and Temporary Stay of Proceedings filed in  
connection with the above docketed proceeding.

This matter is assigned to your office for  
appropriate action.

Attachment

cc: ALJ  
OTS

wjz

DOCUMENT  
FOLDER

DOCKETED  
APR 21 1997

COMMONWEALTH OF PENNSYLVANIA

DATE: April 15, 1997

SUBJECT: R-00973953

TO: Office of Administrative Law Judge

FROM: *WJ* John G. Alford, Secretary

KJR

APPLICATION OF PECO ENERGY COMPANY FOR APPROVAL OF ITS  
RESTRUCTURING PLAN

---

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

This matter is assigned to your Office for appropriate action.

Attachment

cc: Office of Trial Staff

wjz

**DOCKETED**  
APR 21 1997

**DOCUMENT  
FOLDER**

COMMONWEALTH OF PENNSYLVANIA

DATE: April 15, 1997

KJR

SUBJECT: R-00973953

TO: Office of Administrative Law Judge

FROM: *WJ* John G. Alford, Secretary

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

---

Attached is copy of a Petition to Intervene of Indianapolis Power & Light Company 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  
APR 21 1997

MCNEES, WALLACE & NURICK  
ATTORNEYS AT LAW

BRUCE D. BAGLEY  
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ROBERT M. CHERRY  
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HARVEY FREEDENBERG  
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DONALD B. KAUFMAN  
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DAVID M. WATTS, JR.  
STEVEN J. WEINGARTEN  
NEAL S. WEST  
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LAWRENCE R. WIEDER  
WILLIAM M. YOUNG, JR.

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JENNIFER L. BAKER  
RICHARD J. BIEL  
JEFFREY F. CHAMPAGNE  
JAMES P. DEANGELO  
JAMES P. DOUGHERTY  
KATHLEEN A. DUNST  
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JAMES W. KUTZ

LOUISE HUTCHINSON MARA  
F. STEPHENSON MATTHES  
JON R. MOONEY  
SHARON R. PAXTON  
CHAD F. Phipps  
PAMELA C. POLACEK  
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CAROL A. STENOUR  
SUSAN V. STEWART  
ROBERT F. TEPLITZ  
ROBERT A. WEISHAAR, JR.  
DERRICK P. WILLIAMSON  
JOHN A. WITHEROW, JR.  
KATHLEEN A. WOLOWSKI  
SAMUEL S. YUN

Writer's Direct Dial:  
(717) 237-5446  
E-Mail: [dwilliam@mwn.com](mailto:dwilliam@mwn.com)

April 15, 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 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

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

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Paul R. Bonney, Esq.  
April 15, 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/aeH  
Enclosures

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

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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing 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).

**VIA FIRST CLASS MAIL:**

Tanya J. McCloskey, Esq.  
Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

Karen Oill Moury, Esq.  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

Alan C. Kohler, Esq.  
Wolf, Block, Schorr and Solis-Cohen  
305 North Front Street, Suite 401  
Harrisburg, PA 17101

Kenneth L. Mickens, Esq.  
Office of Trial Staff  
PA Public Utility Commission  
Pitnick Building, Third Floor  
901 North 7th Street, Rear  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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

Christopher B. Craig, Esq.  
Office of Senator Vincent J. Fumo  
Room 545  
Main Capitol Building  
Harrisburg, PA 17120

Steven P. Hershey, Esq.  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102

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

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

Walter W. Cohen, Esq.  
Obermayer, Rebmann, Maxwell & Hippel  
204 State Street  
Harrisburg, PA 17101

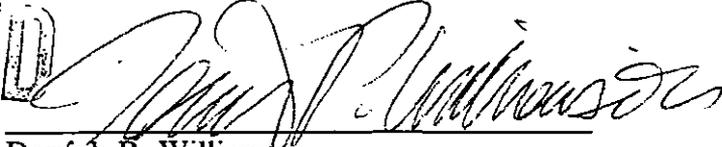
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Derrick P. Williamson

Dated this 15th day of April, 1997, in Harrisburg, Pennsylvania.

**COMMUNITY  
LEGAL  
SERVICES, INC.**

1424 CHESTNUT STREET  
PHILADELPHIA, PA 19102  
215-981-3700  
FAX 215-981-0434

**ORIGINAL**

April 15, 1997

KJk

Honorable John Alford  
Secretary  
Pennsylvania Public Utility Commission  
North Office Building  
P.O. Box 3265  
Harrisburg, PA 178105-3265

Re: In 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 in the above-captioned matter, please find  
an original and two copies of the Motion of CEPA, et al. Objecting  
to Proposed Notice and Requesting Order Requiring Amendment of  
Notice.

Very truly yours,

*Philip A. Bertocci*  
PHILIP A. BERTOCCHI  
STEVEN P. HERSHEY

Enclosures

cc: All parties on attached certificate of service

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**ORIGINAL**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**MOTION OF CEPA, ET AL. OBJECTING TO PROPOSED NOTICE  
AND REQUESTING ORDER REQUIRING AMENDMENT OF NOTICE**

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PROTHORP BARRY'S OFFICE

CEPA, TAG, and John W. Long, Jr. (hereinafter "CEPA, et al.") hereby object to the notice which PECO proposes to send to customers purportedly informing them of the filing of its Application for Approval of Restructuring Plan and requests an order requiring that the notice be amended to provide adequate information concerning the issue to be decided. In support of this Motion, CEPA, et al. avers as follows:

1. On April 1, 1997, PECO Energy Company (hereinafter "PECO" ) filed an Application For Approval of its Restructuring Plan Under Section 2806 (hereinafter "Application") of the Public Utility Code, pursuant to Section 2806 of the Pennsylvania Electricity Generation Customer Choice and Compensation Act (hereinafter "Act").

2. At paragraph 24 of the Application, PECO states its intention to provide notice of its Application to customers by means inter alia of a bill insert in the form attached to Mr. Hill's testimony

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as TPH-14. A copy to TPH-14 (hereinafter "Notice") is incorporated herein and attached hereto as Exhibit "A."

3. The Public Utility Commission (PUC) has the duty to ensure that the public and the parties receive proper notice of rate related proceedings before the Commission. Barasch v. Pennsylvania Public Utility Commission, 119 Pa.Cmwlth. 81, 546 A.2d 1296 (1988), petition for allowance of appeal denied, 523 Pa. 652, 567 A.2d 655 (1989). In matters involving rates, where there is substantial public interest, the Commission is required to take actions to "allow an opportunity for the complete airing of concerns expressed or issues raised by consumers." 52 Pa.Code §3.163.

4. Under Section 2806(f) of the Act, the Public Utility Commission is charged with ensuring that PECO provides "proper notice" to customers of the filing of its Restructuring Plan.

5. Under Section 1.51 of the PUC's Rules of Administrative Practice and Procedure, the Commission, through its Secretary, is charged with "instruct[ing] the applicant or petitioner concerning the required service and public notice." 52 Pa.Code §1.51.

6. PECO's proposed Notice does not adequately make the public aware of the issues to be decided in this case, in that it is not reasonably calculated to inform the public that the amount of transition or stranded costs that PECO is seeking to recover from

customers is: (1) a controversial issue of public importance; (2) that the Act authorizes the Commission to make a determination based upon principles of fairness, justice and reasonableness, that would make a difference of \$20 or more per month on the electric bill of the average family of four; (3) that the amount of choice which customers will enjoy over the next ten years is directly related to the level of transition or stranded costs that the Commission allows PECO to collect from customers.

7. PECO's proposed Notice is ambiguous, misleading and deceptive in the manner in which it treats transition or stranded costs and the prospects for choice for the following reasons:

(a) it implies that the "new law" actually permits or authorizes recovery of \$6.8 billion in "stranded costs" from customers; in fact, while the "new law" authorizes some level of recovery of stranded costs, the Notice fails to inform customers that the actual amount to be recovered is subject to determination by the Commission, and is the very issue to be decided in this proceeding;

(b) it implies that by January 1, 2001, all customers will be able to choose between "competitive electricity suppliers" without stating that the level of competition and the amount of customer choice that will exist will depend on the amount of stranded costs that the Commission authorizes PECO to recover from customers;

(c) it implies that customer choice, universal service and adequate customer information have been assured by PECO's proposals, when the adequacy of these proposals are the very issues to be decided by the Commission.

8. PECO's proposed Notice is reasonably calculated to convince customers that its Application is not a matter of substantial public interest and that public involvement is not necessary.

9. The proposed Notice is part of a pattern and practice by PECO evidenced in the previous proceeding under the Act, the Application of PECO Energy for Issuance of a Qualified Rate Order Under Section 2808 and 2812 of the Public Utility Code, Docket No. R-00973877 (hereinafter "Securitization Proceeding") wherein PECO has used Commission required notices in a self-serving manner calculated to discourage public participation and interest.

10. In the Securitization Proceeding, PECO mailed to customers a notice entitled PECO ENERGY COMPANY REQUESTS PAPUC APPROVAL OF A RATE DECREASE THROUGH REFINANCING AND RECOVERY OF \$3.6 BILLION IN TRANSITION IN PREPARATION FOR ELECTRIC COMPETITION (incorporated herein and attached as Exhibit "B") which inter alia stated that the granting of the Application "will result in an estimated \$95 million overall decrease in customer rates" which was misleading and deceptive in that: (1) according to PECO's own witnesses at the subsequent hearings, such claimed savings were contingent on many

variables; and (2) it failed to disclose that the amount of transition or stranded costs recoverable from customers would be subject to PUC determination.

11. The notice in the Securitization Proceeding was further misleading in inaccurately stating the deadline for intervening in that proceeding.

12. The Commission has the duty to order that the proposed Notice be amended for the reasons set forth in Paragraphs 1 through 11, supra, and also to remedy misimpressions that may have been caused by the Notice sent by PECO in the Securitization Proceeding.

WHEREFORE, CEPA, et al. requests that the Commission:

- (1) refuse to authorize the proposed Notice;
- (2) order PECO to submit an amended Notice to the Commission for its approval;
- (3) in the alternative, order PECO to issue a Notice drafted by CEPA et al. and approved by the Commission;
- (4) grant such other relief as is just and proper.

*Philip A Bertocci*

-----  
PHILIP A. BERTOCCHI  
STEVEN P. HERSHEY

Attorneys for CEPA, et al.

PECO ENERGY COMPANY ASKS  
PaPUC TO APPROVE ITS ELECTRIC COMPETITION  
RESTRUCTURING PLAN

Last year the Pennsylvania Legislature passed, and Governor Ridge signed, a law allowing consumers to select their electric generation supplier by 2001. The law requires us to file plans with the Pennsylvania Public Utility Commission (PaPUC) showing how consumers will have access to competitive electricity suppliers.

PECO Energy Company filed its restructuring plan with the PaPUC on April 1. The plan has several key elements including:

1. the procedures we will use to make sure that customers can choose their generation suppliers.
2. the prices we charge, for generation, transmission and distribution services, known as "unbundled" prices. These prices are subject to a rate cap.
3. the amount of a proposed "competitive transition charge" permitted by the new law. This charge would allow us to continue to collect from customers, over a 7-year period, \$6.8 billion in costs associated with assets that may not be recoverable in a competitive environment. These are known as "stranded costs."
4. how we will make sure that all customers wanting electric service can get it and what energy conservation measures we will have for low-income customers.
5. how we will inform customers about the changes leading up to retail electric competition.

Under the new law, one-third of our customers will be able to choose an electric generation supplier by January 1, 1999. Another third will have choice by January 1, 2000, and the final third by January 1, 2001.

The PaPUC will hold hearings and review our filing. It will also issue an order accepting, modifying, or rejecting our plan by December 31, 1997.

You may contact the PaPUC at P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265 if you wish to file a complaint or take part in the proceedings.

For more information contact PECO Energy at 1-800-494-4000.

PECO Energy Company

EXHIBIT "A"

**PECO ENERGY COMPANY  
REQUESTS PaPUC APPROVAL  
OF A RATE DECREASE  
IN PREPARATION FOR  
ELECTRIC COMPETITION**

The Pennsylvania Legislature recently passed and Governor Ridge signed a law that will begin to allow customers to choose their electric generation supplier by 1999 with all customers provided choice by 2001. That law provides utilities the opportunity to seek recovery of certain transition costs and to refinance some of their property, passing the savings associated with refinancing on to customers in the form of reduced rates.

PECO Energy has filed with the Pennsylvania Public Utility Commission (PaPUC) to refinance approximately \$3.6 billion of such property (plus associated costs of refinancing.) Subject to PaPUC approval, this amount of refinancing will result in an estimated \$95 million overall decrease in customer rates, or approximately 2.9%, depending on market interest rates at the time of the refinancing. The monthly bill for a typical residential customer using 500 kWh would decrease by \$1.93, or 2.7%.

For more information contact PECO Energy at 1-800-494-4000. You may contact the PaPUC at P. O. Box 3265, Harrisburg, Pennsylvania, 17105-3265 within 15 days of receipt of this notice if you wish to file a complaint or participate in the proceedings.

PECO Energy Company

January/February 1997

EXHIBIT "B"

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

I hereby certify that on this 15th day of April, 1997, I served true and correct copies of the Motion of CEPA, et al. Objecting to Proposed Notice and Requesting Order Requiring Amendment of Notice upon the following persons set forth below in accordance with 52 Pa. Code §1.54:

Paul R. Bonney, Esq.  
Ward L. Smith, Esq.  
PECO Energy Company  
2301 Market Street  
P.O. Box 8699  
Philadelphia, PA 19101-8699

Kenneth L. Mickens, Esq.  
Pennsylvania Public Utility Commission  
Office of Trial Staff  
901 North 7<sup>th</sup> Street Rear  
3<sup>rd</sup> Floor Rear - Pitnick Building  
Harrisburg, PA 17120

David Kleppinger, Esq.  
McNees, Wallace & Nurick  
100 Pine Street  
Harrisburg, PA 17108-1166

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

Angel L. Ortiz  
City Councilman  
City Hall - Room 590  
Philadelphia, PA 19107

Tanya McCloskey, Esq.  
Assistant Consumer Advocate  
Office of Consumer Advocate  
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Harrisburg, PA 17120

Walter W. Cohen, Esquire  
Obermayer Rebmann Maxwell & Hippel  
One Penn Center, 19th Fl.  
1617 JFK Boulevard  
Philadelphia, PA 19103-1895  
(Counsel for Indianapolis Power  
& Light Company)

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

Ernest E. Jones, Esq.  
1207 Chestnut Street, 7<sup>th</sup> Floor  
Philadelphia, PA 19107  
(Attorney for Minority Energy Coalition)

W. Edwin Ogden, Esq.  
Alan Michael Seltzer, Esq.  
Ryan, Russell, Ogden & Seltzer  
1100 Berkshire Boulevard  
Suite 301  
Reading, PA 19610

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

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

Clinton A. Vince  
P. Nordstrom/Swanstrom  
Joel D. Newton  
Verner, Liipfert, Bernahard, McPherson &  
Hand  
901 15<sup>th</sup> Street, NW  
Washington, DC 20005-2301

Alan J. Barak  
Widener University  
Widener Energy Law Clinic  
3700 Vartan Way  
Harrisburg, PA 17110-9450

Jeffrey A. Franklin, Esq.  
Ryan, Russell, Ogden & Seltzer  
1100 Berkshire Boulevard, Suite 301  
Reading, PA 19601

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

Judith L. Mondre, Executive Director  
City of Philadelphia  
Municipal Energy Office  
1600 Arch Street, 7<sup>th</sup> Floor  
Philadelphia, PA 19103

Frank Betley, Vice President  
Pennsylvania Rural Electric Association  
P.O. Box 1266  
Harrisburg, PA 17108-1266

Hon. George M. Kashi  
Public Utility Commission  
North Office Building, Room G-8  
P.O. Box 3265  
Harrisburg, PA 17105

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

Lance Haver  
6803 Lawnton Avenue  
Philadelphia, PA 19126

Frank Nodolny  
Duquesne Light Company  
P.O. Box 1930  
Pittsburgh, PA 15230-1930

John P. Litz  
UGI Utilities, Inc.  
Hanover Industrial Estates  
400 Stewart Road  
Wilkes-Barre, PA 18773-3200

David O. Epple, Director  
Pennsylvania Electric Association  
301 APC Building  
800 N. Third Street  
Harrisburg, PA 17102

Hon. Charles E. Rainey, Jr.  
1302 State Office Building  
1400 Spring Garden Street  
Philadelphia, PA 19130

COMMUNITY LEGAL SERVICES, INC.

*Philip A Bertocci*

Philip A. Bertocci, Esquire

LAW OFFICES  
WOLF, BLOCK, SCHORR AND SOLIS-COHEN

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

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

DIRECT DIAL NUMBER:  
(717) 237-7181

April 15, 1997

VIA HAND DELIVERY

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

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RE: In the Matter of PECO Energy Company's Restructuring Plan; Docket No. R-00973953

Dear Mr. McNulty:

Enclosed for filing please find the original and three copies of a Motion to Intervene of Enron Corp., in the above-referenced matter. As evidenced by the attached Certificate of Service, all parties of record have been served in accordance with the requirements of § 1.54.

If you have any questions, please feel free to contact me.

Respectfully,



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

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RJL/jlg  
Enclosures

cc: Parties of Record (w/encs)

DSH:8438.1

**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 :

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**MOTION TO INTERVENE OF  
ENRON CORP.**

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Enron Corp. ("Enron"), through its counsel, hereby moves pursuant to 52 Pa. Code § 5.71, to intervene in the above-captioned "Restructuring Plan" proceeding initiated by PECO Energy Company ("PECO") on April 1, 1997. Through the submission of its Restructuring Plan Petition, PECO seeks the issuance of a Commission Order pursuant to the Electricity Generation Customer Choice and Competition Act (the "Customer Choice Act") finding the Restructuring Plan to be just and reasonable and in the public interest. Implementation of a Restructuring Plan for PECO will have far-reaching impact on the development of a competitive generation market in PECO's service territory. Enron is a generation supplier which plans to provide service in PECO's service territory once direct access is implemented. Enron seeks to participate in this proceeding in order to protect its interests and to assure that PECO's Restructuring

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

In support of its Motion, Enron states as follows:

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

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

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

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

3. Enron is actively involved in electric competition issues in Pennsylvania and around the Nation.

4. On December 3, 1996, Governor Ridge signed the 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.

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

6. Enron is the largest, non-regulated wholesale electric supplier in the Nation. Enron intends to participate fully in Pennsylvania's retail electric market, including PECO's service territory. Enron intends to file an application with the Commission for a supplier license in the near future. In anticipation of its retail marketing activities, Enron is developing a range of products and services related to the purchase, sale and delivery of electric power for all consumers in Pennsylvania.<sup>1</sup>

---

<sup>1</sup> The Commission expressly recognized the important role of companies like Enron in its Electric Competition Report when it described the variety of alternatives available to consumers in a retail marketplace as including service provided as follows:

Through aggregators, such as marketers, brokers, local governments or purchasing cooperatives. This option is a secondary form of direct contracting which utilizes a third party to acquire the electricity and groups of consumers who can get the broadest range of services with group purchasing power while reducing the need for knowledgeable, active involvement.

Electric Competition Report, p. 31.

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 in accordance with said orders and the Customer Choice Act.

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

9. PECO's proposed Restructuring plan is the first of its kind filed in Pennsylvania. Through the restructuring plan, PECO requests the Commission 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.

(e) The implementation of PECO's initial plan to meet its universal service and energy conservation obligations.

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

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

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

(a) The competitive safeguards or code of conduct that emerges from this proceeding must prevent utility anti-competitive and unfair behavior. The standards of conduct controlling the utility "generation" division and/or the utility generation affiliate must protect fair competition and be strong enough to control horizontal market power and the potential for vertical affiliate abuse. Especially important will be the rules, not just

for the access to PECO's transmission and distribution system, but as well, for the use and distribution of data and information collected. All competitors must have compatible access to these resources. Overall, Enron has a strong interest in advocating comprehensive safeguards which assures that non-affiliated generation suppliers are provided treatment equal to that provided PECO's affiliate and/or division.

(b) As filed, the restructuring plan does not propose to allow or promote the competitive provision of non-wire distribution services or to unbundle PECO's "distribution" function between its "wire" and "non-wire" aspects. Consumers, especially residential and small commercial customers, stand to lose potential benefits of competition if electricity generation suppliers like Enron are not allowed to provide non-wire services such as bill provisioning, metering, and customer account management. Furthermore, absent necessary unbundling, much of the benefit normally to be expected through the technological developments prompted by competition will be lost.

(c) The rules for distribution facility access must be non-discriminatory, seamless, consistent, and appropriately priced. To be nondiscriminatory distribution tariffs must require that all consumers, even those still receiving utility bundled rates, must pay for and take service from a uniform tariff. Moreover the distribution tariffs must price flexibly and

allow customers and their electric generation suppliers to pursue the least cost delivery option.

(d) Any Competitive Transition Charge ("CTC") approved by the Commission in this proceeding will be collected through a non-bypassable charge which must be assessed on all electric customers, including Enron's customers. Accordingly, the establishment and level of any CTC approved by the Commission will have a significant impact on the development of a competitive market in PECO's service territory and the ability of Enron to offer a supply of electric generation at attractive prices to its customers especially in comparison to other fuel sources. Furthermore, allowing stranded costs not properly justified under the Customer Choice Act will adversely impact Enron's ability to market energy in Pennsylvania by increasing the prices Enron can charge or offer existing and potential customers.

13. Enron is in the process of obtaining an electric supplier license and intends to market competitive retail electric services in the Commonwealth, including in PECO's service territory. Enron also anticipates that as part of its provision of competitive retail electric services, Enron will purchase "distribution" and "non-wire" services from PECO once PECO's present retail tariffs are unbundled. The level of changes in those unbundled distribution service tariffs will likely be directly affected by the Commission's decision in this proceeding, and, thus, Enron has standing to participate

as an active party in this proceeding. Accordingly, as a competitor and customer of PECO Enron has a direct, immediate and substantial interest in the subject matter of the proceeding. In fact, in PECO's recent securitization proceeding,<sup>2</sup> Enron's Petition to Intervene was granted over the objection of PECO. Here, Enron's standing to assert its competitive interest is equally clear.

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

Respectfully submitted,

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

Dated: April 15, 1997

---

<sup>2</sup> Application of PECO Energy for Issuance of a Qualified Rate Order Under Sections 2808 and 2812 of the Public Utility Code, Docket No. R-00973877, Order Granting Petition to Intervene, February 14, 1997.

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):

John Quain, Chairman  
Pennsylvania Public Utility  
Commission  
Room 104, North Office Bldg.  
P.O. Box 3265  
Harrisburg, PA 17105-3265

David Rolka, Commissioner  
Pennsylvania Public Utility  
Commission  
Room 110, North Office Bldg.  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Lisa Crutchfield, Vice  
Chairman  
Pennsylvania Public Utility  
Commission  
Room 116, North Office Bldg.  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Robert Bloom, Commissioner  
Pennsylvania Public Utility  
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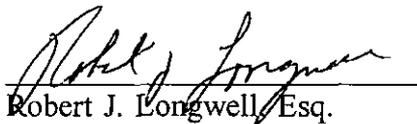
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Dated this 15th day of April, 1997

  
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ALJ APPEARANCE SHEET

ALJ Hearing Report

KJR

Docket No. R-00973953

Case Name PA PUC v. PECO Energy Company

Location Harrisburg

Date 4/15/97

ALJ Chestnut/Rainey

Reporting Firm Holbert Associates

CHECK THOSE BLOCKS WHICH APPLY:

Prehearing Held  YES  NO

Hearing Held  YES  NO

Testimony Taken  YES  NO

Transcript Due  YES  NO

Hearing Concluded  YES  NO

Further Hearing Needed  YES  NO

Estimated Adjud. Days  YES  NO

RECORD CLOSED  YES  NO

Briefs to be Filed  YES  NO

BENCH DECISION  YES  NO

DOCUMENT FOLDER

DOCKETED  
APR 24 1997

*Evidentiary Hearings to be held August 4-22, 1997 in an available hearing room in the Philadelphia State Office Building.*

REMARKS: *Schedule to be submitted to PHO attached*

Names, Addresses and Telephone Numbers of Parties or Counsel of Record  
PLEASE PRINT CLEARLY

Incomplete Information may Result in Delay of Processing

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Check this box if additional parties or counsel of record appear on back of form.

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Telephone No.	City      State      Zip			

DATE: April 16, 1997

SUBJECT: R-00973953

TO: Office of Administrative Law Judge

FROM: *WJZ* John G. Alford, Secretary

KJR

PECO ENERGY COMPANY'S RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of Delmarva Power & Light Company and Motion to Intervene of Enron Corp., 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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APR 21 1997

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

IN REPLY PLEASE  
REFER TO OUR FILE

April 16, 1997

In Re: **R-00973953**

(See letter dated 04/03/97)

**PECO ENERGY COMPANY**

Application for approval of a Restructuring Plan and Consumer Education Program. *KJR*

**NOTICE**

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

Date: **Wednesday, May 21, 1997**

Time: **10:00 a.m.**

Location: **Hearing Room Number 1  
Ground Floor  
North Office Building  
North Street and Commonwealth Avenue  
Harrisburg, Pennsylvania**

**DOCKETED**  
APR 21 1997

Presiding Officers: **Administrative Law Judge Marlane R. Chestnut  
Administrative Law Judge Charles E. Rainey, Jr.  
1302 Philadelphia State Office Building  
Broad and Spring Garden Streets  
Philadelphia, Pennsylvania 19130  
Telephone (215) 560-2105**

**DOCUMENT  
FOLDER**

Please mark your records accordingly.

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

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

PROTHONOTARY'S OFFICE  
APR 17 1997  
512000

pc: Judge Chestnut

Judge Rainey

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John Frazier - BPL 101

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April 18, 1997

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KJR

Mr. John G. Alford, Sec.  
Pennsylvania Public Utility Commission  
Room B20 North Office Bldg.  
Commonwealth and North Street  
Harrisburg, PA 17109

Dear Mr. Alford:

PECO Energy Company Docket No. R-00973953

Enclosed for filing is an original and fourteen copies of "Motion of DuPont Power Marketing Inc. for Leave to Intervene." A copy is also being served on PECO Energy Company and all parties on the official service list.

Also enclosed is an additional copy of the motion. Please acknowledge receipt of the filing on the copy and return it in the stamped, self-addressed envelope which is enclosed.

Sincerely,

//kd  
encl.

cc: PECO Energy Company  
Parties on Official Service List

DOCUMENT  
FOLDER

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION PH 12: 02  
000163

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PROTHONOTARY'S OFFICE

PECO Energy Company

§  
§  
§  
Docket No. R-00973953

**ORIGINAL**

**MOTION OF DUPONT POWER MARKETING INC.  
FOR LEAVE TO INTERVENE**

Pursuant to the rules and procedures of the Pennsylvania Public Utility Commission, 52 Pa. Code @ 5.71, *et seq.*, DuPont Power Marketing Inc. ("DPMI") hereby moves to intervene in the above-captioned proceeding. In support of this motion, DPMI states as follows:

I.

The exact legal name of movant is DuPont Power Marketing Inc. DPMI is a Delaware corporation with its executive offices located at 600 North Dairy Ashford, Houston, Texas 77079. DPMI is a power marketer. DPMI is a wholly-owned subsidiary of DuPont Energy Company, which is a wholly-owned subsidiary of E. I. du Pont de Nemours and Company ("DuPont").

II.

The names and mailing addresses of the persons upon whom all communications concerning the proceeding should be served are as follows:

DOCUMENT  
FOLDER

DOCKETED  
APR 26 1997

Bruce A. Connell, Esq.  
Legal Department  
600 N. Dairy Ashford, ML-1034  
Houston, Texas 77079  
(281) 293-1736  
(281) 293-3826 Fax

and

Gordon E. Goodman, President  
DuPont Power Marketing Inc.  
600 North Dairy Ashford, CH-1081  
Houston, Texas 77079  
(281) 293-5152  
(281) 293-3940 Fax

### III.

On April 1, 1997, PECO Energy Company filed its Application for Approval of its Restructuring Plan under Section 2806 of the Public Utility Code with the Pennsylvania Public Utility Commission.

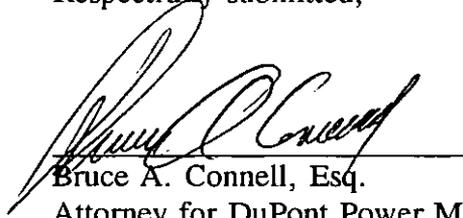
### IV.

DPMI is a power marketer, authorized to engage in wholesale electric power and energy transactions. In such circumstances, DPMI respectfully submits that it has direct and substantial interests in PECO Energy Company's filing and that its interests cannot adequately be represented by any other party.

WHEREFORE, DPMI respectfully requests that it be permitted to intervene in this proceeding and to pursue its interests as set forth herein and as may arise during the course of this proceeding. DPMI further requests that it be granted all the rights of a party, including the right to participate fully in all formal and informal conferences and hearings, to receive copies of all pleadings and evidence, to present evidence, cross

examine witnesses, submit arguments and briefs and to engage in any other act or acts permitted any other party to this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce A. Connell", is written over a horizontal line.

Bruce A. Connell, Esq.

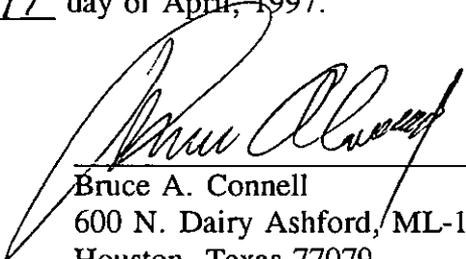
Attorney for DuPont Power Marketing Inc.  
600 N. Dairy Ashford, ML-1034  
Houston, Texas 77079  
(281) 293-1736

April 17, 1997.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon PECO Energy Company and all parties listed on the official service list.

Dated at Houston, Texas this <sup>17</sup>17 day of April, 1997.



Bruce A. Connell  
600 N. Dairy Ashford, ML-1034  
Houston, Texas 77079  
(281) 293-1736

THE LAW FIRM OF

**MALATESTA HAWKE & McKEON LLP**

JOSEPH J. MALATESTA, JR.  
WILLIAM T. HAWKE  
KEVIN J. McKEON  
LOUISE A. KNIGHT  
THOMAS J. SNISCAK  
NORMAN JAMES KENNARD  
LILLIAN SMITH HARRIS  
SCOTT T. WYLAND  
JANET L. MILLER  
SUSAN J. SMITH  
STEVEN K. HAAS  
TODD S. STEWART

HARRISBURG ENERGY CENTER  
100 NORTH TENTH STREET  
HARRISBURG, PENNSYLVANIA 17101

(717) 236-1300  
FAX (717) 236-4841

<http://www.MHM-LAW.com>

MAILING ADDRESS:  
P.O. BOX 1778  
HARRISBURG, PA 17105

**ORIGINAL**

**RECEIVED**

April 18, 1997

APR 18 1997

James McNulty, Prothonotary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Room 206, North Office Building  
Harrisburg, PA 17105-3265

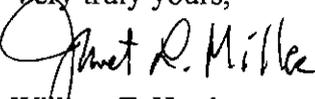
PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

RE: PECO Energy Company Restructuring Plan Filing; Docket No. R-00973953;  
**PETITION TO INTERVENE**

Dear Mr. McNulty:

Enclosed, for filing with the Pennsylvania Public Utility Commission, are the original and three (3) copies of the Petition of Mid-Atlantic Power Supply Association to Intervene in the above-captioned proceeding. Copies of this Petition have been served in accordance with the attached Certificate of Service.

Thank you for your attention to this matter.

Very truly yours,  
  
William T. Hawke  
Janet L. Miller  
Todd S. Stewart

**DOCUMENT  
FOLDER**

Counsel for  
Mid-Atlantic Power Supply Association

cc: Honorable Marlane R. Chestnut  
Honorable Charles E. Rainey, Jr.  
Per Certificate of Service

72

**ORIGINAL**

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PECO Energy Company  
Restructuring Plan Filing

:  
:

Docket No. R-00973953

**RECEIVED**

**PETITION OF  
MID-ATLANTIC POWER SUPPLY ASSOCIATION  
TO INTERVENE IN PROCEEDING**

APR 18 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

Mid-Atlantic Power Supply Association ("MAPSA" or "Petitioner"), by and through its counsel in this matter, Malatesta Hawke & McKeon LLP, and pursuant to 52 Pa. Code §§5.71 and 5.72, hereby files this Petition to Intervene in the above-captioned proceeding. In support of its Petition, MAPSA represents as follows:

1. The name and address of Petitioner are:

Mid-Atlantic Power Supply Association  
620 Herndon Parkway, Suite 200  
Herndon, VA 20170

**DOCKETED**  
APR 26 1997

**DOCUMENT  
FOLDER**

2. The names and address of Petitioner's attorneys are:

William T. Hawke  
Janet L. Miller  
Todd S. Stewart  
Malatesta Hawke & McKeon LLP  
Harrisburg Energy Center  
P. O. Box 1778  
Harrisburg, PA 17105-1778  
(717) 236-1300

Petitioner's attorneys are authorized to accept service on behalf of MAPSA in this proceeding. MAPSA requests that the Pennsylvania Public Utility Commission ("Commission") and all parties of record serve copies of all discovery requests and answers, correspondence, Commission Orders, and any other documents issued in this proceeding on Petitioner's attorneys.

3. MAPSA is an association of power suppliers with an interest in the emerging electric power supply market within the Commonwealth of Pennsylvania and the Mid-Atlantic region<sup>1</sup>. MAPSA's members include power marketers, independent power producers and a broad range of companies who support the electric services industry. MAPSA's members currently intend to participate as "electric generation suppliers" following retail access phase-in of the

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<sup>1</sup> The Board of Directors of the "Mid-Atlantic Independent Power Producers" has elected to adopt the name of "Mid-Atlantic Power Supply Association" for the purpose of pursuing the interests of the association's members in the Mid-Atlantic region. MAPSA's Board of Directors believes that the new name better reflects the emerging nature of the competitive power industry and of its own evolving membership. Currently, MAPSA's Board of Directors includes representatives of Air Products and Chemicals, Inc.; Atlantic Generation, Inc.; CNG Energy Services Corporation; Cogen Technologies, Inc.; Destec Energy, Inc.; DuPont Power Marketing, Inc.; The Eastern Group; Energy Investment Advisors; Enron Capital & Trade Resources; Edison Source; Odyssey Strategies, Inc.; and U.S. Generating Company.

competitive electric marketplace. As such, MAPSA has a unique and material interest in the outcome of this proceeding.

4. On April 1, 1997, in accordance with the Electricity Generation Customer Choice and Competition Act, 66 Pa. C.S. §2801, et seq., PECO Energy Company ("PECO") filed its Restructuring Plan ("Restructuring Plan") with the Commission. The Restructuring Plan contains PECO's proposal and intended rate design for the unbundling of PECO's current retail rates and functional service elements which will allow PECO customers to choose an alternative generation supplier within the competitive environment of the restructured electric industry. The Restructuring Plan also contains, but is not limited to, PECO's proposals for the (a) recovery of Stranded Costs; (b) implementation of Competitive Transition Charges and specific tariff revisions; (c) treatment of existing PECO customers; (d) implementation of procedures, systems and Standards of Conduct to enable "Suppliers and end-use customers to utilize and interconnect with the electric transmission and distribution systems on a nondiscriminatory basis." (PECO Statement No. 15, at p. 4); and (e) establishment of universal service, conservation and consumer education programs.

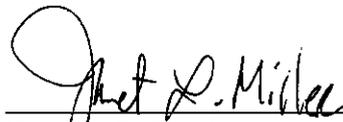
5. MAPSA seeks to intervene in this proceeding because the Commission's review and approval or modification of PECO's Restructuring Plan will have a direct impact on MAPSA's members. Specifically, the Commission's approval or modification of the proposed

Restructuring Plan will determine how and to what extent MAPSA's members are able to enter into the competitive electric marketplace and provide electric generation services to PECO's customers.

6. MAPSA believes that no party, other than itself, can adequately protect the interests of its members in this proceeding.

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

Respectfully submitted,



---

William T. Hawke  
Janet L. Miller  
Todd S. Stewart  
Malatesta Hawke & McKeon LLP  
Harrisburg Energy Center  
P. O. Box 1778  
Harrisburg, PA 17105-1778  
(717) 236-1300

Counsel for Mid-Atlantic Power  
Supply Association

DATED: April 18, 1997

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document upon the person(s) named and in the manner indicated below.

### Service By First Class Mail:

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

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

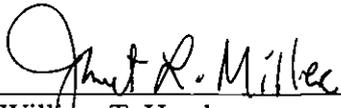
Robin L. Krongold, Paralegal  
PECO Energy Company  
2301 Market Street  
PO Box 8699  
Philadelphia, PA 19101-8699

Paul R. Bonney, Assistant General Counsel  
Ward Smith, Esquire  
PECO Energy Company  
2301 Market Street  
PO Box 8699  
Philadelphia, PA 19101-8699

Kenneth Mickens, Senior Prosecutor  
Office of Trial Staff  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Tanya McCloskey  
Steven K. Steinmetz  
Assistant Consumer Advocate  
Office of Consumer Advocate  
14<sup>th</sup> Floor Strawberry Square  
Harrisburg, PA 17120

Bernard A. Ryan, Esquire  
Karen Oill Moury, Esquire  
Small Business Advocates  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

  
\_\_\_\_\_  
William T. Hawke  
Janet L. Miller  
Todd S. Stewart  
Malatesta Hawke & McKeon LLP  
Harrisburg Energy Center  
P. O. Box 1778  
Harrisburg, PA 17105-1778  
(717) 236-1300

DATED: April 18, 1997

MCNEES, WALLACE & NURICK  
ATTORNEYS AT LAW

BRUCE D. BAGLEY  
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LOUIS A. DEJOIE  
DAVID B. DISNEY  
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GARY A. RITTER  
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RICHARD W. STEVENSON  
DIANE M. TOKARSKY  
CATHERINE E. WALTERS  
DAVID M. WATTS, JR.  
STEVEN J. WEINGARTEN  
NEAL S. WEST  
NORMAN L. WHITE  
LAWRENCE R. WIEDER  
WILLIAM M. YOUNG, JR.

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SAMUEL A. SCHRECKENGAUST, JR.

JENNIFER L. BAKER  
RICHARD J. BIEL  
JEFFREY F. CHAMPAGNE  
JAMES P. DEANGELO  
JAMES P. DOUGHERTY  
KATHLEEN A. DUNST  
DEBRA P. FOURLAS  
HELEN L. GEMMILL  
ROBERT J. GODUTO  
SCOTT A. GOULD  
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BRIAN E. KAMOIE  
MICHAEL R. KELLEY  
PETER F. KRIETE  
JAMES W. KUTZ

LOUISE HUTCHINSON MARA  
F. STEPHENSON MATTHES  
JON R. MOONEY  
SHARON R. PAXTON  
CHAD F. PHIPPS  
PAMELA C. POLACEK  
JONATHAN H. RUDD  
BRUCE R. SPICER  
CAROL A. STEINOUR  
SUSAN V. STEWART  
ROBERT F. TEPLITZ  
ROBERT A. WESHAAR, JR.  
DERRICK P. WILLIAMSON  
JOHN A. WITHEROW, JR.  
KATHLEEN A. WOLOWSKI  
SAMUEL S. YUN

Writer's Direct Dial:  
(717) 237-5446

E-Mail: [dwilliam@mwn.com](mailto:dwilliam@mwn.com)

April 18, 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 II, 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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APR 29 1997

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Paul R. Bonney, Esq.  
April 18, 1997  
Page 2

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

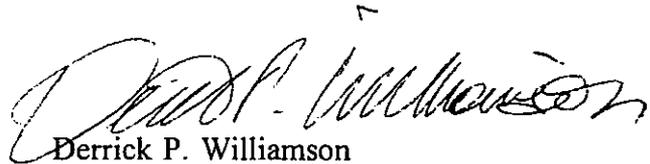
Copies of these interrogatories are being served on all parties consistent with the attached Certificate of Service.

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/aeh  
Enclosures

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

K:\146\08115\BONNEY6.LTR

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing 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).

000033

VIA FIRST CLASS MAIL:

Tanya J. McCloskey, Esq.  
Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

Christopher B. Craig, Esq.  
Office of Senator Vincent J. Fumo  
Room 545  
Main Capitol Building  
Harrisburg, PA 17120

Karen Oill Moury, Esq.  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

Steven P. Hershey, Esq.  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102

Alan C. Kohler, Esq.  
Wolf, Block, Schorr and Solis-Cohen  
305 North Front Street, Suite 401  
Harrisburg, PA 17101

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

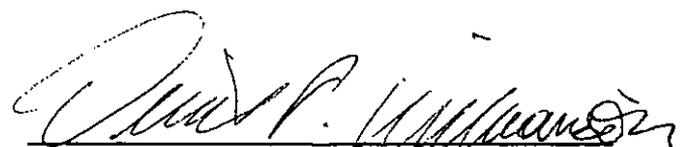
Kenneth L. Mickens, Esq.  
Office of Trial Staff  
PA Public Utility Commission  
Pitnick Building, Third Floor  
901 North 7th Street, Rear  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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

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

Walter W. Cohen, Esq.  
Obermayer, Rebmann, Maxwell & Hippel  
204 State Street  
Harrisburg, PA 17101

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Derrick P. Williamson

Dated this 18th day of April, 1997, in Harrisburg, Pennsylvania.



PECO ENERGY

Legal Department

PECO Energy Company  
2301 Market Street  
PO Box 8699  
Philadelphia, PA 19101-8699  
215 841 5544  
Fax 215 568 3388

James W. Durham  
Senior Vice President  
and General Counsel

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

Direct Dial: 215 841 4252

KJR

April 18, 1997

KJL

**By Overnight Delivery**

Christopher B. Craig, Esquire  
Democratic Committee on Appropriations  
Room 545, Main Capitol Building  
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

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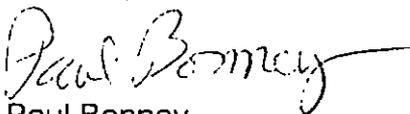
Dear Mr. Craig:

Enclosed are PECO Energy Company's Answers to Senator Vincent J. Fumo's  
Interrogatories:

Set I FUMO-I -1through FUMO-I-4.

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

Sincerely,

  
Paul Bonney

PRB/mbo

Enclosures

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

DOCUMENT  
FOLDER

Certificate of Service

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

Kenneth L. Mickens, Esquire  
Pennsylvania Public Utility Commission  
Office of Trial Staff  
901 North 7<sup>th</sup> Street, 3<sup>rd</sup> Floor Rear  
Harrisburg, PA 17120

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

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

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

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

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

Tanya McCloskey, Esquire  
Steven K. Steinmetz, Esquire  
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1425 Strawberry Square  
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Karen Oill Moury, Esquire  
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Suite 1102, Commerce Building  
300 N. 2<sup>nd</sup> Street  
Harrisburg, PA 17101

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

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

Alan J. Barak, Esquire  
Attorney for Environmentalists  
Widener University Law School  
3700 Vartan Way  
Harrisburg, PA 17110

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

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APR 23 1997

**DOCUMENT  
FOLDER**

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

David Boonin, Esquire  
New Energy Ventures  
2005 Broad Street - Suite 800  
Philadelphia, PA 19107  
(Counsel for New Energy Ventures)

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

Neil Talbot  
81 Grand Street, No. 5  
New York, NY 10013

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

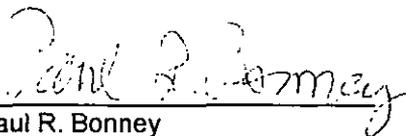
Lance Haver  
6048 Ogontz Avenue  
Philadelphia, PA 19141

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

Richard LaCapra/Lee Smith  
LaCapra Associates  
The Province Building  
333 Washington St.  
Boston, MA 02108

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

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



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

Dated: April 18, 1997

MCNEES, WALLACE & NURICK  
ATTORNEYS AT LAW

BRUCE D. BAGLEY  
ALAN R. BOYNTON, JR.  
ERIC L. BROSSMAN  
ROBERT M. CHERRY  
LOUIS A. DEJOIE  
DAVID B. DISNEY  
MICHAEL A. DOCTROW  
ELIZABETH A. DOUGHERTY  
HARVEY FREEDENBERG  
JAMES L. FRITZ  
W. JEFFRY JAMOUNEAU  
MICHAEL G. JARMAN  
DONALD B. KAUFMAN  
STEPHEN R. KERN  
DAVID M. KLEPPINGER  
BERNARD A. LABUSKES, JR.  
DELANO M. LANTZ

DAVID E. LEHMAN  
FRANKLIN A. MILES, JR.  
ROBERT A. MILLS  
STEPHEN A. MOORE  
JOHN S. OYLER  
GARY A. RITTER  
DANA STEVENS SCADUTO  
RICHARD W. STEVENSON  
DIANE M. TOKARSKY  
CATHERINE E. WALTERS  
DAVID M. WATTS, JR.  
STEVEN J. WEINGARTEN  
NEAL S. WEST  
NORMAN I. WHITE  
LAWRENCE R. WIEDER  
WILLIAM M. YOUNG, JR.

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OF COUNSEL  
ROBERT H. GRISWOLD  
FRANCIS B. HAAS, JR.  
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SAMUEL A. SCHRECKENGAUST, JR.

JENNIFER L. BAKER  
RICHARD J. BIEL  
JEFFREY F. CHAMPAGNE  
JAMES P. DEANGELO  
JAMES P. DOUGHERTY  
KATHLEEN A. DUNST  
DEBRA P. FOURLAS  
HELEN L. GEMMILL  
ROBERT J. GODUTO  
SCOTT A. GOULD  
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BRIAN F. JACKSON  
BRIAN E. KAMOE  
MICHAEL R. KELLEY  
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JAMES W. KUTZ

LOUISE HUTCHINSON MARA  
F. STEPHENSON MATTHES  
JON R. MOONEY  
SHARON R. PAXTON  
CHAD F. PHIPPS  
PAMELA C. POLACEK  
JONATHAN H. RUDD  
BRUCE R. SPICER  
CAROL A. STEINOUR  
SUSAN V. STEWART  
ROBERT F. TEPLITZ  
ROBERT A. WEISHAAR, JR.  
DERRICK P. WILLIAMSON  
JOHN A. WITHEROW, JR.  
KATHLEEN A. WOLOWSKI  
SAMUEL S. YUN

000025

DOCUMENT  
FOLDER

Writer's Direct Dial:  
(717) 237-5446  
E-Mail: [dwilliam@mwn.com](mailto:dwilliam@mwn.com)

April 21, 1997

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

VIA FEDERAL EXPRESS

97 APR 22 AM 8:15  
RECEIVED  
PROTODOTARY'S OFFICE

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 III, 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

Paul R. Bonney, Esq.  
April 21, 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.

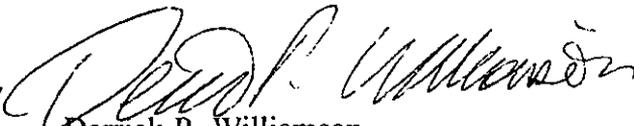
Thank you for your attention to this matter.

Very truly yours,

McNEES, WALLACE & NURICK

DOCUMENT  
FOLDER

By

  
Derrick P. Williamson

Counsel to the Philadelphia Area  
Industrial Energy Users Group

DPW/aeh  
Enclosures

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

K:\146\08115\BONNEY6.LTR

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APR 30 1997

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing 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).

000026

VIA FIRST CLASS MAIL:

Tanya J. McCloskey, Esq.  
Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17120

Christopher B. Craig, Esq.  
Office of Senator Vincent J. Fumo  
Room 545  
Main Capitol Building  
Harrisburg, PA 17120

Karen Oill Moury, Esq.  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, PA 17101

Steven P. Hershey, Esq.  
Community Legal Services  
1424 Chestnut Street  
Philadelphia, PA 19102

Alan C. Kohler, Esq.  
Wolf, Block, Schorr and Solis-Cohen  
305 North Front Street, Suite 401  
Harrisburg, PA 17101

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

Kenneth L. Mickens, Esq.  
Office of Trial Staff  
PA Public Utility Commission  
Pitnick Building, Third Floor  
901 North 7th Street, Rear  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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

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

Walter W. Cohen, Esq.  
Obermayer, Rebmann, Maxwell & Hippel  
204 State Street  
Harrisburg, PA 17101

RECEIVED  
PROTHONOTARY'S OFFICE  
97 APR 22 AM 8:36

  
Derrick P. Williamson

Dated this 21st day of April, 1997, in Harrisburg, Pennsylvania.

# ORIGINAL



Allegheny Power

LEGAL SERVICES

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

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

April 21, 1997

KJR

**VIA EXPRESS MAIL**

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

APR 21 1997

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 Prothonotary:

Please find enclosed an original and three (3) copies of the Motion for Admission Pro Hac Vice on behalf of Allegheny Power.

Very truly yours,

*John L. Munsch*  
John L. Munsch  
Attorney

Enclosures

cc: Certificate of Service

**VIA EXPRESS MAIL**

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

Honorable Marlane Chestnut  
Pa. Public Utility Commission  
1302 State Office Building  
1400 West Spring Garden Street  
Philadelphia, PA 19130

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FOLDER

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**ORIGINAL**  
BEFORE THE

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PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 21 1997

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

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

DOCKET NO. R-00973953

MOTION FOR ADMISSION PRO HAC VICE

Pursuant to Rule 301 of the Pennsylvania Bar Admission Rules, Movant, John L. Munsch, Esquire, respectfully moves that Clinton A. Vince, Esquire; Paul E. Nordstrom, Esquire; and Deborah A. Swanstrom, Esquire, be admitted to appear as attorneys on behalf of Allegheny Power for the purpose of representing Allegheny Power in the above-captioned proceeding. In support thereof, Movant avers as follows:

1. Movant, John L. Munsch, is an active member in good standing of the Pennsylvania Bar having been admitted in January of 1980.

2. Clinton A. Vince, Esquire, has been a member in good standing of the New York Bar since 1975, and the District of Columbia Bar since 1976. Mr. Vince is a partner in the law firm of Verner, Liipfert, Bernhard, McPherson & Hand, located at 901 15th Street, N.W., Washington, DC 20005.

3. Paul E. Nordstrom, Esquire, has been a member in good standing of the District of Columbia Bar since 1982. Mr. Nordstrom is a partner in the law firm of Verner, Liipfert, Bernhard, McPherson & Hand, located at 901 15th Street, N.W., Washington, DC 20005.

s:\jsheleh\peco2\pecopro2.hac

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APR 28 1997

4. Deborah A. Swanstrom, Esquire, has been a member in good standing of the Maryland Bar since 1988, and the District of Columbia Bar since 1989. Ms. Swanstrom is an associate in the law firm of Verner, Liipfert, Bernhard, McPherson & Hand, located at 901 15th Street, N.W., Washington, DC 20005.

4. Mr. Vince, Mr. Nordstrom and Ms. Swanstrom have experience and particular expertise in the area of public utility and energy law. They have represented clients in matters of electric and gas rates before the FERC and state regulatory commissions. Mr. Vince, Mr. Nordstrom and Ms. Swanstrom seek special admission before this forum for the purpose of representing their client, Allegheny Power, in this regulatory matter.

WHEREFORE, I respectfully move that Clinton A. Vince, Paul E. Nordstrom and Deborah A. Swanstrom be admitted to practice Pro Hac Vice in this proceeding.

Respectfully submitted,

Dated: April 21, 1997

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

Attorney for  
ALLEGHENY POWER  
PA I.D. No. 31489

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

APR 21 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

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

ORDER

Upon consideration of the Motion for Admission Pro Hac Vice filed by John L. Munsch, Esquire, a member in good standing of the Pennsylvania Bar, it is hereby ORDERED that said Motion is granted and that Clinton A. Vince, Esquire; Paul E. Nordstrom, Esquire; and Deborah A. Swanstrom, Esquire, are authorized to represent Allegheny Power before this Court in this proceeding.

\_\_\_\_\_  
By the Court

Date: \_\_\_\_\_

**ORIGINAL**

**RECEIVED**

APR 21 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

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

CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of April 1997, served the foregoing Motion for Admission Pro Hac Vice by Express Mail upon the following:

Paul R. Bonney, Esquire  
Ward L. Smith, Esquire  
PECO Energy Company  
2301 Market Street  
P.O. Box 8699  
Philadelphia, PA 19101-8699  
(Also VIA FAX: 215-568-3389)

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

Tanya J. McCloskey, Esquire  
Steven K. Steinmetz, Esquire  
Office of Consumer Advocate  
1425 Strawberry Square  
Harrisburg, PA 17102

David M. Kleppinger, Esquire  
Derrick P. Williamson, Esquire  
McNees, Wallace & Nurick  
P.O. Box 1166  
Harrisburg, PA 17108

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

Steven P. Hershey, Esquire  
Community Legal Services, Inc.  
1424 Chestnut Street  
Philadelphia, PA 19102-2505

David V. Stivison, Esquire  
870 North 30th Street  
Philadelphia, PA 19130-1104

and by first-class mail, postage prepaid upon the following:

Alan J. Barak, Esquire  
Alan J. Barak P.C.  
3700 Vartan Way  
Harrisburg, PA 17110

Steve Feld, Esquire  
Pennsylvania Power Company  
P.O. Box 891  
New Castle, PA 16103-0891

Christopher B. Craig, Esquire  
Office of Senator Vincent J. Fumo  
Room 545  
Main Capitol Building  
Harrisburg, PA 17120

Mr. John P. Litz  
UGI Utilities, Inc.  
P.O. Box 1389  
247 Wyoming Avenue  
Kingston, PA 18704-0389

Alan Kohler, Esquire  
Chris Dutton, Esquire  
Wolf, Block, Schorr & Solis-Cohen  
305 North Front Street, Suite 401  
Harrisburg, PA 17101

Judith L. Mondre, Executive Director  
City of Philadelphia  
Municipal Energy Office  
1600 Arch Street, 7th Floor  
Philadelphia, PA 19103

Jeffrey A. Franklin, Esquire  
Ryan, Russell, Ogden & Seltzer  
1100 Berkshire Boulevard, Suite 301  
Reading, PA 19610

David O. Epple, Director  
Pennsylvania Electric Association  
301 APC Building  
800 North Third Street  
Harrisburg, PA 17102

Paul E. Russell, Esquire  
Pennsylvania Power & Light Company  
Two North 9th Street  
Allentown, PA 18101

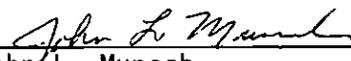
Frank Betley, Vice President  
PA Rural Electric Association  
P.O. Box 1266  
Harrisburg, PA 17018-1266

Mr. Frank Nadolny  
Duquesne Light Company  
P.O. Box 1930  
Pittsburgh, PA 15230-1930

James Steffes, Director  
Governmental Affairs  
Enron Capital & Trade Resources  
1400 Smith Street - EB #2408  
Houston, TX 77002

Lawrence P. Godlasky  
Manager Regulatory Affairs  
GPU Energy  
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800 North Third Street  
Harrisburg, PA 17102

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

  
\_\_\_\_\_  
John L. Munsch  
Attorney for ALLEGHENY POWER



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

IN REPLY PLEASE  
 REFER TO OUR FILE

April 21, 1997

In Re: **R-00973953**

(See letter dated 04/16/97)

**PECO ENERGY COMPANY**

Application for approval of a Restructuring Plan and Consumer Education Program.

KJR

**NOTICE**

This is to inform you that **Initial and Further Hearings** on the above-captioned case will be held in an available hearing room, 13th Floor, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania.

Date: **Monday, August 4, 1997 Initial Hearing**  
**Tuesday, August 5, 1997-Friday August 8, 1997 Further Hearings**

**Monday, August 11-Friday, August 15, 1997 Further Hearings**

**Monday, August 19-Friday, August 22, 1997 Further Hearings**

Time: **10:00 a.m.**

Presiding Officers: **Administrative Law Judge Marlane R. Chestnut**  
**Administrative Law Judge Charles E. Rainey, Jr.**  
 1302 Philadelphia State Office Building  
 Broad and Spring Garden Streets  
 Philadelphia, Pennsylvania 19130  
 Telephone (215) 560-2105

**DOCKETED**  
 APR 22 1997

**DOCUMENT**  
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 PUBLIC UTILITY COMMISSION  
 APR 21 11:14:10

Please mark your records accordingly.

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

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

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

COMMONWEALTH OF PENNSYLVANIA

DATE: April 22, 1997

SUBJECT: R-00973953

TO: Office of Administrative Law Judge

FROM: *WB* John G. Alford, Secretary

**DOCKETED**  
APR 26 1997

KJR

PECO ENERGY COMPANY RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of DuPont Power Marketing Inc. filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

**DOCUMENT  
FOLDER**

COMMONWEALTH OF PENNSYLVANIA

KJR

DATE: April 22, 1997

SUBJECT: R-00973953

TO: Office of Administrative Law Judge

FROM: *WJP* John G. Alford, Secretary

DOCKETED

APR 26 1997

PECO ENERGY COMPANY RESTRUCTURING PLAN

Attached is copy of a Petition to Intervene of Mid-Atlantic Power Supply Association, filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz

DOCUMENT  
FOLDER

VERNER · LIPFERT  
BERNHARD · McPHERSON <sup>OF</sup> HAND  
[CHARTERED]

Joel D. Newton  
(202) 371-6197

901 - 15TH STREET, N.W.  
WASHINGTON, D.C. 20005-2301  
(202) 371-6000  
FAX: (202) 371-6279

April 22, 1997

ORIGINAL

KJR

VIA FEDERAL EXPRESS

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

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APR 22 1997

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 Mr. McNulty:

Enclosed for filing in the above-captioned proceeding are an original and three copies of the Petition to Intervene 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>DNS</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)  
Service List (Via First Class Mail)

DOCUMENT  
FOLDER

HOUSTON, TEXAS  
2600 TEXAS COMMERCE TOWER  
600 TRAVIS  
HOUSTON, TEXAS 77002  
(713) 225-7200  
FAX: (713) 237-1216

AUSTIN, TEXAS  
SAN JACINTO CENTER  
98 SAN JACINTO BLVD., SUITE 1440  
AUSTIN, TEXAS 78701  
(512) 703-6000  
FAX: (512) 703-6003

HONOLULU, HAWAII  
HAWAII TIMES BUILDING  
928 NUUANU AVE., SUITE 400  
HONOLULU, HAWAII 96817  
(808) 566-0999  
FAX: (808) 566-0995

MCLEAN, VIRGINIA  
8280 GREENSBORO DRIVE  
SUITE 601  
MCLEAN, VIRGINIA 22102  
(703) 749-6000  
FAX: (703) 749-6027

64

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

**RECEIVED**

**PETITION TO INTERVENE OF  
ALLEGHENY POWER**

APR 22 1997

Pursuant to 52 Pa. Code § 5.71, Allegheny Power hereby files this Petition to  
Intervene in the above-captioned proceeding involving an application by PECO Energy  
Company ("PECO") for approval of its Restructuring Plan under Section 2806 of the  
Public Utility Code. In support of its Petition, Allegheny Power states as follows:

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

1. Allegheny Power<sup>1/</sup> is a public utility furnishing electric service in all or parts of twenty-three (23) counties in Pennsylvania.
2. Allegheny Power will be represented in this proceeding by the following counsel:

Clinton A. Vince  
Paul E. Nordstrom  
Deborah A. Swanstrom  
Joel D. Newton<sup>2/</sup>  
Verner, Lipfert, Bernhard, McPherson & Hand  
901 15th Street, NW  
Washington, DC 20005-2301  
(202) 371-6000

and

**DOCKETED**  
MAY 01 1997

**DOCUMENT  
FOLDER**

1/ Allegheny Power is the trade name of West Penn Power Company, a Pennsylvania corporation and public utility authorized to provide electric service in Pennsylvania.

2/ Allegheny Power intends to file a Motion for Admission Pro Hac Vice of Clinton A. Vince, Paul E. Nordstrom, and Deborah A. Swanstrom. Mr. Newton is a member of the Pennsylvania Bar.

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

Pursuant to the Presiding Judge's directive at the April 15, 1997 Prehearing Conference in this proceeding, Allegheny Power officially designates Paul E. Nordstrom, of the law firm Verner, Liipfert, Bernhard, McPherson and Hand, as the person upon whom copies of all correspondence and documents must be served in this proceeding. As a professional courtesy, Allegheny Power also respectfully requests that the parties serve John L. Munsch of Allegheny Power with copies of all correspondence and documents.

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

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

5. On February 13, 1997, the Commission issued its Order Re Restructuring Filings at Docket No. M-00960890F0003, setting forth requirements and procedures for filing restructuring plans pursuant to Section 2806(D) of the Code.

6. On April 1, 1997, PECO filed with the Commission an application for approval of its Restructuring Plan.

7. Among other things, PECO's application 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.

8. Allegheny Power has a direct and substantial interest in this proceeding, which cannot be adequately represented by any other party.

9. The Competition Act provides competing generation suppliers, such as Allegheny Power, with the opportunity to serve retail customers located in PECO's service territory using PECO's transmission and distribution system. Allegheny Power, as a competing generation supplier, will be affected directly by the rates, terms and conditions proposed by PECO in this proceeding for such retail access. For example, Allegheny Power will be affected by PECO's proposal to assess penalties and fees against other generation suppliers related to energy balancing and load reconciliation. Allegheny Power also will be affected by the charges PECO plans to assess against other generation suppliers to recover the costs of billing customers for generation service. As a fellow Pennsylvania utility, which must similarly submit a restructuring plan later this year, Allegheny Power also may be affected by any precedent that is established in this proceeding.

10. Allegheny Power's participation as an active party in this proceeding is required to protect its substantial individual interest in ensuring that the Competition Act is implemented fairly. Allegheny Power's participation in this proceeding will thereby serve the public interest.

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

Respectfully submitted,

By: Joel D. Newton <sup>RAS</sup>  
Joel D. Newton, PA Bar No. 63059  
Verner, Liipfert, Bernhard, McPherson & Hand  
901 15th Street, NW  
Washington, DC 20005-2301  
(202) 371-6197

and

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

Attorneys for Allegheny Power

Dated: April 22, 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).

Paul R. Bonney  
Ward Smith  
Robin L. Krongold  
PECO Energy Company  
2301 Market Street  
PO Box 8699  
Philadelphia, PA 19101

Senator Vincent J. Fumo  
Chairman of Senate Democratic  
Committee on Appropriations  
Room 545  
Main Capitol Building  
Harrisburg, PA 17120

James D. Steffes  
ENRON Corp.  
1400 Smith Street  
P.O. Box 4428  
Houston, TX 77002

Daniel Clearfield, Esq.  
Alan Kohler, Esq.  
Robert Longwell, Esq.  
Wolf, Block, Schorr and Solis-Cohen  
305 North Front Street, Suite 401  
Harrisburg, PA 17101

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

Randall V. Griffin, Esq.  
Delmarva Power & Light Company  
800 King Street  
Wilmington, DE 19899

James W. Durham  
Senior VP and General Counsel  
PECO Energy Company  
2301 Market Street  
Philadelphia, PA 19101-8699

Bernard Ryan, Esq.  
Karen Oill Moury, Esq.  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North 2nd Street  
Harrisburg, PA 17101

Kenneth Mickens  
Senior Prosecutor  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Tanya McCloskey, Esq.  
Steven Steinmetz, Esq.  
Office of Consumer Advocate  
14th Floor, Strawberry Square  
Harrisburg, PA 17120

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

Michael G. Banta, Esq.  
Vice President and  
Assistant General Counsel  
Indianapolis Power & Light Company  
One Monument Circle  
P.O. Box 1595  
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Pennsylvania Power & Light Company  
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Washington, DC 20006-4759

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PO Box 1166  
Harrisburg, PA 17108-1166

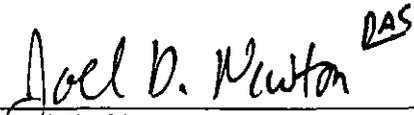
W. Edwin Ogden, Esq.  
Alan Michael Seltzer, Esq.  
Ryan, Russell, Ogden & Seltzer  
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Suite 301  
Reading, PA 19610

Christopher B. Craig, Esq.  
Democratic Committee on Appropriations  
Room 545  
Main Capitol Building  
Harrisburg, PA 17120

Lance Have  
6048 Ogontz Avenue  
Philadelphia, PA 19141

Angel L. Ortiz  
City Councilman  
City Hall - room 590  
Philadelphia, PA 19107

Dated this 22nd day of April, 1997.

  
\_\_\_\_\_  
Joel D. Newton  
Verner, Liipfert, Bernhard,  
McPherson and Hand  
901 15th Street, NW  
Suite 700  
Washington, DC 20005  
  
Attorney for Allegheny Power

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(609) 751-8500

ORIGINAL

(717) 236-4812

KJR  
Linda C. Smith

April 22, 1997

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

RECEIVED  
97 APR 22 PM 3:25  
F.A.P.U.C.  
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 Prothonotary:

Enclosed please find an original and three copies of the Petition to Intervene on behalf of the American Association of Retired Persons (AARP) for filing in the above-captioned action. Parties are being served in accord with the attached certificate of service.

Very truly yours,

*Linda C. Smith*

Linda C. Smith

LCS:lad  
Enclosures

cc: Certificate of Service

DOCUMENT  
FOLDER

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  
PETITION TO INTERVENE

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PROTHONOTARY'S OFFICE

NOW COMES, the American Association of Retired Persons ("AARP"), through its counsel Dilworth, Paxson, Kalish and Kauffman, LLP, and petitions to intervene in the above captioned proceeding. In support of its Petition, AARP states the following:

1. AARP is a private, non-profit membership organization incorporated in the District of Columbia. AARP is committed to serving all generations through education, advocacy and community service. AARP has been an advocate on utility and other issues of concern to older consumers at the state level through a predominantly volunteer effort.

2. AARP has over 1,740,000 members in Pennsylvania whose interests must be represented in this proceeding.

3. AARP, through its membership, has been active in the past on issues concerning public utilities and the policies and rulemakings established by the Pennsylvania Public Utility Commission.

4. The above captioned proceeding to restructure PECO Energy is of significant concern to the citizens of Pennsylvania, including its 1.7 million members in Pennsylvania. PECO's electric rates are among the highest in Pennsylvania and this proceeding

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presents an opportunity to achieve lower rates for consumers through the restructuring of that company pursuant to the newly enacted Electricity Generation Competition and Customer Choice Act. 66 Pa.C.S. §§2801 et seq.

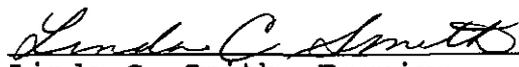
5. The manner in which PECO Energy is restructured will determine the level of decrease in rates, if any, as well as the manner in which the Consumer Education Program, universal service and energy conservation obligations will be met.

6. AARP is an interested party in this proceeding since the restructuring of PECO is among the first opportunities that this Commission will have to interpret and apply the new legislation and its decision will affect thousands of AARP members in Pennsylvania, as well as other citizens that will become members in the future.

7. Due to its unique position as an association of volunteers advocating for the public interest in a non-partisan manner, the interests of AARP cannot be represented by any other party.

WHEREFORE, for all the foregoing reasons, AARP requests that its petition for intervention be granted.

Respectfully Submitted

  
\_\_\_\_\_  
Linda C. Smith, Esquire  
ID No. 35868  
Dilworth, Paxson, Kalish & Kauffman  
305 North Front Street, Suite 403  
Harrisburg, PA 17101  
(717) 236-4812

Dated: April 22, 1997

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, April 22, 1997.

VIA FIRST CLASS MAIL

Robin L. Krongold, Paralegal  
Paul Bonney, Esquire  
PECO Energy Company  
2301 Market Street  
P.O. Box 8699  
Philadelphia, PA 19101-8699

Senator Vincent J. Fumo  
Democratic Committee on Appropriations  
545 Main Capitol Building  
Harrisburg, PA 17120

Kenneth L. Mickens, Esquire  
Charles Daniel Shields, Esquire  
PA PUC Office of Trial Staff  
P.O. Box 3265  
Harrisburg, PA 17105-3265

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

  
\_\_\_\_\_  
Linda C. Smith

**ORIGINAL**

**ZEIGLER & ZIMMERMAN, P.C.**

355 N. 21ST STREET, SUITE 304

P.O. BOX 1080

CAMP HILL, PA 17011-3707

(717) 731-1484

FAX

(717) 731-1498

PAUL L. ZEIGLER  
BARBARA A. ZIMMERMAN

JOHN C. BECKER  
OF COUNSEL

April 22, 1997

PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P. O. Box 3265  
Harrisburg, PA 17105-3265

R-00973953

**RE: PECO Energy Company Pilot Program Restructuring Plan**

Dear Sir or Madam:

Please be advised that we represent the Delaware Valley Schools Energy/Utility Consortium.

On behalf of the Consortium, I am requesting an opportunity to file a Petition to Intervene and to take part in such proceedings as may be appropriate with relation to the hearings to be held concerning PECO Energy's restructuring plans.

Thank you for your cooperation in this matter.

Very truly yours,

*[Handwritten Signature]*  
Paul L. Zeigler

PLZ/kam

cc: William Giambrone, Jr., DVSEUC

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APR 29 1997

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COMMUNITY  
LEGAL  
SERVICES, INC.

ORIGINAL

1424 CHESTNUT STREET  
PHILADELPHIA, PA 19102  
215-981-3700  
FAX 215-981-0434

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000412

April 22, 1997

97 APR 24 AM 10:15

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PROTHONOTARY'S OFFICE

KJR

The Honorable John Alford  
Secretary  
Pennsylvania Public Utility Commission  
North Office Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: In 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 in the above-captioned matter, please find  
an original and three copies of a Joint Stipulation of Settlement  
concerning the Motion of CEPA, et al. Objecting to Proposed Notice  
and Requesting Order Requiring Amendment of Notice.

Very truly yours,

  
PHILIP A. BERTOCCHI  
STEVEN P. HERSHEY

Enclosures

cc: All parties on attached certificate of service

25

DOCKETED

MAY 01 1997

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

IN RE: APPLICATION OF PECO ENERGY, INC. 13  
COMPANY FOR APPROVAL OF ITS :  
RESTRUCTURING PLAN UNDER :  
SECTION 2806 OF THE :  
PUBLIC UTILITY CODE :

97 APR 24 AM 10:15  
APPLICATION  
DOCKET NO. R-00973953  
PROTHONOTARY'S OFFICE

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JOINT STIPULATION OF SETTLEMENT

CEPA, et al., through counsel, and PECO Energy Company (hereinafter "PECO"), through counsel, hereby enter into the following Stipulation of Settlement concerning the Motion of CEPA, et al. Objecting to Proposed Notice and Requesting Order Requiring Amendment of Notice as follows:

WHEREAS, on April 1, 1997, PECO filed an application for approval of its restructuring plan under Section 2806 of the Public Utility Code;

WHEREAS, on April 3, 1997, PECO began sending a notice of this filing in the form set forth in Exhibit "A" hereto (hereinafter "Original Notice");

WHEREAS, on April 15, 1997, CEPA, et al., filed the Motion of CEPA, et al. Objecting to Proposed Notice and Requesting Order Requiring Amendment of Notice;

WHEREAS, the parties have engaged in settlement discussions concerning an acceptable form of notice;

WHEREAS, the parties desire to settle all claims raised by CEPA, et al.'s Motion, without admission on the part of PECO that the Original Notice is legally defective;

NOW, THEREFORE, for good consideration and intending to be

legally bound, the parties agree as follows:

1. The Revised Notice incorporated herein and set forth in Exhibit "B" is acceptable.

2. Commencing April 21, 1997, PECO shall cease sending the Original Notice to customers.

3. No later than May 1, 1997, PECO shall commence sending the Revised Notice to all customers.

4. In order to prevent confusion between the Original Notice and the Revised Notice, the Revised Notice will be printed with a different color ink from the ink used for the Original Notice.

5. The parties shall support this Stipulation of Settlement.

IN WITNESS OF THEIR AGREEMENT, the parties, through counsel, hereby sign as follows:

Philip A. Bertocci

Steven P. Hershey, Esquire  
Philip A. Bertocci, Esquire

Attorneys for CEPA, et al.

Date: 4/22/97

Paul R. Bonney

Paul R. Bonney, Esquire

Attorney for PECO Energy

Date: 4/22/97

## PECO ENERGY COMPANY ASKS PaPUC TO APPROVE ITS ELECTRIC COMPETITION RESTRUCTURING PLAN

Last year the Pennsylvania Legislature passed, and Governor Ridge signed, a law allowing consumers to select their electric generation supplier by 2001. The law requires us to file plans with the Pennsylvania Public Utility Commission (PaPUC) showing how consumers will have access to competitive electricity suppliers.

PECO Energy Company filed its restructuring plan with the PaPUC on April 1. The plan has several key elements including:

1. the procedures we will use to make sure that customers can choose their generation suppliers.
2. the prices we charge, for generation, transmission and distribution services, known as "unbundled" prices. These prices are subject to a rate cap.
3. the amount of a proposed "competitive transition charge," permitted by the new law. This charge would allow us to continue to collect from customers, over a 7-year period, \$6.8 billion in costs associated with assets that may not be recoverable in a competitive environment. These are known as "stranded costs."
4. how we will make sure that all customers wanting electric service can get it and what energy conservation measures we will have for low-income customers.
5. how we will inform customers about the changes leading up to retail electric competition.

Under the new law, one-third of our customers will be able to choose an electric generation supplier by January 1, 1999. Another third will have choice by January 1, 2000, and the final third by January 1, 2001.

The PaPUC will hold hearings and review our filing. It will also issue an order accepting, modifying, or rejecting our plan by December 31, 1997.

You may contact the PaPUC at P.O. Box 3265, Harrisburg, Pennsylvania 17106-3265 if you wish to file a petition to intervene on or before June 20, 1997 or take part in the proceedings.

For more information contact PECO Energy at 1-800-434-4000.

PECO Energy Company

EXHIBIT "A"

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

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

On April 1, 1997, PECO Energy filed its proposed restructuring plan. Before the plan can take effect, the PUC must hold hearings. By December 31, 1997, the PUC must issue an order accepting, modifying or rejecting the plan.

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

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

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

over

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

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

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

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

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

If you wish to take part in the hearings, you may file a Petition to Intervene with the PUC on or before June 20, 1997 at P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265, or you can participate in public hearings to be scheduled this summer, to be held in PECO Energy's service territory.

For more information or a summary of the plan, contact PECO Energy at 1-800-494-4000. You may also contact the Public Utility Commission toll-free at 1-888-PUC-FACT (1-888-782-3228).

**PECO Energy Company**

EXHIBIT "B"

Certificate of Service

I hereby certify that I have this day served the attached Joint Stipulation of Settlement concerning the Motion of CEPA, et al. Objecting to Proposed Notice and Requesting Order Requiring Amendment of Notice in the matter of Application of PECO Energy Company for Approval of its Restructuring Plan under Section 2806 of the Public Utility Code on the following persons:

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

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

Kenneth L. Mickens, Esquire  
Pennsylvania Public Utility Commission  
Office of Trial Staff  
901 North 7<sup>th</sup> Street, 3<sup>rd</sup> Floor Rear  
Harrisburg, PA 17120

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

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

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

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

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

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

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

Alan J. Barak, Esquire  
Attorney for Environmentalists  
Widener University Law School  
3700 Vartan Way  
Harrisburg, PA 17110

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

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

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Andrew J. Giorgione, Esquire  
Obermayer Rebmann Maxwell & Hippel LLP  
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Harrisburg, PA 17101  
(Counsel for IPL)

David Boonin, Esquire  
New Energy Ventures  
2005 Broad Street - Suite 800  
Philadelphia, PA 19107  
(Counsel for New Energy Ventures)

Lance Haver  
6048 Ogontz Avenue  
Philadelphia, PA 19141

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

Dated: \_\_\_\_\_

4/22/97

*Philip A. Bertocci*

Philip A. Bertocci  
Community Legal Services, Inc.  
1424 Chestnut Street, 5th Fl.  
Philadelphia, PA 19102  
(215) 981-3702