

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: September 26, 1997	2. BUREAU AGENDA NO. Oct - 97 - LAW - 96*
3. BUREAU: Law	
4. SECTION(S):	5. PUBLIC MEETING DATE:
6. APPROVED BY: Director: Povilaitis 7-5000 Supervisor: Burket 7-3464	October 2, 1997
7. PERSONS IN CHARGE: Moody 7-2126	DOCKETED
8. DOCKET NO.: R-00973953	OCT 28 1997

KJR

- 9. (a) CAPTION (abbreviate if more than 4 lines)**
(b) Short summary of history & facts, documents & briefs
(c) Recommendation

(a) Petition of the Joint Signatories to Forego the Use of a Recommended Decision in Evaluating the Joint Petition for Partial Settlement Recently Filed in This Docket

(b) Various parties (Joint Signatories) had previously filed a Partial Settlement comprising the central, most difficult and contentious issues raised by PECO Energy's Restructuring Plan. The Joint Signatories now request that the Commission have the record developed through hearings before the ALJs and certified to the Commission for decision without issuance of a recommended decision to ensure expeditious Commission review of the Partial Settlement within the limited time frame available under the Electric Competition Act.

(c) The Law Bureau recommends that the Commission adopt the proposed order granting the petition.

10. MOTION BY: Commissioner Chm. Quain
 Commissioner Hanger - Yes
 Commissioner Rolka - No
SECONDED: Commissioner Bloom
 Commissioner Brownell - Yes

CONTENTS OF MOTION: Staff recommendation adopted.

**DOCUMENT
 FOLDER**



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

IN REPLY PLEASE
REFER TO OUR FILE

October 2, 1997

R-00973953

KJR

All Parties
(See Attached List)

Petition of Joint Signatories to Forego the use of a Recommended Decision in Evaluating the
Joint Petition for Partial Settlement Recently filed in this Docket.

To Whom It May Concern:

This is to advise you that an Order was adopted by the Commission at public meeting
held October 2, 1997 on the above entitled proceeding.

A copy of the Order is enclosed for your records.

Very truly yours,

DOCKETED
OCT 14 1997

James J. McNulty, Acting Secretary

EMD

DOCUMENT
FOLDER

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

Public Meeting held October 2, 1997

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice Chairman
John Hanger
David W. Rolka, Dissenting
Nora Mead Brownell

DOCKETED
OCT 14 1997

Petition of the Joint Signatories to Forego
the Use of a Recommended Decision in
Evaluating the Joint Petition for Partial
Settlement Recently Filed in This Docket

Docket No. R-00973953

ORDER DOCUMENT
FOLDER

BY THE COMMISSION:

On August 27, 1997, various parties (hereinafter "Joint Signatories"¹) in this proceeding filed a Partial Settlement comprising the central, most difficult and contentious issues raised by PECO's Restructuring Plan. Before us for consideration is the Joint Signatories' petition requesting us to forego the use of a recommended decision in evaluating the Partial Settlement.

¹ The Joint Signatories include Senator Vincent J. Fumo, CEPA, et al., Lance S. Haver, the Office of Trial Staff, the Office of Consumer Advocate, the Office of Small Business Advocate, the Philadelphia Area Industrial Energy Users Group, the American Association of Retired Persons, the Department of the Navy and PECO Energy Company.

The Joint Signatories propose that we order evidentiary hearings on the settlement and then have the administrative law judges (ALJs) certify the evidentiary record directly to the Commission, with briefs and reply briefs submitted to the Commission rather than to the ALJs. The Joint Signatories suggest that this procedure will allow full development of an evidentiary record, while at the same time allowing expeditious review of the Partial Settlement.

More specifically, the Joint Signatories assert that this procedure for expedited evaluation is both appropriate and necessary for the Partial Settlement because “[i]f the Commission rejects or modifies this settlement . . . the Joint Signatories and other parties will need to litigate the outcome of this proceeding.” Petition at ¶ 3. In accordance with Section 2806(F) of the Electric Competition Act, 66 Pa. C.S. § 2806(F), our final decision on PECO Energy’s restructuring plan, which was filed on April 1, 1997, must be made no later than January 1, 1998. Accordingly, we agree with the Joint Signatories that “it is essential that the Commission reach a decision as quickly as possible of whether to accept or reject the settlement” because of statutory deadline concerning final action on PECO Energy’s restructuring plan, and will modify our usual procedures as permitted by 52 Pa. Code § 1.2(c). As the Joint Signatories point out, we have utilized the certification procedure on several recent occasions where time was of the essence,

most notably in the pilot program proceeding at Docket No. P-00971170;

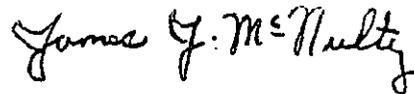
THEREFORE,

IT IS ORDERED:

1. That the record close no later than Friday, October 17, 1997;
2. That the record be certified to the Commission for decision in accordance with 52 Pa. Code § 5.531(a);
3. That an original and two copies of briefs be filed **in hand** with the Prothonotary, and two copies be filed **in hand** with each Commissioner, the Office of Special Assistants and the Law Bureau no later than **six (6) calendar days** after the close of the record;
4. That briefs be limited to twenty-five (25) pages with font size no less than 12 point;
5. That one diskette containing the party's brief in either Word Perfect 5.1 or ASCII format must also be provided to the Office of Special Assistants at the time the party's brief is filed;
6. That no reply briefs may be filed; and

7. That a copy of this Order be served upon all active parties of record at this docket, the Office of Special Assistants and the Office of Administrative Law Judge.

BY THE COMMISSION



James J. McNulty
Acting Secretary

(Seal)

ORDER ADOPTED: October 2, 1997

ORDER ENTERED: OCT - 2 1997

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PA ELECTRIC COMPETITION COALITION

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

KJR

AND NOW, to wit, this 6th day of October, 1997,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of an Order an official Commission document entered, issued, or otherwise promulgated under date of October 2, 1997 at Docket No. R-00973953 on behalf of:

OFFICE OF TRIAL STAFF - KEN MICKENS & CHARLES SHIELDS

DOCKETED
OCT 7 1997

Mari J. Rudy
Signature

Kindly sign and date this acceptance of service and acknowledgement of receipt, and, return the same for filing to:

OFFICE OF PROTHONOTARY FILE ROOM
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

RECEIVED
PROTHONOTARY'S OFFICE

97 OCT -6 PM 3:43

011104

OFFICE OF TRIAL STAFF

97 OCT -6 AM 9:16

PROTHONOTARY

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 6th day of October, 1997,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of ~~Case R-00973953~~ an official Commission document entered, issued, or otherwise promulgated under date of October 2, 1997 at Docket No. R-00973953 on behalf of:

KENNETH L MICKENS

CHARLES DANIEL SHIELDS

PA PUC OFFICE OF TRIAL STAFF

3RD FLOOR PITNICK BLDG

DOCUMENT
FOLDER

DOCKETED
OCT 7 1997

Manig Rudy
Signature

Kindly sign and date this acceptance of service and acknowledgement of receipt, and, return the same for filing to:

OFFICE OF PROTHONOTARY FILE ROOM
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

RECEIVED
PROTHONOTARY'S OFFICE
97 OCT -6 PM 3:43

011105

RECEIVED
PROTHONOTARY'S OFFICE
OCT 6 1997
10:15 AM

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

KJR

AND NOW, to wit, this 6 day of Oct., 1997,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of R-00973953 an official Commission document entered, issued, or otherwise promulgated under date of October 2, 1997 at Docket No. R-00973953 on behalf of:

TANYA J MCCLOSKEY

STEVEN K STEINMETZ

OFFICE OF CONSUMER ADVOCATE

1425 STRAWBERRY SQUARE



Signature

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RECEIVED
97 OCT -9 PM 2:28
PA.P.U.C.
PROTHONOTARY'S OFFICE

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

KAP

AND NOW, to wit, this _____ day of _____, 19__ ,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of R-00973953 an official Commission document entered, issued, or otherwise promulgated under date of October 2, 1997 at Docket No. R-00973953 on behalf of:

KAREN OILL MOURTY

OFFICE OF SMALL BUSINESS ADVOCATE

COMMERCE BLDG SUITE 1102

OFFICE OF SMALL
BUSINESS ADVOCATE

OCT 8 1997

C. Updegraff
Signature

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RECEIVED
97 OCT 10 PM 2:40
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PROTHONOTARY'S OFFICE

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

KJR

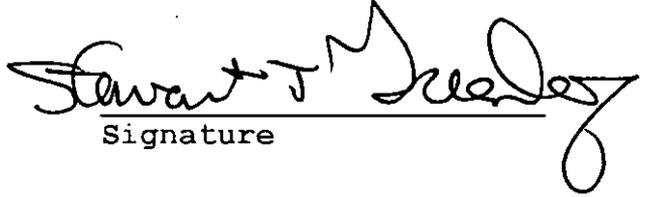
AND NOW, to wit, this 6th day of September, 1997,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of R-00973953 an official Commission document entered, issued, or otherwise promulgated under date of October 2, 1997 at Docket No. R-00973953 on behalf of:

HONORABLE STEWART J GREENLEAF

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MAIN CAPITAL


Signature

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RECEIVED
PROTHONOTARY'S OFFICE

97 OCT - 7 AM 7:58

011110

