

Senate of Pennsylvania

ORIGINAL



016569

DEMOCRATIC COMMITTEE ON APPROPRIATIONS

Senate Post Office
The State Capitol
Harrisburg, PA 17120-0030
Telephone: (717) 787-5662
Fax: (717) 783-5210

97 NOV -5 PM 12: 02

RECEIVED
PROTHONOTARY'S OFFICE

November 5, 1997

VINCENT J. FUMO
Chairman
PAUL S. DLUGOLECKI
Executive Director

James J. McNulty, Acting Prothonotary
Pennsylvania Public Utility Commission
Room 206, North Office Building
Harrisburg, Pennsylvania 17105-3265

KJR

Re: In re the Matter or the Application of PECO Energy Company for Approval of its Restructuring Plan Under Section 2806 of the Pennsylvania Public Utility Code - PUC Docket No. R-00973953.

Dear Mr. McNulty:

Enclosed for filing is an original and three (3) copies of the Reply of Senator Vincent J. Fumo, CEPA, *et al.*, to the Answer of Enron Corporation to the Petitions for Reconsideration of the Commission's Order of October 9, 1997.

Copies of the forgoing are being served each of the Commissioners and all parties of record. In addition, copy has been sent via facsimile transmission to counsel for Enron on this date.

Sincerely,

Christopher B. Craig
Counsel

DOCUMENT
FOLDER

cc: All counsel of record.

19

ORIGINAL

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

+
+
6570
+
+

Docket No. R-009739535 PH12:02

RECEIVED
PROTHONOTARY'S OFFICE

REPLY OF SENATOR VINCENT J. FUMO, CEPA, ET AL.,
TO THE ANSWER OF ENRON CORPORATION TO THE
PETITIONS FOR RECONSIDERATION

Senator Vincent J. Fumo, CEPA, *et al.*, by and through their undersigned counsel, hereby file this Reply to the Answer of Enron Corporation to the Petitions for Clarification and Reconsideration of the Commission's Order of October 9, 1997.¹ As a result of serious misrepresentations of fact that are contained in the Enron Answer, Senator Fumo, CEPA, *et al.*, submit this Reply for the consideration of this Honorable Commission and restate their firm support for the relief requested in the Motion for Reconsideration and Clarification.

I. ENRON HAS GROSSLY MISSTATED ITS PARTICIPATION IN SETTLEMENT DISCUSSIONS WITH CONSUMER GROUPS AND PECO ENERGY COMPANY.

In its Answer, Enron has asserted that "[d]espite numerous attempts to insert itself into the settlement process leading upon to the Partial Settlement, Enron was emphatically denied the opportunity to participate." Enron Answer, page 9. This assertion is false. To the contrary, Enron was provided ample opportunity to constructively participate in settlement discussions well before the finalization and submission to the Commission of the consumer crafted Joint Settlement on August 27, 1997.

¹ Two compatible petitions for reconsideration were filed by the following litigations in the above captioned proceeding; the Pennsylvania Consumer Advocate, the Pennsylvania Small Business Advocate, the Philadelphia Area Industrial Users Group, the American Association for Retired Persons, CEPA, ACORN, TAG, Lance Haver, Senator Vincent J. Fumo, and PECO Energy Company.

DOCKETED DOCUMENT
NOV 05 1997 HOLDER

On numerous occasions Senator Fumo, CEPA, *et al.*, and representatives from the various consumer advocacy organizations spoke with representatives from Enron in an effort to elicit the participation and concerns of the company with regard to draft versions of the Joint Settlement. For example, during July and early August, Senator Fumo had several conversations and meetings with Enron's chief Pennsylvania registered lobbyist, former State Senator H. Craig Lewis, from the law firm of Dechart, Price & Rhodes, in order to discuss Enron's litigation objectives and the settlement terms.² At the time, said conversations conveyed Enron's modest objectives in participating in the PECO Restructuring Case.

Efforts to directly involve Enron in settlement discussions continued throughout the month of August, well in advance of the finalization of the settlement terms. Immediately after Senator Fumo, CEPA, *et al.*, reached a tentative understanding with PECO Energy Company on several settlement terms at the end of July, a list of the settlement terms was provided to Enron's legal counsel by Steven P. Hershey, Esquire, counsel for CEPA, *et al.* At the time, Enron requested and received several changes to the settlement terms list, which included explicit language stating that code of conduct, and billing and metering issues were not to be resolved by the terms of the settlement. It was hoped that further Enron reaction would be constructive to the ongoing settlement discussion with the Commonwealth agencies and other consumer advocacy organizations, such as the American Association of Retired Persons and the Philadelphia Industrial Energy Users Group.

Following these discussions, Enron requested and received a draft copy of the proposed consumer settlement. In fact, legal counsel for Enron participated in several telephone conference calls with the consumer advocacy organization, as well as directly meeting with several Commonwealth agencies, including the Office of Consumer Advocate, to review and consider the

² It should be noted that since this time, Senator Lewis has ended his affiliation with Enron in order to take a position with Norfolk Southern Railroad.

document in detail. In addition, at Enron's request, counsel for Senator Fumo met with members of Enron's Governmental Affairs Department in order to discuss company's reaction, as well as a suggested modifications, to the draft settlement. Attached is a letter from James Steffes, Director for Governmental Affairs, confirming said meeting and referencing the suggested modifications to the settlement. *See*, Exhibit A.

Unfortunately, Enron's modifications represented a return to the its original litigation position and were unacceptable to Senator Fumo, CEPA, *et al.* In other words, not only was Enron provided with a copy of the draft settlement agreement and ample opportunity to meet with the various parties during settlement negotiations, but Enron was directly involved in the negotiation process before the finalization of the settlement. Enron's failure to present a compromise that addressed the concerns of the original consumer parties in this litigation should not be construed to be an attempt to exclude Enron; to the contrary, it was Enron's failure to adequately address the needs of PECO ratepayers that precluded favorable consideration of their additional modifications. On several occasions, Enron was informed that, though an agreement could be reached on many of the company's original concerns, such as billing-metering, and the code of conduct, Enron's suggestion, at the time, to adversely alter the consumer rate reductions in order to increase initial energy generation caps was strenuously objected by Senator Fumo, CEPA, *et al.*

II. ENRON NEVER SOUGHT THE PARTICIPATION OR COMMENTS OF EITHER SENATOR FUMO OR THE PHILADELPHIA CONSUMER ADVOCACY GROUPS PRIOR TO PRESENTMENT OF THE ENRON "CHOICE PLAN."

It is particularly interesting to note that while Enron mischaracterizes its active participation in settlement discussion, Enron intentionally precluded any consumer input or participation in the drafting of the Enron "Choice Plan." Though Enron has repeatedly claimed that its petition was drafted to address the needs of PECO Energy Company ratepayers, neither Senator Fumo, CEPA, *et al.*, nor any other Philadelphia area consumer advocacy organization

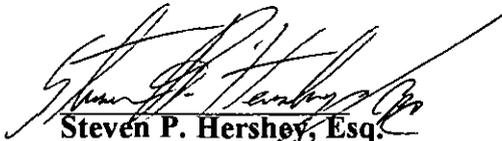
were involved in the development of the Enron Petition. This purposeful omission is evidenced by the fact that the Enron proposal fails to provide the same level of consumer benefits as contained in the Joint Settlement — such as; the portability of low income customer assistance rates, allowance for consumer input and participation in educational initiatives, and significant rate escalation protection. In fact, it is not a coincidence that not one signatory to the consumer Joint Settlement has indicated support for the Enron Petition. In fact, most groups, including Senator Fumo, CEPA, *et al.*, recognize the significant limitations and risks ratepayers are requested to assume under the Enron proposal. Such are the limitation of a proposal. The Joint Settlement is a compromise between the utility and the ratepayers. By contrast, the Enron proposal is simply Enron's suggestions, nothing more.

III. ENRON'S ALLEGED CLAIM OF ISOLATION IS THE DIRECT RESULT OF ENRON'S INACTION.

The most ironic part of Enron's claim of being excluded from settlement discussions, outside of the fact that it is untrue, is that Enron was repeatedly requested to help support the efforts of Senator Fumo, CEPA, *et al.*, in their opposition to PECO Energy Company's restructuring plan. As early as March and April, counsel for Enron was directly contacted in an effort to receive the support of Enron. Not only was Enron's legal counsel contacted by both Senator Fumo and CEPA, *et al.*, but Enron's Board of Directors was informally contacted in an effort to seek the company's help. Unfortunately, these repeated attempts were consistently rebuffed. Had Enron demonstrated the same aggressiveness, as the consumer groups, in opposing PECO's early securitization case, Enron would have been able to truthfully claim that it was working in the best interests of consumers. Under those circumstances, Enron could have avoided the situation that it now finds itself, opposing a consumer crafted settlement. However, the truth is that Enron has never been an advocate for consumers. As always, Enron is simply acting in its own business interest at the expense of consumers.

WHEREFORE, for the foregoing reasons, Senator Fumo, CEPA, *et al.*, respectfully request this Honorable Commission to grant the Petitions for Reconsideration and Clarification of the Order of October 9, 1997.

Respectfully Submitted,



Steven P. Hershey, Esq.
Philip A. Bertocci, Esq.
Community Legal services, Inc.
1424 Chestnut Street
Philadelphia, Pennsylvania 19102
(215) 981-3777

Counsel for CEPA, et al.



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

Counsel for Senator Fumo

November 5, 1997

EXHIBIT -A-



713 646 3429 F.02/05
Enron Corp.
P. O. Box 1188
Houston, TX 77251-1188

August 12, 1997

VIA FAX

Mr. Christopher Craig
Legal Counsel
Democratic Appropriations Committee
Office of Senator Vincent J. Fumo
Main Capitol Building
Harrisburg, PA 17120

Dear Mr. Craig:

I would like to thank you for taking the time last week to discuss with me the recent PECO settlement discussions. I also wanted to thank you for allowing me the opportunity to "clear the air" regarding Enron's involvement in restructuring Pennsylvania's electric utilities. As I tried to describe at our meeting, Enron is firmly committed to a fully competitive retail electricity market where all consumers, industrial through residential, benefit from lower prices and better service. Our only interest is to secure a fair opportunity to compete.

As you requested, I have attached our response to the PECO settlement proposal. I would enjoy an opportunity to discuss these issues in more detail when you are available. If you have any immediate questions, please do not hesitate to call me at (713) 853-7673. I hope these suggestions are valuable to you and the discussions.

Again, I enjoyed meeting with you to discuss both Enron and our interest in PECO's restructuring case. If there is anything else I can do, please let me know.

Respectfully,

A handwritten signature in cursive script that reads "James D. Steffes".

James D. Steffes
Director, Governmental Affairs

Natural gas. Electricity. Endless possibilities.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

+
+
+
+
+

Docket No. R-00973953

CERTIFICATION OF SERVICE

I Christopher B. Craig, attorney for Senator Vincent J. Fumo, hereby certify that a copy of the foregoing document has been served in person or by first class mail at the addresses indicated below. I further certify that the manner of service satisfied 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, PA 19130
215-560-2105

The Honorable Marlane R. Chestnut
Administrative Law Judge
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
Philadelphia, PA 19130
215-560-2105

Paul R. Bonney, Esquire
Assistant General Counsel
PECO Energy Company
2301 Market Street
P.O. Box 8699
Philadelphia, PA 19101-8699
215-841-4252

Tanya J. McCloskey, Esquire
Assistant Consumer Advocate
Pennsylvania Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120
717-783-5048

Steven P. Hershey, Esquire
Philip A. Bertocci, Esquire
Community Legal Services
1424 Chestnut Street
Philadelphia, PA 19102
215-981-3777

Karen Oill Moury, Esquire
Assistant Small Business Advocate
Pennsylvania Office of Small Business Advocate
Suite 1102, Commerce Building
300 North 2nd Street
Harrisburg, PA 17101
717-783-2525

David Kleppinger, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
717-232-8000

Alan J. Barak, Esquire
Alan J. Barak, P.C.
1417 Blue Mountain Parkway
Harrisburg, PA 17112
717-540-5166

Kenneth Mickens, Esquire
Senior Prosecutor, Office of Trial Staff
Pennsylvania Public Utility Commission
P.O. Box 3265, Pitnick Building
Harrisburg, PA 17105-3265
717-787-1976

Walter W. Cohen, Esquire
Obermayer, Rebmann, Maxwell & Hippel, LLP
204 State Street
Harrisburg, PA 17101-1236
717-234-9730

Bruce A. Connell, Esquire
Dupont Power Marketing, Inc.
600 N. Dairy Ashford, ML-1034
Houston, Texas 77079
281-293-1736

Joseph J. Malatesta, Jr., Esquire
Janet L. Miller, Esquire
Malatesta, Hawke & McKeon, LLP
100 N. 10th Street
Harrisburg, PA 17101
717-236-1300

Paul E. Russell, Esquire
Associate General counsel
Pennsylvania Power & Light
2 North 9th Street
Allentown, PA 18101-1179
601-774-4254

Lance Haver
6048 Ogontz Avenue
Philadelphia, PA 19141
215-424-1441

David Boonon, Esquire
New Energy Ventures
200 South Broad Street, Suite 800
Philadelphia, PA 19107
215-

Gary A. Jefferies, Esquire
Senior Attorney, CNG Energy Services Corporation
1 Park Ridge Center
P.O. Box 15746
Pittsburgh, PA 15244-0746
412-787-4268

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

Daniel Clearfield, Esquire
Wolf, Block, Shorr & Solis-Cohen
305 North Front Street, Suite 401
Harrisburg, PA 17101-1236
717-237-7172

Terence Fitzpatrick, Esquire
Ryan, Russell, Ogden & Seltzer
800 North Third, Suite 101
Harrisburg, PA 17102
717-236-7714

Michael G. Banta, Esquire
Vice President, Assistant General Counsel
Indianapolis Power & Light Company
1 Monument Circle
Indianapolis, Indiana 46206-1595
317-261-8449

John L. Munsch, Esquire
Allegheny Power
800 Cabin Hill Drive
Greensburg, PA 15601-1689
412-838-6210

Linda C. Smith, Esquire
Dilworth, Paxson, Kalish & Kauffman
304 North Front Street, Suite 403
Harrisburg, PA 17101
717-236-4812

Michael L. Kessler, Esquire
Vice President, General Counsel
American Energy Solutions, Inc.
111 South Alfred Street
Alexandria, Virginia 22314
703-684-1006

Sam DeFrawi, Esquire
United States Navy Rate Intervention
Washington Navy Yard, Bldg. 212, Code 00RI
901 M Street, South East
Washington, D.C. 20374-5018
202-

Usher Fogel, Esquire
Roland, Fogel, Koblents & Carr, LLP
1 Columbia Place
Albany, New York 12207
518-434-8112

Susan M. Shanman, Esquire
212 North 3rd Street
Suite 203
Harrisburg, PA 17101-1505
717-236-2055

Robert A. Mills, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
717-237-5368

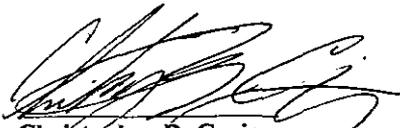
Stephanie A. Sugrue, Esquire
Duane, Morris & Heckscher
1667 K Street North West
Suite 700
Washington, D.C. 20006-1608
202 776-7800

Joseph A. Dworetzky, Esquire
Hangley, Aronchick, Segal & Pudlin
1 Logan Square, 12th Floor
Philadelphia, PA 19103-6933
215-496-7014

Paul L. Zeigler, Esquire
Zeigler & Zimmerman, P.C.
355 North 21st Street
Camp Hill, PA 17011-3707
717-731-1484

Gordon Smith, Esquire
Electric Clearinghouse, Inc.
John & Hengerer
1200 17th Street, N.W., Suite 600
Washington, D.C. 20036-3006

John J. Gallagher, Esquire
Michael D. Klein, Esquire
LeBoeuf, Lamb, Greene & MacRae
200 North 3rd Street, Suite 300
Harrisburg, Pennsylvania 17108-2105
717 232-8199



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

LEBOEUF, LAMB, GREENE & MACRAE
L.L.P.

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

NEW YORK
WASHINGTON
ALBANY
BOSTON
DENVER
HARRISBURG
HARTFORD
JACKSONVILLE

200 NORTH THIRD STREET
SUITE 300
P.O. Box 12105
HARRISBURG, PA 17108-2105
(717) 232-8199
FACSIMILE: (717) 232-8720

LOS ANGELES
NEWARK
PITTSBURGH
PORTLAND, OR
SALT LAKE CITY
SAN FRANCISCO
BRUSSELS
MOSCOW
ALMATY
LONDON
(A LONDON-BASED
MULTINATIONAL PARTNERSHIP)

November 5, 1997

BY HAND

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

DOCUMENT
FOLDER

RECEIVED
97 NOV -5 PM 3:12
PA P.U.C.
PROTHONOTARY'S OFFICE

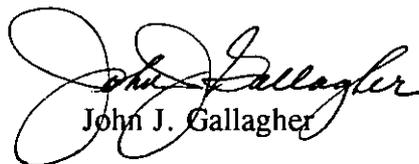
Re: Pennsylvania Public Utility Commission v.
PECO Energy Company
Docket No. R-00973953
PECO-XI-17 (Supplement)

Dear Mr. McNulty:

Enclosed please find for filing three (3) copies of a Certificate of Service evidencing service of Enron Energy Services Power, Inc.'s Supplemental Response to PECO Energy Company's Interrogatory, Set XI, No. 17.

If you have any questions concerning this matter, please contact me at your convenience.

Sincerely,


John J. Gallagher

JJG/mas
enclosure

cc: All Parties on Certificate of Service
Daniel Clearfield, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission

v.

PECO Energy Company

Docket No. R-00973953

RECEIVED
97 NOV -5 PM 3:12
PA.P.U.C.
PROTHONOTARY'S OFFICE

CERTIFICATE OF SERVICE

I hereby certify that I have on this 4th day of November, 1997, served a true copy of the foregoing Supplemental Response to PECO Energy Company's Interrogatories, Set XI, No. 17, on behalf of Enron Energy Services Power, Inc. upon the participants, listed below, in accordance with the requirements of 52 Pa.Code § 1.54:

Paul R. Bonney, Esquire
Noel H. Trask, Esquire
Ward L. Smith, Esquire
Assistant General Counsel
PECO Energy Company
2301 Market Street, P.O. Box 8699
Philadelphia, PA 19101-8699
(*PECO Energy Company*)

Paul E. Russell, Esquire
Pennsylvania Power & Light Company
Two North Ninth Street
Allentown, PA 18101
(*Pennsylvania Power & Light Company*)

Senator Vincent J. Fumo
Christopher B. Craig, Esquire
Senate Democratic Appropriations
Committee
Main Capitol Building, Room 545
Harrisburg, PA 17120
(*Senator Vincent J. Fumo*)

Donald A. Kaplan, Esquire
Lisa M. Helpert, Esquire
Preston Gates Ellis & Rouvelas Meeds
1735 New York Avenue, N.W., Suite 500
Washington, DC 20006
(*Pennsylvania Power & Light Company*)

DOCUMENT
FOLDER

DOCKETED
NOV 06 1997

Steven P. Hershey, Esquire
Philip A. Bertocci, Esquire
Community Legal Services
1424 Chestnut Street, 4th Floor
Philadelphia, PA 19102
(*Community Legal Services*)

Roger Clark, Esquire
Environmentalists
905 Denston Drive
Ambler, PA 19002-3901
(*The Environmentalists*)

Craig A. Doll, Esquire
214 State Street
Harrisburg, PA 17101
(*Delmarva Power & Light Company, d/b/a
Conectiv Energy*)

Gordon J. Smith, Esquire
John & Hengerer
1200 17th Street, N.W.
Suite 600
Washington, DC 20036
(*Self*), (*Duke Energy Trading & Marketing,
LLC*), (*Noram Energy Management, Inc.*),
(*Vastar Power Marketing, Inc.*), (*Electric
Clearinghouse, Inc.*)

Walter W. Cohen, Esquire
Andrew J. Giorgione, Esquire
Obermayer Rebmann Maxwell & Hoppel,
L.L.P.
204 State Street
Harrisburg, PA 17101
(*Indianapolis Power & Light Company*)

Joseph A. Dworetzky, Esquire
John Lavelle, Jr., Esquire
Hangley, Anonchick, Segal and Pudlin
One Logan Square, 12th Floor
Philadelphia, PA 19103
(*New Energy Ventures, Inc.*)

John L. Munsch, Esquire
Allegheny Power
800 Cabin Hill Drive
Greensburg, PA 15601
(*Allegheny Power*)

Stephanie Sugrue, Esquire
Mary Ann Ralls, Esquire
Duane, Morris & Heckscher
L.L.P.
1667 K Street, N.W.
Suite 700
Washington, DC 20006
(*QST Energy, Inc.*)

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

Bernard Ryan, Esquire
Karen Oill Moury, Esquire
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101
(*OSBA*)

Tanya McCloskey, Esquire
Steven K. Steinmetz, Esquire
Office of the Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120
(OCA)

Robert Mills, Esquire
McNees, Wallace & Nurick
100 Pine Street, P.O. Box 1166
Harrisburg, PA 17108-1166
(PA Retailers' Association)

Terrance J. Fitzpatrick, Esquire
David M. DeSalle, Esquire
Ryan, Russell, Ogden & Seltzer, L.L.P.
800 North Third Street, Suite 101
Harrisburg, PA 17102-2025
(GPU)

William T. Hawke, Esquire
Janet Miller, Esquire
Todd Stewart, Esquire
Malatesta, Hawke & McKeon, L.L.P.
Harrisburg Energy Center
100 North Tenth Street
Harrisburg, PA 17105-1778
(Mid-Atlantic Power Supply Association)

Usher Fogel, Esquire
Roland, Fogel, Koblenz & Carr, L.L.P.
1 Columbia Place
Albany, NY 12207
(Pennsylvania Petroleum Association), (PA
Association Plumbing, Heating and Cooling
Contractors)

David Kleppinger, Esquire
Derrick P. Williamson, Esquire
McNees, Wallace & Nurick
100 Pine Street, P.O. Box 1166
Harrisburg, PA 17108-1166
(Philadelphia Area Industrial Energy
Users Group)

Linda C. Smith, Esquire
Dilworth, Paxton, Kalish & Kauffman,
L.L.P.
305 North Front Street - Suite 403
Harrisburg, PA 17101-1236
(American Association of Retired Persons)

Kenneth L. Mickens, Senior Prosecutor
Charles D. Shields, Prosecutor
The Office of Trial Staff
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(OTS)

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

Mr. Lance Haver
6803 Lawton Avenue
Philadelphia, PA 19126
(Self)


John J. Gallagher
LeBoeuf, Lamb, Greene & MacRae

L.L.P.

200 North Third Street, Suite 300
P.O. Box 12105
Harrisburg, PA 17108-2105
(717) 232-8199

Attorney for Enron Energy
Services Power, Inc.

RECEIVED
97 NOV -5 PM 3:12
P.A.F.U.C.
PROTHONOTARY'S OFFICE

LEBOEUF, LAMB, GREENE & MACRAE
L.L.P.

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

NEW YORK
WASHINGTON
ALBANY
BOSTON
DENVER
HARRISBURG
HARTFORD
JACKSONVILLE

200 NORTH THIRD STREET
SUITE 300
P.O. Box 12105
HARRISBURG, PA 17108-2105
(717) 232-8199
FACSIMILE: (717) 232-8720

LOS ANGELES
NEWARK
PITTSBURGH
PORTLAND, OR
SALT LAKE CITY
SAN FRANCISCO
BRUSSELS
MOSCOW
ALMATY
LONDON
IA LONDON-BASED
MULTINATIONAL PARTNERSHIP

November 5, 1997

BY HAND

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

DOCUMENT
FOLDER

RECEIVED
97 NOV -5 PM 3:12
PA.P.U.C.
PROTHONOTARY'S OFFICE

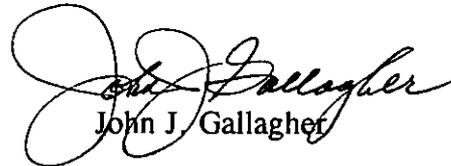
Re: Pennsylvania Public Utility Commission v.
PECO Energy Company
Docket No. R-00973953

Dear Mr. McNulty:

Enclosed please find for filing three (3) copies of a Certificate of Service evidencing service of Enron Energy Services Power, Inc.'s Responses to Senator Vincent J. Fumo's Interrogatories, Set III.

If you have any questions concerning this matter, please contact me at your convenience.

Sincerely,


John J. Gallagher

JJG/mas
enclosure

cc: All Parties on Certificate of Service
Daniel Clearfield, Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission

v.

PECO Energy Company

:
:
: Docket No. R-00973953
:
:

RECEIVED
97 NOV -5 PM 3:12
PA.P.U.C.
PROTHONOTARY'S OFFICE

CERTIFICATE OF SERVICE

I hereby certify that I have on this 5th day of November, 1997, served a true copy of the foregoing Responses to Senator Vincent J. Fumo's Interrogatories, Set III, on behalf of Enron Energy Services Power, Inc. upon the participants, listed below, in accordance with the requirements of 52 Pa.Code § 1.54:

Paul R. Bonney, Esquire
Noel H. Trask, Esquire
Ward L. Smith, Esquire
Assistant General Counsel
PECO Energy Company
2301 Market Street, P.O. Box 8699
Philadelphia, PA 19101-8699
(PECO Energy Company)

Senator Vincent J. Fumo
Christopher B. Craig, Esquire
Senate Democratic Appropriations
Committee
Main Capitol Building, Room 545
Harrisburg, PA 17120
(Senator Vincent J. Fumo)

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

Donald A. Kaplan, Esquire
Lisa M. Helpert, Esquire
Preston Gates Ellis & Rouvelas Meeds
1735 New York Avenue, N.W., Suite 500
Washington, DC 20006
(Pennsylvania Power & Light Company)

DOCUMENT
FOLDER

DOCKETED
NOV 05 1997

Steven P. Hershey, Esquire
Philip A. Bertocci, Esquire
Community Legal Services
1424 Chestnut Street, 4th Floor
Philadelphia, PA 19102
(Community Legal Services)

Roger Clark, Esquire
Environmentalists
905 Denston Drive
Ambler, PA 19002-3901
(The Environmentalists)

Craig A. Doll, Esquire
214 State Street
Harrisburg, PA 17101
(Delmarva Power & Light Company, d/b/a
Conectiv Energy)

Gordon J. Smith, Esquire
John & Hengerer
1200 17th Street, N.W.
Suite 600
Washington, DC 20036
(Self), (Duke Energy Trading & Marketing,
LLC), (Noram Energy Management, Inc.),
(Vastar Power Marketing, Inc.), (Electric
Clearinghouse, Inc.)

Walter W. Cohen, Esquire
Andrew J. Giorgione, Esquire
Obermayer Rebmann Maxwell & Hippel,
L.L.P.
204 State Street
Harrisburg, PA 17101
(Indianapolis Power & Light Company)

Joseph A. Dworetsky, Esquire
John Lavelle, Jr., Esquire
Hangley, Anonchick, Segal and Pudlin
One Logan Square, 12th Floor
Philadelphia, PA 19103
(New Energy Ventures, Inc.)

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

Stephanie Sugrue, Esquire
Mary Ann Ralls, Esquire
Duane, Morris & Heckscher
L.L.P.
1667 K Street, N.W.
Suite 700
Washington, DC 20006
(QST Energy, Inc.)

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

Bernard Ryan, Esquire
Karen Oill Moury, Esquire
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, PA 17101
(OSBA)

Tanya McCloskey, Esquire
Steven K. Steinmetz, Esquire
Office of the Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120
(OCA)

Robert Mills, Esquire
McNees, Wallace & Nurick
100 Pine Street, P.O. Box 1166
Harrisburg, PA 17108-1166
(PA Retailers' Association)

Terrance J. Fitzpatrick, Esquire
David M. DeSalle, Esquire
Ryan, Russell, Ogden & Seltzer, L.L.P.
800 North Third Street, Suite 101
Harrisburg, PA 17102-2025
(GPU)

William T. Hawke, Esquire
Janet Miller, Esquire
Todd Stewart, Esquire
Malatesta, Hawke & McKeon, L.L.P.
Harrisburg Energy Center
100 North Tenth Street
Harrisburg, PA 17105-1778
(Mid-Atlantic Power Supply Association)

Usher Fogel, Esquire
Roland, Fogel, Koblenz & Carr, L.L.P.
1 Columbia Place
Albany, NY 12207
(Pennsylvania Petroleum Association), (PA
Association Plumbing, Heating and Cooling
Contractors)

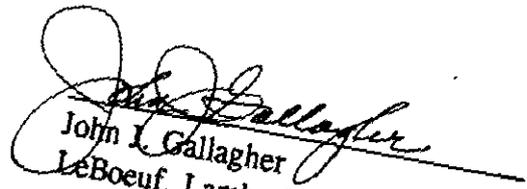
David Kleppinger, Esquire
Derrick P. Williamson, Esquire
McNees, Wallace & Nurick
100 Pine Street, P.O. Box 1166
Harrisburg, PA 17108-1166
(Philadelphia Area Industrial Energy
Users Group)

Linda C. Smith, Esquire
Dilworth, Paxton, Kalish & Kauffman,
L.L.P.
305 North Front Street - Suite 403
Harrisburg, PA 17101-1236
(American Association of Retired Persons)

Kenneth L Mickens, Senior Prosecutor
Charles D. Shields, Prosecutor
The Office of Trial Staff
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(OTS)

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

Mr. Lance Haver
6803 Lawton Avenue
Philadelphia, PA 19126
(Self)



John I. Gallagher
LeBoeuf, Lamb, Greene & MacRae
L.L.P.

200 North Third Street, Suite 300
P.O. Box 12105
Harrisburg, PA 17108-2105
(717) 232-8199

Attorney for Enron Energy
Services Power, Inc.

RECEIVED

97NOV -5 PM 3:12

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



PECO ENERGY

Legal Department

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

James W. Durham
Senior Vice President
and General Counsel

017139

97 NOV -7 AM 9:42

Edward J. Cullen, Jr.
Deputy General Counsel

RECEIVED
PROTHONOTARY'S OFFICE Direct Dial: 215 841 4252

Sandra H. Byrne
Legal Administrator

November 5, 1997

Paul R. Bonney
Ellen M. Cavanaugh
Jessica N. Cone
Todd D. Cutler
Harvey B. Dikter
Susan Sciamanna Foeht
Vilna Waldron Gaston
Gregory Golazeski
John C. Halderman
Mary McFall Hopper
Conrad O. Kattner
Stephanie Whitton Lewis
Jeffrey J. Norton
Mark B. Peabody
Roslyn G. Pollack
Wendy Schermer
Richard S. Schlegel
Jenny P. Shulbank
Ward L. Smith
Delia W. Stroud
Dawn Getty Sutphin
Noel H. Trask
Ronald L. Zack
Assistant General Counsel

By Fax

DOCKETED
DOCUMENT
NOV 19 1997
FOLDER

John Gallagher, Esquire
LeBoeuf, Lamb, Greene &
MacRae, LLP
200 North Third Street - Suite 300
Harrisburg, PA 17108-2105

Daniel Clearfield, Esquire
Wolf, Block, Schorr & Solis-Cohen
305 North Front Street, Suite 401
Harrisburg, PA 17105

KJR

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

Dear Counsel:

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

Set X: 5, 6, 11, 19, 33, 35, 45, 46, 48 and 52.

Sincerely,

Paul Bonney/mbo

Paul Bonney

PRB/mbo
Enclosures

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

Certificate of Service

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

Enron's Interrogatories: Set X. 5, 6, 11, 19, 33, 35, 45, 46, 48 and 52.

Kenneth L. Mickens, Senior Prosecutor
Charles Shields, Prosecutor
Office of Trial Staff
P. O. Box 3256
Harrisburg, PA 17105-3265

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

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

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

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

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

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

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

017140

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

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

Steven P. Hershey, Esquire
Community Legal Services, Inc.
1424 Chestnut Street
Philadelphia, PA 19102
(Counsel for CEPA, 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)

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

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

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

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

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

97 NOV -7 AM 9:42

RECEIVED
PROTHONOTARY'S OFFICE

DOCKETED
NOV 19 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)

Joseph A. Dworetzky, Esq.
John P. Lavell, Jr., Esq.
Hangley Aronchick Segal & Pudlin
One Logan Square - 12th Floor
Philadelphia, PA 19103

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

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

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

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

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

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

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

Robert A. Mills, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(Counsel for PRA)

John Klauberg, Esquire
LeBoeuf, Lamb, Greene & MacRae, LLP
125 West 55th Street
New York, NY 10019-5389
(Counsel for Enron Energy Services Power, Inc.)

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

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

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

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

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

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

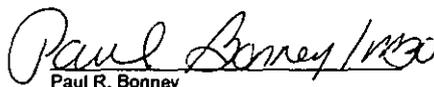
Richard Silkman
76 Main Street
Yarmouth, Maine 04096

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

Gordon J. Smith, Esquire
John & Hengerer
1200 17th Street, NW - Suite 600
Washington, DC 20036-3006

Stephanie A. Sugrue
Duane Morris & Heckscher LLP
1667 K Street, N.W. - Suite 700
Washington, DC 20006-1608

John Gallagher, Esquire
Michael Klein, Esquire
LeBoeuf, Lamb, Greene & MacRae, LLP
200 North Third Street - Suite 300
Harrisburg, PA 17108-2105
(Counsel for Enron Energy Services Power, Inc.)



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

Dated: November 5, 1997

LAW OFFICES

WOLF, BLOCK, SCHORR AND SOLIS-COHEN LLP

TWELFTH FLOOR PACKARD BUILDING
111 SOUTH 15TH STREET
PHILADELPHIA, PA 19102-2678

(215) 977-2000

FACSIMILE: (215) 977-2334

DIRECT DIAL NUMBER:
(717) 237-7173

017352

97 NOV 10 AM 11:06

November 5, 1997

RECEIVED
PROTHONOTARY'S OFFICE

VIA FAX

KJR

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

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

Petition of Enron Energy Services Power, Inc. for
Approval of an Electric Competition and Choice Plan
and for Authority Pursuant to Section 2007(e) of the
Public Utility Code to Serve as the Provider of Last
Resort in the Service Territory of PECO Energy Company
Docket No. P-00971265

Dear Paul:

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

Very truly yours,



Gerald Gornish

For WOLF, BLOCK, SCHORR and SOLIS-COHEN

GG/lak

Enclosure

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

DSB:464946.1

PHILADELPHIA, PA

NORRISTOWN, PA

WILMINGTON, DE

CAMDEN, NJ

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of PECO Energy Company : Docket No. R-00973953
for Approval of its Restructuring Plan : 017353
Under Section 2806 of the Public :
Utility Code :

97 NOV 10 AM 11:06

RECEIVED
PROTHONOTARY'S OFFICE

Petition of Enron Energy Services Power, : Docket No. P-00971265
Inc. for Approval of an Electric :
Competition and Choice Plan and for :
Authority Pursuant to Section 2007(e) :
of the Public Utility Code to Serve as :
the Provider of Last Resort in the Service :
Territory of PECO Energy Company :

DOCKETED

NOV 19 1997

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Enron's Interrogatories -

Set XI to PECO to participants, listed below, in accordance with the requirements of § 1.54

(relating to service by a participant):

DOCUMENT
FOLDED

VIA TELECOPY

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

VIA FIRST CLASS MAIL

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

Kenneth L. Mickens, Esquire
Pennsylvania Public Utility Comm.
901 North 7th Street
P.O. Box 3256
Harrisburg, PA 17105-3265

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

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

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

Alan Barak, Esquire
Penn Energy Project
Widener University School of Law
3700 Vartan Way
Harrisburg, PA 17110

Tanya McCloskey, Esquire
Steve K. Steinmetz, Esquire
Office of Consumer Advocate
Strawberry Square, 14th Floor
Harrisburg, PA 17120

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

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

Donald Kaplan, Esquire
Preston, Gates, et al.
Suite 500
1735 New York Ave., NW
Washington, DC 20006-4759

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

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

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

John L. Munsch, Esquire
Allegheny Power
800 Cabin Hill Drive
Greensburg, PA 15601

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

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

David Boonin
New Energy Venture
1845 Walnut Street, Suite 2525
Philadelphia, PA 19103

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

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

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

Mr. Brian Kalcic
Excel Consulting
225 S. Meramec Ave., Suite 720T
St. Louis, MO 63105

Joel D. Newton, Esquire
Verner, Liipfert, Bernhard, McPherson & Hand
901 15th Street, N.W., #700
Washington, DC 20005-2301

Michael G. Banta, Esquire
Indianapolis Power & Light
One Monument Circle
Indianapolis, Indiana 46204

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

Janet Miller, Esquire
Malatesta Hawke & McKeon
100 North Tenth Street
P.O. Box 1778
Harrisburg, PA 17105-1778

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

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

Audrey Van Dyke, Associate Counsel
(Litigation)
Naval Facilities Engineering Command
Washington Navy Yard
Building 218, Room 200
901 M Street, SE
Washington, DC 20374-5018

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

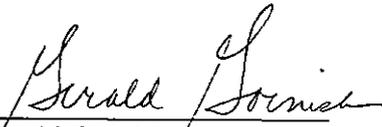
Stephen J. Baron
J. Kennedy and Associates, Inc.
35 Glanlake Parkway, Suite 475
Atlanta, GA 30328

Usher Fogel
Roland, Fogel, Koblenz & Carr, LLP
1 Columbia Place
Albany, NY 12207

Joseph A. Dworetzky, Esquire
Hangley, Aronchick, Segal & Pudlin
One Logan Square, 12th Floor
Philadelphia, PA 19103

Gordon J. Smith, Esquire
John & Hengerer
1200 17th Street, NW
Suite 600
Washington, DC 20036-3006

John R. Orr, Esquire
Duke Energy Trading and Marketing, LLC
One Westchase Center, Suite 650
10777 Westheimer
Houston, TX 77042


Gerald Gornish

Dated: November 6, 1997