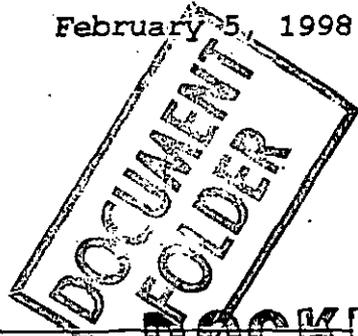


PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Uniform Cover and Calendar Sheet

1. REPORT DATE: January 26, 1998 : 2. BUREAU AGENDA NO.  
 3. BUREAU: Fixed Utility Services : FEB-98-FUS-1021\*  
 4. SECTION(S): Energy : 5. PUBLIC MEETING DATE:  
 6. APPROVED BY: : February 5, 1998  
 Director: D.Muth 3-5242 :  
 Supervisor: R. Bennett 7-5553 :  
 Law Bureau: :  
 7. PERSON IN CHARGE: :  
 8. DOCKET NO: :  
 R-00973953; P-00971265



KJR

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

**DOCKETED**  
FEB 11 1998

(a) PECO Energy Company  
 (Home Office- Philadelphia, PA)  
 Compliance Filing

(b) On January 20, 1998, PECO Energy Company (PECO or Company) filed a Compliance Tariff in accordance with the Commission's December 23, 1997 Order, January 13, 1998 Secretarial Letter, and January 16, 1998 Opinion and Order (Restructuring Reconsideration Order).

(c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed draft Order which addresses the above mentioned filing.

10. MOTION BY: Commissioner Hanger : Commissioner Chm. Quain -  
 : Concurring & Dissenting in part  
SECONDED: Commissioner Bloom \* : Commissioner Rolka - Yes

\* Concurring & Dissenting in part : Commississioner Brownell-Yes

CONTENT OF MOTION:

Staff recommendation adopted.



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

KJR

February 5, 1998

IN REPLY PLEASE  
REFER TO OUR FILE

R-00973953; P-00971265

ROBIN L KRONGOLD PARALEGAL  
PAUL BONNEY ESQUIRE  
WARD SMITH ESQUIRE  
MARY MCFALL HOPPER ESQUIRE  
NOEL H TRASK ESQUIRE  
PECO ENERGY COMPANY  
2301 MARKET STREET  
PHILADELPHIA PA 19101-8699

R-00973953

Application of PECO Energy Company for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code and Joint Petition for Partial Settlement

P-00971265

Petition of ENRON Energy Services Power, Inc. for Approval of an Electric Competition and Choice Plan and for Authority Pursuant to Section 2807(e)(c) of the Public Utility Code to Serve as the Provider of Last Resort in the Service Territory of PECO Energy Company

To Whom It May Concern:

This is to advise you that an Opinion and Order has been adopted by the Commission in Public Meeting on February 5, 1998 in the above entitled proceeding.

An Opinion and Order has been enclosed for your records.

**DOCKETED**  
Very truly yours, FEB 19 1998

James J. McNulty  
Secretary

Enclosure  
Certified Mail  
JEP

DOCUMENT  
FOLDER

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION**  
Harrisburg, PA 17105

Public Meeting held February 5, 1998

Commissioners Present:

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

Application of PECO Energy Company for Approval of its  
Restructuring Plan Under Section 2806 of the Public Utility  
Code and Joint Petition for Partial Settlement

R-00973953

Petition of ENRON Energy Services Power, Inc. for Approval  
of an Electric Competition and Choice Plan and for Authority  
Pursuant to Section 2807 (e)(c) of the Public Utility Code to  
Serve as the Provider of Last Resort in the Service Territory  
of PECO Energy Company

P-00971265

**OPINION AND ORDER**  
(Order on Compliance Filing)

**BY THE COMMISSION:**

By motion adopted on December 11, 1997, and by Opinion and Order entered on December 23, 1997, (the December Order) this Commission approved a Restructuring Plan for PECO Energy Company (PECO). On January 7, 1998 Petitions for Reconsideration Clarification and/or Amendment of the order were filed individually by PECO, Enron Energy Services Power Inc. and ENRON

Power Marketing, Inc. (Individually EESPI and EPMI, or collectively Enron), the

**DOCKETED**

FEB 19 1998

**DOCUMENT  
FOLDER**

Office of Consumer Advocate (OCA), the Consumer Education and Protective Association (CEPA), the Tenant Action Group (TAG), the Association of Community Based Organizations for Reform Now (ACORN), and John W. Long, (Collectively, CEPA), the Philadelphia Area Industrial Energy Users Group (PAIEUG) and New Energy Ventures (NEV). On January 16, 1998, the Commission entered its order granting in part and denying in part these petitions (Reconsideration Order). Also in the Reconsideration Order, the Commission modified the December Order addressing PECO's Restructuring Plan. The Reconsideration Order affirmed the December Order in all other respects. Also, the Commission directed that PECO file its Compliance filing together with all necessary data and analysis on or before the close of business on January 20, and further directed that PECO serve the Compliance filing on all active parties of record to the proceeding. The Commission directed that comments to the Compliance filing were to be filed with the Commission's Secretary no later than the close of business on January 27, 1998.

Timely comments were filed by OCA, Enron, NEV, PAIEUG, Conectiv Energy (Conectiv), the Environmentalists, Office of Small Business Advocate (OSBA), Southeastern Pennsylvania Transportation Authority (SEPTA), and Mid-Atlantic Power Supply Association (MAPSA). In addition PECO filed reply comments. The Commission has carefully considered all of these comments and appreciates the effort that was expended in their preparation. Some of the comments effectively seek reconsideration of determinations as already made in the Orders. In this Order however, we address only those comments which relate to PECO's compliance with the December Order as modified by the Reconsideration Order. We conclude that PECO's Compliance filing is not fully in compliance with our Orders and direct that PECO submit a revised Compliance filing consistent with this Order.

## DISCUSSION

### I. Quantification of Stranded Cost Recovery

#### A. Recoverable Stranded Costs;

##### 1. Adjustment for the Reconsideration Order

OCA and other commenters point out that in its calculations concerning cost recovery and the determination of the competitive transition charge (CTC), PECO utilized \$5.147 billion instead of the \$4.935 billion allowed by the Reconsideration Order. PECO arrived at this starting point by adjusting our December 23, 1997, allowance of \$5.024 billion by a new adjustment for Deferred Tax of \$176,685,481 and by reducing our T&D expense reallocation of \$460,961,000<sup>1</sup> by (\$54,138,968) to \$406,822,023.

In PECO's answer to FUS Interrogatory I-1-d, PECO states that the net present value (NPV) difference between the reduction and T&D rates and the allocation of A&G to production is \$109.6 million (\$693.1 - \$583.5). We have analyzed that calculation and conclude that PECO has overestimated the NPV shortfall associated with the reduction in T&D rates and the allocation of A&G expenses to production. We have computed the correct amount of the shortfall to be \$61.43 million and will allow PECO to collect this amount as a stranded cost. This amount is consistent with our Reconsideration Order requiring PECO to calculate the stranded cost associated with the reallocation of the stated A&G expense to production.

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<sup>1</sup> Commission Order Entered December 23, 1997, page 62.

## **2. Deferred Tax Adjustment**

PECO has proposed a \$176,685,481 increase in our T&D expense reallocated to production, representing deferred taxes to be recoverable as stranded costs. PECO has not proposed a concomitant reduction to the average T&D rate of 2.93 cents per Kwh.

In support of their adjustment, PECO claims that any reduction in cash flow due to changes in revenue or expense must have a corresponding change in deferred taxes. As PECO agrees in its response to FUS-I-d, the T&D reallocation adjustment is an adjustment of expense that requires “no specific accumulated deferred tax adjustment”.

We consider this new deferred tax adjustment claim to be unfounded and untimely. For the reasons explained above, we deny PECO’s proposed adjustment but have incorporated PECO’s concerns into the discussion in section 1.

## **3. Nuclear Decommissioning Costs**

In the December Order at page 78, the Commission found:

We agree with PECO’s basic proposal that consumers should be responsible to fund that portion of nuclear decommissioning expense associated with the period in which the plants were in service to the public, through January 1, 1999. Similarly we agree with PECO’s proposal that it, or its affiliate or future owners of each plant, should be responsible for that portion of the decommissioning cost related to its remaining useful life. Post-1998 decommissioning expenses are properly reflected as a future operating expense that affects the market value of the plants.

However, the Commission did not direct PECO to implement that approach. Instead, the Commission also adopted PECO’s alternative proposal to

retain nuclear decommissioning expense in regulated rates in order to retain certain tax advantages and lower the total amount of decommissioning expense contributions required. Under the approach adopted, PECO instead would recover \$22.7 million annually through regulated rates as annuity payments for the remaining lives of the plants.

In its comments, PECO agrees with the comments of the OCA that its Compliance filing effectively “double counts” its nuclear decommissioning costs. We agree with the comments of PECO and OCA, and adopt PECO’s proposal that “when PECO Energy resubmits its compliance rates it will zero out its proposed NCDA (Nuclear Decommissioning Cost Adjustment)”.

#### **B. Interest Rate**

In its Compliance filing PECO uses a 10.31% return for calculating the CTC. Conectiv, NEV, OCA, OSBA, Enron and PAIEUG note that the Commission’s orders grant PECO a 7.47% return on the unamortized balance of recoverable stranded costs. The parties are correct that PECO’s Compliance filing does not use the authorized return of 7.47% that the Commission ordered. See our December Order at page 108 and our Reconsideration Order at page 25.

The Commission’s CTC return contains a return floor of 7.47% and a ceiling that is limitless. The 7.47% return is not, as PECO apparently believes, an authorized maximum return on its stranded investment. The 7.47% return is a return on the unamortized balance of recoverable stranded costs and is to be used in calculating the monthly CTC amount: however, PECO is free, commencing with the imposition of the CTC on 1/1/99, to earn as great a return as it may from the marketing of its generating portfolio.

Moreover, if PECO chooses to securitize its stranded investment, as noted in the December Order at page 109, PECO can further reduce its cost of capital to levels considerably less than the 7.47% return floor granted to PECO. Finally, we note that PECO's request for a 10.31% return is untimely. PECO did not raise this issue in its Petition for Reconsideration.

By establishing a 7.47% return floor for investment in stranded assets, the Commission rejected arguments of the OCA and other parties that PECO was just to recover the stranded costs without any Commission mandated return on those stranded assets. Since the approved CTC includes a return floor of 7.47%, the CTC will provide PECO with over \$7 billion in consumer contributions for stranded investment during the 8.5 year collection period.

Consistent with the December Order and the Reconsideration Order, PECO must use a return of 7.47%, inclusive of all revenue requirements, in computing the CTC in its Compliance filing. NEV points out that PECO calculated the return on stranded costs by including 1/12 of the annual percentage rate in its computations on a monthly basis. NEV submits that this approach effectively grants PECO the benefit of compounding, yielding an annual percentage rate higher than 7.47%. Instead, NEV submits that the nominal interest rate applied to stranded cost recovery each month should be a slightly lower number in order to obtain a total yield of an annual percentage rate of 7.47%.

NEV is mathematically correct. However, PECO's methodology is consistent with Commission Compliance filing practice and is not inconsistent with our Orders.

Lastly, Enron has objected to PECO's inclusion of the Gross Receipts Tax within its CTC calculations. The GRT is not properly part of the return on investment because it is imposed on the total bill, not upon separate components. However, PECO's cost of service approach directly incorporates the GRT into the distribution and transmission rates. Therefore, it is not inconsistent nor double counting to include the GRT in the calculation of actual CTC rates. Under such an approach, there can be no GRT applied to the entire bill.

### **C. Annual Reconciliation of CTC Recovery**

MAPSA raised objections to PECO's proposal to apply an interest rate on monthly over or under recoveries of the CTC at a rate which reflects a 7.47% return plus applicable income taxes on the equity component.

The Electricity Generation Customer Choice and Competition Act (Act), Section 2808(f), requires annual reconciliation of CTC revenues in order to ensure that CTC revenues are no less than nor greater than the authorized amount. As mandated by Section 2808(f), the Commission required PECO to submit a CTC annual reconciliation tariff consistent with Section 1307(e).

The Company is directed to file CTC reconciliation tariff provisions which fully comport with the requirement of Section 1307(e).

The Reconciliation section of PECO's CTC tariff should read as follows:

The Company shall file annual reconciliation's of the CTC recovery on a rate class specific basis as provided in the annual reconciliation proceedings in accordance with Section 1307(e) of the Pennsylvania Public Utility code. The reconciliation will include a redetermination of the CTC rates necessary to refund or recover previous over of under recoveries as well as to recover the leveled annual CTC revenue, using projected sales and demand billing determinants.

The foregoing adjustments yield a final Compliance filing stranded cost recovery of \$4.942 billion. Appendix A to this Order presents the annual revenue requirement that PECO is to use in calculating each tariff's CTC. To eliminate any uncertainty in this regard, Appendix B, provides a calculation of the CTC in cents per Kwh for each tariff class. PECO's revised Compliance filing should be consistent with these Appendices.

## **II. Transmission and Distribution Service**

### **A. System-Wide Rate of 2.93 cents per Kwh**

In developing its system-wide average T&D rate of 2.97 cents, PECO's Compliance filing has presented two adjustments to the 2.93 cents per Kwh rate established in the December Order.<sup>2</sup> First, PECO has adjusted our rate to reflect a tax rate error it made in its rebuttal cost of service study, which PECO claims increases its T&D revenue requirement by \$1.8 million. PECO's second adjustment resulted from the shifting of A&G expenses from T&D to production.

PECO's proposed adjustments would require substantive additions to the record of this proceeding and changes to our Orders. A Compliance filing is not the proceeding in which material changes to an order should be sought or granted. We also note that the first adjustment would have no significant impact. The second adjustment is inconsistent with the prior Orders in which the Commission determined, based on the record, that \$38 million of annual A&G expenses were to be shifted to the production function. We consider these adjustments to be untimely, inconsistent with the Orders, and not supported by the record in this proceeding. Therefore, the total Transmission and Distribution rate for unbundling purposes remains 2.93 cents per Kwh.

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<sup>2</sup> Commission Order Entered December 23, 1997, page 62.

Appendix C to this Order provides the unbundled T&D rate for each tariff class. Appendix D provides a summary of Appendices A, B and C, indicating the “Shopper’s Credit” available to each class. PECO’s revised Compliance filing should be consistent with Appendices C and D and the Shopping Credits should be included in the tariff sheet for each class.

**B. Transmission Services**

In terms of unbundled rates for each separate rate classification, we note that PECO has filed an alternative “Retail Transmission Services Rider” based on its interpretation of the Reconsideration Order as asserting jurisdiction over unbundled retail, end-use transmission rates. PECO Cover Letter to Compliance Filing, p.2. This interpretation of the Reconsideration Order is erroneous; the Commission has not asserted jurisdiction over the transmission portion of the service elements necessary to complete a Direct Access transaction. As explained by MAPSA, transmission services are FERC jurisdictional and, as such, the terms and conditions under which unbundled transmission services are to be provided to customers will be controlled by the FERC-approved PJM Open Access Tariff for the transmission services procured by either PECO or a competitive supplier, as the case may be, on behalf of end-use customers, or procured directly by qualifying large customers.

Accordingly, PECO’s Compliance filing need not contain any unbundled retail end-use transmission rates and the alternative “Retail Transmission Services Rider” offered by PECO is rejected. The terms and conditions for transmission services for each separate rate classification are those established by FERC.

### **III. Proof of Revenue**

The December Order at pages 109 and 112, directed PECO to calculate the CTC for each tariff class on a “per Kwh” basis assuming total annual sales of 33,569,358 Mwh in 1999 and escalating at 0.8% annually throughout the transition period.

Several parties commented that PECO has not used the proper level of sales in its proof of revenue support schedule as presented for each rate schedule. For example, on its Summary Schedule PECO presents annual Rate HT sales of 14,198,713 Mwh although sales of 11,781,829 Mwh are indicated on the supporting Rate HT schedule. The summary sheet presents an average Rate HT CTC of 2.206 cents while the supporting proof of revenue sheet presents an average CTC of 2.658 cents. The average CTC for rate HT is twenty percent higher on the Rate Schedule than on the summary proof of revenue. These inconsistencies must be corrected. PECO is directed to develop rates for each rate schedule based upon total annual sales of 33,569,358 Mwh as set forth in our prior Orders. The sales (Mwh) presented in block form on the supporting proofs of revenue must coincide with the total sales presented on the summary of unbundled revenue and the resulting CTC should reflect the same calculations.

### **IV. Universal Service**

In the December Order, the Commission adopted PECO’s Universal Service Plan with certain modifications. We noted that PECO’s evaluation of its CAP Rate is to be completed in late March and that possible revisions to the program would be considered based upon the results of the evaluation. We directed PECO to submit the evaluation to the Commission as soon as it is completed and to file a proposal for implementing its CAP program within 30 days

thereafter. We further directed that the record of this proceeding concerning Universal Service be incorporated into the first reconciliation proceeding.

The December Order noted that it is not possible to adopt a budget for the purpose of the Universal Service Fund Charge at this time because full expenses and avoided costs will not be known until the CAP Rate evaluation is complete. While OCA is correct that the USFC is separately tracked for Commission purposes, the funding for universal service programs is included within the Company's distribution rates.

The December Order directed PECO to expand enrollment in CAP Rate at this time but not to transfer any CAP I participants into the CAP Rate until the conclusion of our review following the program evaluation. This directive need not be addressed in the Compliance filing itself.

Thus, it is premature to incorporate some of the comments by OCA and the Environmentalists into this Compliance order at this time. PECO need not file any revised CAP, LIURP or renewables program details as part of the Compliance filing. PECO shall submit the CAP Rate evaluation and proposal as scheduled along with a proposed LIURP and renewables program, consistent with our Orders. PECO shall submit these items directly to the Commission's Bureau of Consumer Services for review and recommendation to the Commission. Interested parties are encouraged to work with PECO and BCS to implement these programs consistent with the December Order.

## **V. Tariff Issues**

As a preliminary matter, Enron commented that the Compliance filing indicates the effective date generally as January 1, 1999. Enron is correct that many of the provisions become effective on the date of entry of this Order. The individual tariff rates for each class of service and the CTC do not become effective as charges to a customer until the commencement of the phase-in on January 1, 1999. However, we agree that all Rules and Regulations, the Code of Conduct, the phase-in procedures, the Supplier Tariff and other components of the compliance filing necessary to implement the Commission's Orders become effective immediately upon approval.

### **A. Definition of Terms and Explanation of Abbreviations**

#### **1. Customer**

Section 2803 of the Act defines "customer" as a "retail electric customer". Enron proposed that PECO's definition of customer should be expanded to include an EGS that is authorized to act as an agent on behalf of a customer. MAPSA proposes that wording should be added to state that an EGS may act as an agent for an end use customer. NEV also suggested changes to PECO's definition.

PECO's definition is consistent with the Act and provides for billing consolidation as directed on page 140 of the December Order. We disagree with Enron's proposal to define an EGS that is authorized to act as an agent on behalf of a customer, as a PECO customer. However, we believe MAPSA's recommendation to include language stating that an EGS may act as an agent for an end use customer will add clarity to the definition. PECO is directed to add the following language to its definition of "customer":

**In addition, unless explicitly prohibited by the Public Utility Code or the Commission's Rules and Regulations, an EGS may act as agent for an end use customer upon written authorization to PECO which may be part of the notice of EGS selection.**

## **2. Default PLR Service**

The OCA comments that PECO's definition of default service is incomplete, because it does not include customers who contract for electric energy from an EGS which then fails to deliver that energy as required by Section 2807 of the Act.

We have reviewed PECO's definition of Default PLR Service and agree with the OCA that PECO's definition should be revised to read as follows:

**Default PLR Service - The provision of energy or energy and capacity by PECO Energy as provider-of-last resort to customers that are:(1) not eligible to obtain Competitive Energy Supply, (2) choose not to obtain Competitive Energy Supply, (3) return to default service after having obtained Competitive Energy Supply, or (4) who contract for Competitive Energy Supply from an EGS that fails to deliver such energy or energy and capacity.**

## **3. Summary Billing Account**

Enron claims that PECO has improperly restricted the application of summary billing accounts to "the same partnership, association, corporation, or governmental agency etc" in complete disregard for the December Order. Enron proposed to remove this restriction by substituting the wording "...a customer or a group of customers with two or more meter locations on the same Tariff rate....". MAPSA states that PECO's definition is not in full compliance, because PECO has defined customer to include a single point of delivery. NEV proposed a

definition of summary billing account and also provided a definition of “consolidated billing” to be added to PECO’s Tariff.

In the December Order at page 140, we stated that “For administrative ease, billing consolidation should only apply to customers who have multiple meters on the same rate tariff. This change shall not apply to distribution charges because customers with multiple meters may impose a cost on the system that is different than a similar load from a single location associated with the distribution of the service.” We have reviewed PECO’s proposal and note that PECO’s proposed definition of customer includes billing and permits CTC charges be billed on a summary basis. We find that the definition of summary billing set forth in the Order is consistent with our directives and PECO’s proposed definition is accepted.

#### **4. Transition Period**

PECO defines “Transition Period” as “the period of time during which PECO Energy will collect CTCs.” The OCA comments that the transition period referenced throughout the Act is the period of time from the beginning of the effective date of the Act through the phase-in period on January 1, 1999.

We disagree with OCA but modify PECO’s language. The statutory transition period began on January 1, 1997, and will end on June 30, 2007, when the CTC is no longer collected. PECO’s definition and tariffs should reflect this statutory transition period.

## **B. Rule 2.2 Single-Point Delivery**

NEV comments that PECO has confused the notion of a summary bill with the concept of consolidated billing approved by the Commission. NEV offers several definitional corrections that it believes will resolve its concerns. In PECO's reply comments, the Company states that its Compliance filing makes it clear that PECO will provide a summary bill for all of a customer's CTC and competitive energy supply for all of the customer's locations. PECO believes that NEV's proposed revisions would require it to bill conjunctively CTCs and transmission charges for customers with multiple locations (PECO Reply Comments at page 12).

We have previously addressed this issue in Section IV. A. 3. Summary Billing Account, above. PECO's Rule 2.2 is consistent with our directions to permit billing consolidation.

## **C. Rule 4.2 Service Contract**

The OCA comments that in this Rule, PECO retains the discretion to require a written contract with a customer. The OCA notes that although this language existed in the Company's previous Tariffs, it is the OCA's understanding that PECO has not required residential customers to sign written contracts to receive service. The OCA is concerned that, with the introduction of competitive direct access, PECO might require a written contract for the provision of default service.

Initially, we note that service taken under an approved tariff is legally considered a contract. It is not our intention to preclude the use of written contracts. However, contracts whether written or not, may not include terms and conditions that are inconsistent with directions and findings set forth in our Orders

pertaining to the restructuring of the electric utility industry. We will accept PECO's Rule 4.2.

**D. Rule 4.4 Right to Reject**

The OCA proposed that the language regarding "bad credit" in this Rule should be clarified so that PECO cannot deny default service to a customer for failure to pay an EGS's charges. The OCA states that denying default service for failure to pay an EGS's charges has the same effect as terminating a customer for failure to pay an EGS's charges, a result prohibited by the Commission's Orders.

We agree with the OCA that PECO cannot deny default service if a customer fails to pay an EGS's charges. We are also concerned that customers should not be denied new service if they fail to pay an EGS's charges. We direct PECO to include the following clarifying language:

**Customers cannot be denied default service or new service for failure to pay an Electric Generation Supplier's charges.**

**E. Rule 12.2 Additional Limitations On Liability In Connection With Direct Access**

PECO's proposed Rule 12.2 reads as follows:

**12.2 ADDITIONAL LIMITATIONS ON LIABILITY IN CONNECTION WITH DIRECT ACCESS.** The Company shall have no duty or liability to a customer receiving Competitive Energy Supply arising out of or related to a contract or other relationship between such a customer and an EGS.

The Company shall have no liability to a customer receiving Competitive Energy Supply arising out of or related to switching EGSs.

The Company shall have no duty or liability with respect to electric energy before it is delivered by an EGS to a point of delivery on the PECO Energy distribution system, or after its delivery to a customer receiving Competitive Energy Supply.

Enron comments that PECO continues to have a duty and potential liability with respect to its delivery obligation in the case of competitive supply. Enron believes that PECO should be liable if it fails to switch a customer, or is negligent in switching or not switching. Enron proposes several amendments to this Rule. MAPSA is concerned with the third paragraph of this Rule relating to the point of delivery of electric energy from an EGS to the PECO distribution system. The OCA believes that PECO should not be held immune from its own negligence related to the provision of direct access nor should PECO be protected from liability attaching to any violations of PUC rules governing interactions with customers or the switching of customers.

In regard to MAPSA's concerns, we agree that the point of delivery cannot be determined unilaterally but prefer that the issue of the point of delivery of electric energy from an EGS to the PECO distribution system should be addressed in the Supplier Agreement and not in this tariff rule. In regard to Enron's and the OCA's concern that PECO should not be held immune from its own negligence related to the provision of direct access, we agree, and adopt Enron's proposed revisions to Rule 12.2 with some clarifications. PECO is directed to use the following language in this Rule:

**12.2 Other than its duty to deliver electric energy and capacity to a customer,** the Company shall have no duty or liability to a customer receiving Competitive Energy Supply arising out of or related to a contract or other relationship between such a customer and an EGS.

The Company shall implement customer selection of an **EGS consistent with applicable rules of the Commission** and have no liability to a customer receiving Competitive Energy Supply arising out of or related to switching to EGSs, **unless the Company is negligent in switching or not switching, or failing to switch a customer.**

The Company shall have no duty or liability with respect to electric energy before it is delivered by an EGS to a point of delivery on the PECO Energy distribution system. **The Company shall have the same duty and liability after its receipt of electric energy and capacity for a Direct Access customer, as it does after its receipt of electric energy and capacity for customers receiving electric energy and capacity from the Company.**

In addition, we note that limitation on liability is under consideration at Docket No. P-00943065. Rule 12 may be modified upon the conclusion of that docket.

#### **G. Rule 14 Metering**

Enron comments that the Company's metering rule, especially Rule 14.3, does not properly implement the Commission's Order which requires that customers and EGSs be permitted to have Qualified Advanced Meters installed to provide remote meter reading and other advanced generation services. Enron recommends that a Rule 14.9 be added and provides suggested language. NEV also states that a Rule 14.9 should be added and provides its preferred language changes.

Conectiv notes that in the Restructuring Order at pages 140-141, the Commission makes it clear that the customer and/or the EGS may select and supply the meter to be utilized. Conective states that in its Rules 3.4 and 14.1, it appears that PECO will be the sole supplier of metering equipment which Conectiv submits is contrary to the intent of the Order.

The OCA believes that adoption of language requiring that customers only pay the net incremental cost of new meters would resolve the related issue that customers are currently paying for their existing meters in their current rates. The OCA states that PECO's Tariff contains no provisions for any credit following a customer's purchase of new metering equipment. The OCA believes that Rule 14.3 should be modified accordingly.

MAPSA comments that Rule 14.7 is inconsistent with the provisions of the Commission's recent Rulemaking which provides that a telemetric meter may be read by an EGS if the EGS is providing service to that customer.

In our December Order at pages 140-141, we stated that customers must have a reasonable choice of advanced meters in conjunction with the services offered by their chosen EGS. We directed that all customers may, in conjunction with their EGS, request use of a "qualified meter" that has been approved by this Commission based on the recommendations of a working committee composed of interested parties.

We further directed that, while PECO, as a regulated EDC, shall be responsible for all work related to the meter, the customer and/or the EGS may select the qualified meter to be used and shall pay as a regulated rate any net incremental cost incurred by PECO as a result of the metering choice.

We agree that Rule 3.4 correctly reflects our directives. However we also agree with the comments of the parties that additional clarifying language needs to be added to Rule 14. We clearly stated in our December Order that customers, in conjunction with their chosen EGS, may request that PECO install a qualified advanced meter.

PECO is directed to amend Rule 14 to incorporate our directives. Specifically, PECO is directed to incorporate the following language changes in Rule 14.1, Rule 14.3, Rule 14.7 and to add Rule 14.9:

**14.1 SUPPLY OF METERS.** Subject to Rules 14.3 and 14.9 the measurement of service for billing purposes shall be by meters furnished and installed by the Company. The Company will select the type and make of metering equipment, and may, from time to time, change or alter the equipment, its sole obligation being to supply meters that will accurately and adequately furnish records for billing purposes.

**14.3 CUSTOMER REQUEST FOR SPECIAL METER.** If a customer wishes to replace its billing metering equipment, to the extent technically possible, the Company will offer, provide and support a selection of qualified meters and will perform installation within a reasonable amount of time. The customer or the customer's Electric Generation Supplier must pay for any such metering equipment based upon the net incremental cost of purchasing and installing the new metering equipment as approved by the Commission. The Company will own and maintain all such new metering equipment.

**14.7 METER READING INTERVALS.** The Company will read its meters at scheduled regular intervals of one month and will render standard bills for the recorded use of service based upon the time interval between meter readings. Only those bills which cover a period of service of less than 27 days or more than 34 days will be prorated. **The Electric Generation Supplier serving the customer may perform automated meter reading activities if advanced metering equipment has been installed.**

**14.9 CUSTOMER SELECTED ADVANCED METERS.**

**A customer or EGS on behalf of a customer may request to have a Qualified Advanced Meter installed and have meter reading services provided pursuant to the rules adopted by the Commission.**

**F. Rule 16.2 Request Tests**

Enron and MAPSA comment that this Rule should be amended to permit an EGS, as well as a customer, to request a meter test or inspection . We agree and direct PECO to amend its Rule as follows:

Rule 16.2 Request Tests. The Company will make additional tests or inspections of its meters at the request of a customer or an EGS providing electric energy to a customer, but reserves the right to make the charge provided for in the Electric Regulations of the Pennsylvania Public Utility Commission, under conditions therein specified.

This amendment is consistent with the directions provided in our December Order that customers must have a reasonable choice of advanced meters in conjunction with the services offered by their chosen EGS.

**G. Rule 17.2 Billing Options**

MAPSA comments that the 90 cents billing fee to be charged to an EGS when PECO acts as the billing agent for the EGS should be removed from this Rule because the amount of the fee has not been justified by PECO. Enron also disagrees with the billing fee and further states that there is no basis for PECO's requirement that it be appointed as billing agent for the EGS. Enron also states its belief that, under § 2807(c) of the Act, it is PECO's obligation as an EDC to render a bill on behalf of the EGS if the EGS requires PECO to do so.

In Our December Order at page 139, we state that the manner and details of the interaction between customers, suppliers, and EDCs are governed by our rulemaking at Docket No. M-00960890, F0011. We expressed our belief that the Act explicitly specifies a presumption that the EDC shall have the duty to provide a single bill, including competitive generation services, to all customers unless the customer chooses to receive a separate bill directly from its EGS.

Our Final Order at Docket No. M-00960890, F0011, Appendix B Guidelines For Customer Services , part H. 1) Billing(Rendering Bills/Payment of Bills) provides the following guidelines:

- 1) The EDC restructuring plans should, pursuant to Section 2807(C) allow for the two billing options set forth in this section of the Act. One option is that a customer may choose to keep separate the bill for services from the EDC, and the bill for services from the supplier. The other option is that a retail customer may choose to receive a single bill from the EDC for both EDC charges and supplier charges.....

Our orders reflect the requirements in Section 2807(c) that it is the customer and not the EDC or the EGS who may choose the billing option. We do, however, agree with Enron and MAPSA that PECO's proposed 90 cents per bill fee should be removed from the Rule. We find insufficient support for this charge in the record. PECO may file proper supporting documentation to propose such a charge in a future proceeding. At that time, it may also be appropriate for the Commission to consider the "third" billing option proposed by several parties in this proceeding which would permit customers to choose to receive a single bill from their EGS that includes billing of the EDC charges. Such an approach would relieve PECO of any expense it incurs for billing EGS services.

PECO is directed to amend its Rule 17.2 to eliminate the 90 cents per bill fee.

#### **H. Rule 17.4 Payment Processing**

Enron states that this Rule erroneously includes PECO Energy charges (energy and capacity), in a higher priority than set forth in the Commission's Order at Docket M-00960890 F.0011. Enron claims that Order did not distinguish between the priority of electric supply service offered competitively and that offered by PECO as a provider of last resort. MAPSA claims that the priority of application of partial customer payments is inconsistent with prior Commission orders.

Our Order at Docket M-00960890 F.0011 provided that in regard to the application of partial payments, for a customer who has a pre-retail access balance, supply charges (energy and capacity) would have a fourth level of priority. For a customer with no pre-retail access balance but with a post-retail access balance, the balance due for prior supply charges would have a fourth priority and new supply charges a fifth priority.

Our review of PECO's Rule confirms that the Company includes the balance due or the installment amount for a payment agreement for energy and capacity (supply) as a second priority when the customer receives Default PLR Service from PECO. PECO has also included current charges for energy and capacity as a third priority when the customer receives Default PLR service from PECO.

PECO is directed to remove the language "...and Energy and Capacity Charges (when the Customer receives Default PLR Service)" from Rule 17.4(b)2,

and insert this wording in Rule 17.4(b)4. This wording will be applicable to a customer who has a pre-retail access balance.

PECO is directed to remove the language "...and Energy and Capacity Charges (if PECO Energy is providing Default PLR service)" from Rule 17.4(b)3, and insert this wording in Rule 17.4(b)5. This wording will be applicable to a customer with no pre-retail access balance but with a post-retail access balance.

Further, in reference to Rule 17.4(b)2., PECO is directed to give a higher priority to payments on the balance due or the installment amount for a payment agreement for CTCs than to the balance due or the installment amount for a payment agreement for Fixed and Variable Distribution Service Charges. At Rule 17.4(b)3., PECO is directed to give a higher priority to payments on current CTCs than on payments of Fixed and Variable Distribution Charges.

#### **I. Rule 17.5 Finance Charge and Collection Costs**

The OCA comments that PECO indicates that it will not assess or seek collection of late payment charges on an EGS's charges. The OCA submits, that as a minimum, if PECO is billing on behalf of an EGS, it should be prepared to include on its bills those late fees that appear in the contract between the EGS and its customer. The OCA also states that PECO's refusal to include payment arrangements made by EGSs on its bill is inconsistent with the position PECO takes in Rule 17.6 on Budget Billing. The OCA states that at that Rule, PECO indicates that EGS charges will be included in the customer's Budget Billing Plan if PECO is operating as the billing agent for the customer's EGS. The OCA also submits that all references to finance charges in Rule 17.5 should be changed to late payment charges. The OCA states that the correct term is "late fees" because

this charge is not a finance charge and this assessment is not a credit transaction as that term is used in the Truth in Lending Act.

Enron and MAPSA have presented similar concerns to those expressed by the OCA in their comments with regard to PECO's unwillingness to assess or include late fees or reflect payment arrangements on the bill for the EGS.

First, we agree with the OCA in regard to its comments concerning changing the term "finance charges" to "late fees" in Rule 17.5. PECO is directed to make this language change. With regard to PECO's language that "The Company will not assess, nor seek collection of, late payment charges on an EGS's charges....", we will direct PECO to amend its language. When PECO is billing EGS charges, PECO is to include late fees on its bills applicable to EGS charges, when the EGS provides the terms of such late fees to PECO. However, we will not require PECO to negotiate payment arrangements for EGS charges or undertake other collection efforts other than routine billing and collection of EGS charges. As discussed in our Docket No. M-00960890 F.0011, part L.(1), EGSs are not required to negotiate payment terms under Chapter 56 because they cannot terminate service.

#### **J. Rule 17.6 Budget Billing**

Enron states that the language suggested by PECO in Rule 17.6 (b) appears to give customers complete control over whether they adopt the budget billing payment option even when they are receiving competitive supply from an EGS. Enron states that the EGS should obviously have the right to decline to have its charges included in the budget billing process. MAPSA expressed similar concerns. Both parties provided suggested language changes.

While it is the customer's option to select whether PECO or the EGS shall bill EGS services, PECO is required to bill the generation services presented by the EGS consistent with applicable Commission Orders. While a competitive supplier is not obligated to offer budget billing in a competitive environment, the customer can always shop for an EGS that does provide a budget billing option.

Rule 17.6 shall be amended to read as follows:

(b) An EGS's charges will be included in the customer's Budget Billing Plan if the **customer and EGS so indicate.**

#### **K. Rule 17.7 Calculation of Finance Charge**

The OCA submits that all references to finance charges should be changed to late payment charges. The OCA states that the correct term is "late fee" because this charge is not a finance charge and this assessment is not a credit transaction as that term is used in the Truth in Lending Act.

We agree with the OCA's recommendation and direct PECO to replace the term "finance charge" with the term "late fee" in this Rule.

#### **L. Rule 18 Payment Terms and Termination of Service**

In Rule 18.2, PECO states that it will not negotiate payment arrangements on behalf of an EGS nor will PECO include on its bills any payment arrangements made by an EGS. PECO also states that it will not be responsible for assessing late payment charges for an EGS's charges or be responsible for collections from customers who are delinquent on their obligations to their EGS.

Enron, Conectiv and MAPSA comment that Rule 18.2 would allow PECO to shirk its responsibility as it relates to collecting for an EGS from delinquent customers. Enron believes that because PECO is already recovering any

uncollectible amount through its distribution rate, PECO should remit all charges to an EGS within 15 days of billing.

MAPSA states that the proposed rules contain no provision for payment or termination of service for delinquent balances owed to EGSs, even though the EGS has no authority to single bill a customer for all charges. MAPSA believes that if PECO is acting as a billing agent for an EGS because the customer has selected to receive a single bill, PECO must be required to establish payment terms on the entire balance owned by the customer, including amounts owed for electric energy supplied by an EGS.

The OCA submits that the PECO Tariff raises related concerns about its role as a billing agent for an EGS.

In its Reply Comments, PECO states that Enron, Conectiv, and the OCA propose to revise PECO's Rule 18 to require PECO Energy to negotiate payment arrangements for EGSs when PECO Energy provides customers with combined bills. PECO states that this proposal is inconsistent with the requirements of Folder 11, which states that EGSs are not permitted to terminate service and are also therefore relieved of the obligation to negotiate Chapter 56 payment arrangements. PECO states that it adopted the position of the OCA in the pilot proceedings that it will not terminate service for a customer's failure to pay an EGS for its services.

Section 2807(c)(3) specifies that an EDC is not required to remit payments to an EGS until actually paid. Therefore, we do not agree with the comments of MAPSA and Enron in this regard.

The OCA and Conectiv have made persuasive arguments to require PECO to bill amounts of late payment charges and billing arrangements made by EGSs on its bills. The Commission directs PECO to modify its proposed tariff to reflect that PECO will include in the amount it bills, amounts provided by an EGS for its late payment charges and billing arrangements, consistent with applicable Commission requirements.

Rule 18.2 shall be:

18.2 The Company will negotiate payment arrangements on the portion of the past due amount attributable to its charges for; (1) service, (2) CTCs, and (3) Energy and Capacity. The Company will not negotiate payment arrangements on behalf of an EGS. The Company will include on its bills any payment arrangements made by EGSs that are consistent with applicable Commission requirements.

The Commission also agrees with the OCA's recommendation to clarify Rule 18.7 by requiring PECO to amend its tariff to reflect that PECO will not condition restoration or reconnection of service based upon any unpaid charges owed to an EGS, except for the supplier of last resort service.

#### **M. Rule 19 Unfulfilled Contracts**

In Rule 19, the Company includes language that was previously included in its Tariff regarding Unfulfilled Contracts. The OCA notes that in practical terms, this language previously applied only to large, mostly industrial, customers who entered into contracts with the Company. The Tariff Rule provides that a notice to discontinue service under a contract will not relieve a customer from any minimum, or guaranteed payment under any contract or rate. The OCA is concerned that this language, if not clarified, could present problems for

residential customers, particularly those who may receive default service if the Company's minimum 12 month term for such service is approved.

The OCA submits that the Tariff language on Unfulfilled Contracts should be clarified to ensure that this Tariff provision is not applied to residential default service customers. The OCA submits that this language should be clarified to apply to a residential customer only when the customer signs an actual contract with the Company for service other than default service that clearly sets forth such a term, and such term is clearly explained to the customer and agreed to by the customer.

We accept the OCA's recommendation on this matter, and hereby require PECO to make the appropriate changes in the Tariff.

#### **N. Rule 22. Direct Access Phase-In Procedures**

Enron proposes that in the event of oversubscription, industrial users who take service under the GS rate should not be selected by lottery but through a pro rata phase-in of their load as determined in the Reconsideration Order for other industrial customers. Enron and Conectiv propose a change to rule 22.2 to avoid any implication that only PECO's enrollment cards may be used to enroll customers either directly or through the EGS. Enron and MAPSA also suggest that Rule 22.7 be amended to include the Commission's requirements that a confirmation letter be sent to the selected EGS. Rule 22.8 states that to receive services, a customers must "complete the required paperwork". Conectiv and OCA comment that this open-ended provision is an invitation for abuse by allowing PECO to unilaterally impose obstacles.

PECO objects to the proposal to include industrial GS customers as possible partial load customers, and that it was not directed by the Commission to do so. In the Reconsideration Order, the Commission granted PAIEUG's request to use a partial load phase-in instead of a lottery to determine the participation of customers of certain industrial classes in the event of oversubscription. No reconsideration was requested of the use of the lottery procedure for GS customers. Therefore, PECO's Compliance filing correctly implements the Orders by not including industrial GS customers in the partial load procedure.

In the Reconsideration Order, the Commission directed that EGSs may enroll customers. PECO is directed to accept any written enrollment form that includes the name, address and account number. Rule 22.2 shall be modified to include this directive. The EGSs may then prepare to distribute these enrollment forms and customers who misplace PECO's form will not lose a timely opportunity to enroll.

Several commentators suggested improvements to proposed Rule 22.7. While an EGS selection should be in writing, we agree with Conectiv that fax or photocopies are acceptable. Several comments were filed requesting that PECO be required to provide a letter to an EGS when a customer "selects" an EGS. The Commission has required both the EDC and the EGS to provide the selecting customer a confirmation letter within 15 days of the customer's EGS choice. In addition, both the EDC and the EGS must prepare to serve their customer. They must share information concerning their customer's selection quickly and effectively. However, it does not appear that a confirmation letter sent to an EGS will be a timely, efficient form of notice of the customer's EGS selection. PECO must ensure that the EGS is aware of all its customers on a timely basis and may

submit the information in other ways such as data transfers. This issue should be further addressed in the Supplier Services Tariff.

The absence of a Supplier Services Tariff in the Compliance filing also leaves unclear the provisions of Rule 22.8 under which a participant must “complete the required paperwork”.

The Commission agrees with the OCA that this term needs further clarification. Any additional information besides name, address and account number shall be included in Rule 22.8 and the Supplier Services Tariff.

#### **O. Rule 23.1-23.8 EGS Switching**

In the Reconsideration Order, the Commission adopted “the recommendation of OCA witness Alexander that a switching fee is inappropriate during the early stages of customer choice and directed PECO to consider the guidelines proposed in OCA Statement No. 5S at p. 10-11 in proposing any switching fee in the future”. However, the OCA, MAPSA, Conectiv, and Enron state that PECO's proposed Tariff Rule 23.7 provides for switching fees. PECO was directed to consider the concerns raised by the OCA in proposing any switching fee in the future. As directed in the Reconsideration Order, Rule 23.7 should not be included in PECO's tariff at this time.

MAPSA comments that in order to prevent or discourage the slamming of electric energy customers, confirmation of a change in EGSs should be made or sent to both the old EGS and the new EGS. MAPSA states that PECO should notify both the old and new supplier that the customer has switched suppliers. We agree with this proposal as an interim procedure, pending the conclusion of our proposed rulemaking at Docket No. L-00970121, Establishing Standards for

Changing a Customer's Electric Supplier. A new sentence shall be added to Rule 23.3:

**Upon receiving notice to switch EGS, PECO shall notify a customer's existing EGS that such a request has been made.**

Enron commented that the effective date for a switch as proposed in Rule 23.4 is unnecessarily restrictive

PECO shall revise Rule 23.4 to match the rule stated in its comments.

Rule 23.4 shall read:

**A switch to an EGS should be effective as of the next scheduled meter reading date, provided PECO has received 15 days prior notice.**

Rule 23.5 is rendered superfluous and should be deleted.

#### **P. Rule 24 Provision of Load Data**

In its Compliance filing, PECO proposes to charge a fee of \$24 to provide 12 month historical load data for a customer with telemetric continuous hourly metering. PECO also proposes to charge a fee "based on the Company's actual costs of obtaining the data" for other customers' load data.

Enron, MAPSA, Conectiv and OCA comment that PECO's proposed charge for load data is inappropriate.

Enron also submits that the Commission intended PECO to provide a list of "enrolled" customers in Direct Access, in accordance with the earlier process on

pilot customer lists. Enron has proposed tariff modifications which would require PECO to provide (1) generic load profile information and any models and algorithms it used to construct this information, and (2) 12 months of historic customer load data. Enron recommends that PECO be allowed to charge fees for these data services as long as these fees are on file with and approved by the Commission.

The Commission's customer information Order requires EDCs to provide customer load data to residential and small commercial customers once per year without charge. (Customer Information Order, Docket M-00968890F.008, Order at page 29-30. The Commission has proposed a similar rule in Docket No.L-0097126, Proposed 52 Pa. Code Section 54.9 (d)). We agree with the comments that the tariff language authorizing a fee for the provision of such data to residential and small commercial customers is inconsistent with the Commission's Order and must be modified. We direct the Company to modify its tariff to reflect that a customer or a customer's designated EGS or authorized consultant will be provided all available data from the meter once each calendar year for no fee. PECO has not sufficiently justified its proposed \$24 fee for telemetric continuous hourly metering data and has proposed an open-ended "actual cost" provision for load data for other customers. In considering these types of fees during the Pilot Program, the Commission admonished the EDCs to provide sufficient evidence to support their proposed charges.

In response to the recommendations concerning the availability of generic load profile information and the provision of lists of "enrolled" customers, the Commission directs PECO to implement these recommendations as it has already done during the Pilot Program.

## **Q. Rate R-S. Renewable Energy**

In our December Order, we concluded that PECO's existing rules for Interconnection primarily address large industrial customers or independent power producers and directed PECO to include in its Compliance filing proposals to provide reasonable interconnection standards for all types of self-generation. As noted by the Environmentalists, PECO's compliance tariff must be amended to include interconnection procedures and standards for small self-generators consistent with the Commission's prior Order.

The Environmentalists witness David Shoengold recommended several changes to PECO's interconnection rules including making the technical requirements consistent with the current IEEE standards. We have previously stated that a reasonable interconnection opportunity for these small self-generator customers may not impose technical standards above national norms or require expensive inspection standards. PECO is directed to file interconnection rules that meet our requirements.

The Environmentalists point out that the December Order incorporates their recommendations to ensure the accessibility of net metering and renewable energy to residential customers. They note that in PECO's Compliance filing, rate R-S is available to rate R, RH and GS customers but not rate R-T customers. The Environmentalists note that only twelve (12) residential customers are presently on rate R-T, a residential rate that provides different rates depending on time of use. The Commission agrees that R-T customers should have the same opportunity to use rate R-S as other residential customers and directs PECO to add residential time-of-use service to the rate schedule qualified for Rate R-S.

In our December Order, we noted that PECO has a duty to provide a “qualified meter”, and we stated that consideration should be made for meters which support net-metering. The Environmentalists suggest two additional meters that should be provided to support net metering.

The Commission agrees that these advanced metering options should be available. PECO will be required to provide all qualified meters as indicated in our discussion of Rule 14.

#### **R. Special Contracts.**

In the December Order, the Commission generally concluded that “all existing tariffs shall remain available throughout the transition period, and all special contracts shall remain in force, except as modified pursuant to this Opinion and Order or other tariff modifications approved by the Commission.” The Order further directed that PECO must file tariffs for distribution and transmission service for LILR, EER and IPR customers who choose to shop that retain properly allocated existing transmission and distribution function discounts.

Enron and MAPSA comment that PECO’s proposed EER and Rule 4.6 language does not adequately incorporate our directives. We do not agree that Enron’s or MAPSA’s proposed changes are necessary to properly implement the December Order.

PAIEUG comments that PECO’s Compliance filing should be amended to state that a special contract remains in effect for the term of the contract or the transition period, whichever is longer. The December Order does not require the modification of any special contract term. However, PAIEUG is correct that the

statutory rate cap provisions in Section 2804 ensure that any customer's rates will be no higher than those in effect on January 1, 1997 for the duration of the applicable rate cap period.

### **S. Energy Services Rider**

The Commission's December Order makes clear that customers desiring to return to the EDC for generation service shall be treated exactly the same as any new applicant for service so long as the rate caps are in effect, as required by 66 Pa. C.S. § 2807(e) of the Act.

In our December Order, we noted that the Act provides that the total charges for service to any customer who continues to purchase generation from an EDC and is not competitively shopping may not exceed the rates in effect as of January 1, 1997. In addition, the Commission indicated that a future rulemaking will define "market pricing" of PLR service. Thus, the terms for market-based pricing of PLR service is not yet ripe for a determination by the Commission, and the Energy Services tariff is not approved. We note, however, that while PLR customers remain on regulated rates, PECO or any other interested party may file a request for alternative rates. Such a filing would be considered pursuant to the required Commission procedure.

### **T. Supplier Services Tariff**

In Our December Order, we directed PECO to submit a Compliance filing which included a new Supplier Services Tariff providing procedures for competitive generation supply arrangements consistent with our orders. PECO did not include a specific supplier tariff in its Compliance filing. Instead, PECO has

submitted a proposed tariff provision entitled “EGS Rights and Obligations” that refers to a PECO “Policies and Procedures” document, an agreement concerning transmission service, and an agreement concerning installed capacity. None of the referenced rates or agreements were included in the Compliance filing. OCA, MAPSA, Conectiv, and Enron all commented that a Supplier Services Tariff is necessary to comply with our Orders and to clearly identify the procedures that will be used to implement retail competition.

PECO contends that it has satisfied the Commission’s directive that it include a separate supplier tariff with its Compliance filing. PECO states that it is in compliance with the Act’s requirement that a utility’s restructuring plan include “procedures for insuring direct access to suppliers” (66 Pa. C.S.A. Section 2806 (e)). PECO argues that one provision will require PECO and the EGS to enter into an agreement containing extensive and detailed policies and procedures including procedures for customer sign-up, switching, balancing, billing, and data exchange. PECO believes that it would be an error to replace its agreement-based process with a tariff-based approach because of current changing circumstances which could require changes to a tariff’s terms which would require a 60-day notice period before becoming effective. PECO notes that if a supplier objects to the proposed terms of the agreement, the supplier may complain to the Commission or to the FERC which may have jurisdiction over many of the policies and procedures in Enron’s proposed “EGS Obligations” and “Supplier Operational Rules.” Enron provided a modified list of “EGS Obligations” and suggested “Supplier Operational Rules”.

We conclude that PECO’s short list of EGS rights and obligations without submittal of the referenced documents lacks the specific details necessary.

PECO proposes to rely on individual agreements and the operation of its proposed tariff rules to set out EGS obligations. This has led to at least one commentator to suggest that the Commission engage in an individual review of each EGS/EDC agreement. Such an undertaking would in all likelihood result in a review process well in excess of the 60 day notice process PECO claims it wishes to avoid. We required the filing of a Supplier Services Tariff as a means to establish the basic requirements for EGS/EDS interactions in a standard format through a standardized consistent process. This would provide specific useful information to all current and future market participants concerning protocols and other requirements.

PECO is directed to file an appropriate Supplier Services Tariff which delineates supplier obligations, provides definitions of terms, fully discloses the Company's EGS "Policies and Procedures" and specifies its procedures for customer sign-ups, switching, balancing, billing and data exchange. The tariff should be consistent with applicable PJM and FERC requirements and Commission orders.

## **VI. Interim Code of Conduct**

In our December Order, we reviewed PECO's proposed Code of Conduct and accepted each provision, but concluded that "several additions and clarifications" were needed. In response to this directive PECO submitted a revised Code of Conduct with its Compliance filing. MAPSA, Enron, OCA and NEV commented that PECO's Compliance filing addresses some but not all of the Commission's directives. Several suggested revised language for each of the rules. In its reply comments, PECO did not address the comments specifically in relation to the individual rule, but provided general comments on the requested revisions.

Since the December Order directed only that several additions and clarifications be made we will order further revision of PECO's Code of Conduct only as necessary to reflect that Order.<sup>3</sup>

The Interim Code of Conduct will be applicable to all transactions and activities by the Company, PECO as an EDC, and any PECO competitive affiliate or division ("PECO Supplier") related to implementation of the phase-in of customer choice as of 1/1/99. It will not govern Pilot activities. It will be superseded by generally applicable rules and regulations adopted by the Commission after the date of this Compliance Order.

The December Order stated:

Rule 1 should not be limited to processing requests for generation service. It must be expanded to apply to the provision of all customer goods and services, such as requests for information, complaints, and responses to service interruptions. It not only should apply only to PECO's dealings with its affiliated competitive (sic), but also provide an assurance of comparable treatment without regard to the customer's chosen supplier.

Opinion and Order at 131.

The Commission's order regarding Rule 1 required that the rule be revised to include "all customer goods and services". We did not direct that PECO expand the rule to apply to "all requested services by the supplier", and thus, Enron's requested revision is rejected. However, we agree that PECO's rule should be clarified and direct that the following revision be made:

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<sup>3</sup> PECO's Code of Conduct is an interim Code because the Commission is in the process of adopting regulations concerning competitive safeguards at Docket L-0097 and Consumer Supplier Interactions at Docket No. M-0096890 F0011. Order, at 129.

1. The Company, in its role as the Electric Distribution Company ("PECO EDC"), shall not give a PECO Supplier preference over a non-affiliate **in the provision of goods and services, such as processing** [a request by a customer for those services that PECO is required to provide for direct access, including for example,] requests for information, complaint processing and responses to service interruptions. PECO EDC shall provide comparable treatment without regard to the customer's chosen supplier.

## Rule 2

In the December Order, the Commission indicated:

We believe that Rules 2 and 4 are intended to meet the standard that we adopt: PECO will treat all competitive suppliers in a comparable, non-discriminatory manner with similar terms, conditions and access to information.

Opinion and Order at 131.

Enron has no objection to Commission approval of Rule 2 as submitted by PECO in its Compliance Tariff. MAPSA has offered a specific incorporation of the Commission language.

As we previously stated, the Commission believes that the rule as written expresses PECO's intent to abide by the Commission direction that "PECO will treat all competitive suppliers in a comparable, non-discriminatory manner with similar terms, conditions and access to information." Further revision of this rule is not warranted.

### Rule 3

In evaluating and requiring modification of Rule 3, the Commission stated as follows:

PECO's rule is useful, but it requires supplementation. Any transaction between PECO and an affiliate must be approved pursuant to Chapter 21 of the Public Utility Code. In order to ensure a "level playing field," proposed affiliate contracts for all goods and services, including power, must not involve any anti-competitive cross-subsidy. We presume that transactions with affiliates that relate to specific corporate matters such as accounting, financial, shareholder or personnel and payroll services can be approved according to established standards. PECO should not engage in any transactions concerning the competitive generation industry unless it is for goods or services made available to competitors.

Opinion and Order at 130.

Furthermore, in the previous section of the Order on Corporate Structure, we stated that "the Commission must assert the same level of review of transactions between an EDC and its competitive entity, whether it is separately incorporated or not." Order, p. 128.

OCA, MAPSA, Enron and NEV commented that PECO's Compliance filing does not fully incorporate the concerns indicated in the December Order. The comments focused on transactions between PECO and an affiliate that could include improper cross-subsidies and the nature of Commission review of such transactions. PECO's reply comments indicate its belief that the Commission does not have the authority to include in the Code of Conduct several of the suggestions of the commenting parties.

Transactions between an EDC and an affiliated EGS or division could include anti-competitive cross-subsidies. Section 2811(a) requires the Commission to monitor the competitive market to assure a level playing field for all competitors and Chapter 21 requires approval of affiliated agreements. A compliance filing is not the proper forum to argue the extent or limits of Commission jurisdiction, however. The facts presented in any future dispute concerning this Code of Conduct provision will determine whether the Commission has jurisdiction over the matter.

Accordingly, the Commission directs PECO to amend Rule 3 as follows:

3. PECO EDC shall not sell non-power goods or services to a PECO supplier at a price below the cost or market price, whichever is higher, for said goods or services. PECO EDC will not purchase non-power goods or services from a PECO Supplier at a price above the market price for said goods or services. **No transaction between PECO EDC and a PECO supplier shall involve an anti-competitive cross-subsidy, and all such transactions shall comply with applicable law.**

#### **Rule 4**

PECO's proposed Rule 4 requires PECO to make market information simultaneously available to affiliated and unaffiliated suppliers which is not otherwise publicly available. Rule 4 reads as follows:

4. PECO EDC shall simultaneously make available to all EGSs any market information, not in the public domain, that it provides to a PECO Supplier.

Enron commented that the rule was overly narrow and did not require PECO to make all information, including public information, available to all suppliers under comparable terms, conditions and access. Enron complained that it worked a disadvantage against other suppliers if PECO's affiliated EGSs had the opportunity to obtain public information in an accessible format. Enron, p. 16.

As already discussed, the Commission found no fault with PECO's Rule 4 in its December Order. We believe that Enron's concern is addressed by Rule 1. We find that no further revision of Rule 4 is necessary.

### **Rule 5**

PECO's Rule 5 reads as follows:

5. Employees of PECO EDC who have responsibility for operating the distribution system, such as receiving requests for power, purchasing power, scheduling delivery, or billing and metering, shall not be shared with a PECO Supplier, and their offices shall be physically separated from the office(s) used by those working for the PECO Supplier. Such employees of PECO EDC may transfer to PECO Suppliers provided such transfer is not used as a means to circumvent this Interim Code of Conduct. Any PECO Supplier shall have its own direct line management. Any shared facilities shall be fully and transparently allocated between the PECO EDC function and the PECO Supplier function. PECO EDC accounts and records shall be maintained such that the costs a PECO supplier incurs may be clearly identified.

Enron's comments suggest more specific guidelines to address the functional separation requirement, specifically "the Commission's insistence on

strict functional separation applicable to both management sharing and employee transfers” Enron at 17.

In the December Order, the Commission stated as follows:

*We interpret Rule 5 to mean that all PECO EDC functions shall be separately staffed from all competitive supplier functions, except for approved affiliated transactions described above. PECO must ensure that any management responsibility over both the EDC and a competitive division or affiliate, or employee transfers, complies with the functional separation requirements.*

Opinion and Order at 130.

We believe that PECO’s Compliance filing addresses our concerns that PECO must ensure functional separation. No further changes are necessary in the Compliance filing.

### **Rule 6**

PECO’s proposed Rule 6 prohibited the tying of PECO’s distribution services with the services provided by its affiliated suppliers. Rule 6 reads as follows:

6. PECO EDC shall not condition the provision of any PaPUC jurisdictional regulated services on the purchase of power from a PECO Supplier.

The December Order accepted PECO's Rule 6 as proposed and no further revision is appropriate at this time.

### Rule 7

PECO's proposed Rule 7 placed restrictions on the use of PECO's name by an affiliated supplier. PECO's proposed in the Compliance filing a revised Rule 7 as follows:

- Neither PECO EDC nor a PECO Supplier may directly or by implication falsely or unfairly represent:
- that the PaPUC jurisdictional regulated services provided by PECO EDC are of a superior quality when power is purchased from a PECO Supplier; or
- that the merchant services (for power) are being provided by PECO EDC rather than a PECO Supplier;
- that the power purchased from an EGS that is not a PECO Supplier may not be reliably delivered;
- that power must be purchased from a PECO Supplier to receive PECO EDC PaPUC jurisdictional regulated services.

Enron, and MAPSA comment that the Rule did not go far enough to carry out the Commission's directives.

The Commission directed in the December Order that Rule 7 be expanded:

PECO's Proposed Rule 7 indicates that PECO shall not allow its competitive affiliate to use PECO's name to suggest that PECO will provide better distribution services if power is purchased from a PECO affiliate or that supply purchased

from other competitors may be less reliable, or that the generation services are in fact being provided by the EDC.

Rule 7 is appropriate in concept but should not be limited to the use of PECO's name by its competitive affiliate. The competitive affiliate must not suggest any of the proscribed items in any manner, either directly or indirectly. In addition, the same standards must apply to PECO as an EDC. The EDC must not promote its competitive affiliate any differently than non-affiliated suppliers.

Order, at 131.

The Commission reaffirms its considerations indicated in the December Order and does not believe that Rule 7 requires further modification at this time.

### **Rule 8**

*PECO's Rule 8 requires the development of a dispute resolution procedure.*

Rule 8 reads as follows:

8. PECO EDC shall establish and file with the Commission a dispute resolution procedure to address complaints alleging violations of these rules.

The Commission provided no discussion of this Rule and inclusion of the Rule in the Compliance filing without modification is compliant with the December Order. However, PECO must submit its proposed procedure as part of its revised compliance filing.

## **VII. Consumer Education**

In the Consumer Education portion of its Compliance filing, PECO provided a brief narrative and four (4) exhibits (CE-1 through CE-4). The exhibits

included an account of 1997 Consumer Education expenditures (CE-1); a proposed letter to community based organizations (“CBOs”) (CE-2); a customer enrollment letter (CE-3); and, a customer brochure (CE-4). Both the OCA and Environmentalists filed comments which specifically address the Consumer Education portion of PECO’s Compliance filing.

The Environmentalists state that PECO’s Exhibit CE-1 fails to provide a complete budget for Consumer Education and also fails to provide sufficient information to enable a determination as to whether the expenses incurred to date are appropriately characterized as Consumer Education. Specifically, the Environmentalists argue that several items in CE-1 are labeled “legal notice” and, as such, may be more properly characterized as “restructuring expenses.” (Comments of the Environmentalists, p. 8). In addition, the Environmentalists argue that the Consumer Education plan is incomplete and fails to properly provide for CBO participation.

The OCA asserts that PECO’s CE-4 contains material that is inappropriate for a ratepayer funded Consumer Education piece. The OCA notes that while a bolded “Notice” paragraph on the CE-4 brochure may be an accurate statement of a corporate position, it should not be distributed as “Consumer Education” at ratepayers’ expense. The OCA also asserts that PECO Exhibit CE-2 does not provide for sufficient CBO input into program development. With regard to PECO Exhibit CE-3, the OCA suggests that the letter could be modified to provide for more positive message content, while conveying the same information. Finally, the OCA states that PECO should be required to continue to provide an accounting of funds spent on Consumer Education.

Initially, we agree with the Environmentalists that Exhibit CE-1 fails to set forth a complete, proposed budget. In addition, CE-1 contains references to several accounts which may, or may not, be related to objective, non-commercial information for Consumer Education. Several accounts reference "Legal Notice", however, there is no description of what the "Legal Notice" was. The concern exists that these notices may be more appropriately assigned to the restructuring proceeding or litigation rather than Consumer Education. Similarly, several entries are merely labeled "Conting-Invoices". A third category is identified as "Customer Service Adjustment". Another entry merely states "PECO Energy Education York Ad". Again, those categories and the entry may, or may not, be objective, non-commercial consumer education material. Unfortunately, there is not way to ascertain that from CE-1.

In our discussion of PECO's Consumer Education budget proposal at pages 18 and 19 of the Order on Reconsideration, we acknowledged that PECO's proposed budget was an amount stated over a four year period. We also recognized that PECO had claimed sums expended in 1997 which would reduce its budgeted amount for the remaining years. Accordingly, in order to determine the amount remaining for 1998-2000, we directed PECO to file an accounting sufficient to enable us to reach a reasonable conclusion on that issue. For the reasons stated above, CE-1 is insufficient for that purpose. Accordingly, we must direct PECO to supplement Exhibit CE-1 to provide that clarification.

We also agree with the OCA that PECO's Exhibit CE-4 contains material which is not related to Consumer Education in the sense of conveying objective, non-commercial information which will enable consumers to exercise choice in a competitive market place. As an example, we quote the "Important Note" here,

which appears as a separate, bolded paragraph at the top of PECO's proposed brochure in CE-4:

**Important Note: The information in this document is based on Orders issued by the Pennsylvania Public Utility Commission. PECO Energy disagrees with these Orders and believes they violate state and federal law. PECO Energy further believes that the Orders expose Pennsylvania taxpayers to potentially massive liabilities. It therefore believes that the Orders will be invalidated before implementation and that much of the information contained here will change in the future.**

While we firmly adhere to the axiomatic principle that PECO is free to provide messages of its corporate position on any matter it chooses, it is a far different matter to use funds provided by ratepayers earmarked for Consumer Education concerning Electric Competition to pay for such a message. In order to avoid any misunderstanding on this point, we repeat: PECO is free to address any issue whatsoever including the above "Important Note", in any manner it chooses, to any or all of its customers. In no way will this Commission restrain PECO's right to speak or compel it to speak. We, however, will not permit ratepayer funds collected from ratepayers on the basis that those funds will be used for objective, non-commercial Consumer Education to be diverted to other purposes.

The determination of whether, and to what extent, Consumer Education funds provided by ratepayers will subsidize messages is an issue which is separate and clearly distinguished from the issue of whether a company may provide a certain message. In this instance, the above quoted "Important Note" is clearly a litigation position of the Company with which the Commission disagrees and which is hardly objective, non-commercial content designed to inform customers on competitive electric generation shopping and markets. It is not appropriate for PECO to utilize ratepayer funds earmarked for Consumer Education of Electric

Competition and Consumer Choice to advance or publicize its litigation position in any particular matter.

Of equal concern is the fact that the brochure fails to adequately describe consumer options in a competitive market. As an example, the brochure fails to contain any suggestion whatsoever that a consumer may experience savings through the program if he or she shops, but it does contain several suggestions that suppliers may provide for penalties and that PECO may charge fees for switching.<sup>4</sup> Also, PECO describes its transmission and distribution services in a very positive style before providing a plain listing of suppliers. The upshot of all of this is a brochure which does not provide objective, non-commercial information which is designed to educate consumers about a new competitive market place. Again, the issue is not whether PECO may issue such a brochure, the issue is whether such a brochure will be funded through ratepayer dollars provided for Consumer Education of Electric Competition and Customer Choice.

Similarly, we will not compel PECO to endorse or finance content which PECO opposes for political or ideological reasons. It is true that funds earmarked for Consumer Education and collected from ratepayers will support the Consumer Education effort, however, we do not intend to compel PECO to use its own funds in support thereof.

Finally, we will not compel PECO to engage in any actual or symbolic communication which PECO opposes on political or ideological grounds.<sup>5</sup> This resolution necessarily mandates that we require PECO to respond within seven (7)

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<sup>4</sup> As we have noted elsewhere in this Order, switching fees will not be permitted during the early stages of implementation.

<sup>5</sup> We distinguish this type of communication from that communication which is necessary for the actual processing of services and electron flow in the competitive market.

days of the entry of this Order as to whether PECO will participate in the ratepayer funded Consumer Education effort to provide objective information regarding customer choice in the electric markets. While we will not compel PECO to participate in an objective campaign by virtue of this Order, apart from serving as a conduit for ratepayer funds earmarked for that purpose, the content of its Compliance filing creates uncertainty as to its willingness to do so. We acknowledge that PECO's apparent reluctance as reflected in its Compliance filing exhibits, is contrary to its earlier proposal in this proceeding. PECO's response should provide the necessary clarification.

As has been acknowledged by PECO, budget issues, organization and message content have been reserved over to the Commission's statewide Consumer Education proceeding now docketed at Creation and Implementation of a Statewide Consumer Education Program for Electric Restructuring, Commission Docket No. M-00981036 (Order adopted January 15, 1998). We expect that these issues will be addressed by several stakeholders, including the EDCs. However, the funding mechanism for that effort will be that portion of the CTC which is earmarked for Consumer Education and may be used regardless of a particular EDCs participation. Again, we encourage PECO to participate voluntarily in that process. As stated above, we note that a significant part of the creation of the statewide program was PECO's own proposal.<sup>6</sup>

Based on the foregoing, PECO must revise its Compliance filing to provide for a more complete description of those items in CE-1 discussed above so as to clarify that those entries pertain to Consumer Education as contrasted to restructuring or other notices. Also, PECO must respond within seven (7) days

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<sup>6</sup> See, Exhibit G to the Joint Proposal for Settlement filed in PECO's restructuring proceeding at Docket No. R-00973953.

whether it intends to participate in the Consumer Education process that is funded by ratepayer funds and which must meet certain standards for effective and objective education concerning electric competition. If PECO does not wish to participate in the ratepayer funded Consumer Education program, the Commission will proceed to implement a Consumer Education program as set forth in our action at that docket. The choice is PECO's.

As guidance, we have noted that the preparation and dissemination of CE-4 would not qualify as Consumer Education and, accordingly, would not qualify for ratepayer funding on that basis. However, PECO may of course disseminate this message so long as it is funded by shareholders and not ratepayers. We envision the purpose and content of PECO's Exhibits CE-2 and CE-3 to be part of the process initiated by our statewide program at Docket No. M-00981036. Further, we note that messages which intend to reach the same audience and address similar subjects as CE-4 will also be developed through that process.

## **CONCLUSION**

For the reasons discussed herein, PECO's Compliance filing is accepted in part, and rejected in part, consistent with this Order. Any issues raised in the comments concerning the Compliance filing which are not expressly addressed pursuant to this Order have been duly considered and need not be included in PECO's revised Compliance filing.

PECO will submit a revised Compliance filing that shall precisely reflect this Order on or before February 20, 1998. PECO shall submit other materials and otherwise implement this Order, the December Order and the Reconsideration Order consistent therewith.

**THEREFORE,**

**IT IS ORDERED:**

1. That this Commission's December 23, 1997 Opinion and Order addressing PECO Energy Company's Restructuring Plan as modified by this Commission's January 16, 1998 Restructuring Reconsideration Opinion and Order is reaffirmed;

2. That PECO Energy Company shall provide notification of its intent to participate in an objective non-commercial Consumer Education Program within seven (7) days after the entry of this Order.

3. That PECO Energy Company revise its Compliance filing consistent with the discussion in the body of this Order.

4. That PECO Energy Company's revised Compliance filing together with any supporting data or analysis required by this Order, is due by the close of business on February 19, 1998.

5. That comments relative to PECO Energy Company's revised Compliance filing are due on or before February 23, 1998, and must actually be received at the Commission's Office of the Secretary by the close of business on that date.

6. That PECO Energy Company's revised Compliance filing together with any required supporting data and analysis, be served on all active parties of record

to this proceeding by hard copy with electronic versions attached consistent with prior directives relative to electronic versions.

7. That PECO Energy Company provide a copy of its revised Compliance filing with required supporting data and analysis to each Commissioner's Office and to the Commission's Bureau of Fixed Utility Services, the Office of Special Assistants and the Law Bureau. Such filings are to be made by hard copy with electronic versions attached consistent with prior directives relative to electronic versions.

BY THE COMMISSION,



James J. McNulty

Secretary

(SEAL)

ORDER ADOPTED: February 5, 1998

ORDER ENTERED: FEB 5 1998

## Appendix A

<b>Calculation of Annual CTC Revenue Requirements</b>						
<i>Schedule of Level CTC Payments, in \$ (GRT added onto final CTC/kwh rate)</i>						
<b>Payment Date</b>	<b>Beginning Balance</b>	<b>CTC Return</b>	<b>Principal</b>	<b>Ending Balance</b>	<b>Monthly Revenue</b>	<b>Annual CTC Revenue</b>
1/30/99	4,942,924,628	30,769,706	34,838,188	4,908,086,440	65,607,894	
2/28/99	4,908,086,440	30,552,838	35,055,056	4,873,031,385	65,607,894	
3/30/99	4,873,031,385	30,334,620	35,273,273	4,837,758,111	65,607,894	
4/30/99	4,837,758,111	30,115,044	35,492,849	4,802,265,262	65,607,894	
5/30/99	4,802,265,262	29,894,101	35,713,792	4,766,551,469	65,607,894	
6/30/99	4,766,551,469	29,671,783	35,936,111	4,730,615,359	65,607,894	
7/30/99	4,730,615,359	29,448,081	36,159,813	4,694,455,546	65,607,894	
8/30/99	4,694,455,546	29,222,986	36,384,908	4,658,070,638	65,607,894	
9/30/99	4,658,070,638	28,996,490	36,611,404	4,621,459,234	65,607,894	
10/30/99	4,621,459,234	28,768,584	36,839,310	4,584,619,924	65,607,894	
11/30/99	4,584,619,924	28,539,259	37,068,635	4,547,551,289	65,607,894	
12/30/99	4,547,551,289	28,308,507	37,299,387	4,510,251,902	65,607,894	\$ 787,294,724
1/30/00	4,510,251,902	28,076,318	37,531,576	4,472,720,327	65,607,894	
2/28/00	4,472,720,327	27,842,684	37,765,210	4,434,955,117	65,607,894	
3/30/00	4,434,955,117	27,607,596	38,000,298	4,396,954,819	65,607,894	
4/30/00	4,396,954,819	27,371,044	38,236,850	4,358,717,969	65,607,894	
5/30/00	4,358,717,969	27,133,019	38,474,874	4,320,243,095	65,607,894	
6/30/00	4,320,243,095	26,893,513	38,714,380	4,281,528,714	65,607,894	
7/30/00	4,281,528,714	26,652,516	38,955,377	4,242,573,337	65,607,894	
8/30/00	4,242,573,337	26,410,019	39,197,875	4,203,375,462	65,607,894	
9/30/00	4,203,375,462	26,166,012	39,441,881	4,163,933,581	65,607,894	
10/30/00	4,163,933,581	25,920,487	39,687,407	4,124,246,174	65,607,894	
11/30/00	4,124,246,174	25,673,432	39,934,461	4,084,311,712	65,607,894	
12/30/00	4,084,311,712	25,424,840	40,183,053	4,044,128,659	65,607,894	\$ 787,294,724
1/30/01	4,044,128,659	25,174,701	40,433,193	4,003,695,466	65,607,894	
2/28/01	4,003,695,466	24,923,004	40,684,889	3,963,010,577	65,607,894	
3/30/01	3,963,010,577	24,669,741	40,938,153	3,922,072,424	65,607,894	
4/30/01	3,922,072,424	24,414,901	41,192,993	3,880,879,431	65,607,894	
5/30/01	3,880,879,431	24,158,474	41,449,419	3,839,430,012	65,607,894	
6/30/01	3,839,430,012	23,900,452	41,707,442	3,797,722,570	65,607,894	
7/30/01	3,797,722,570	23,640,823	41,967,071	3,755,755,500	65,607,894	
8/30/01	3,755,755,500	23,379,578	42,228,316	3,713,527,184	65,607,894	
9/30/01	3,713,527,184	23,116,707	42,491,187	3,671,035,997	65,607,894	
10/30/01	3,671,035,997	22,852,199	42,755,695	3,628,280,302	65,607,894	
11/30/01	3,628,280,302	22,586,045	43,021,849	3,585,258,454	65,607,894	
12/30/01	3,585,258,454	22,318,234	43,289,660	3,541,968,794	65,607,894	\$ 787,294,724
1/30/02	3,541,968,794	22,048,756	43,559,138	3,498,409,656	65,607,894	
2/28/02	3,498,409,656	21,777,600	43,830,294	3,454,579,362	65,607,894	
3/30/02	3,454,579,362	21,504,757	44,103,137	3,410,476,225	65,607,894	
4/30/02	3,410,476,225	21,230,215	44,377,679	3,366,098,546	65,607,894	
5/30/02	3,366,098,546	20,953,963	44,653,930	3,321,444,616	65,607,894	
6/30/02	3,321,444,616	20,675,993	44,931,901	3,276,512,715	65,607,894	
7/30/02	3,276,512,715	20,396,292	45,211,602	3,231,301,113	65,607,894	
8/30/02	3,231,301,113	20,114,849	45,493,044	3,185,808,069	65,607,894	
9/30/02	3,185,808,069	19,831,655	45,776,238	3,140,031,830	65,607,894	
10/30/02	3,140,031,830	19,546,698	46,061,196	3,093,970,635	65,607,894	
11/30/02	3,093,970,635	19,259,967	46,347,926	3,047,622,708	65,607,894	
12/30/02	3,047,622,708	18,971,451	46,636,442	3,000,986,266	65,607,894	\$ 787,294,724

## Appendix A

Payment Date	Beginning Balance	CTC Return	Principal	Ending Balance	Monthly Revenue	Annual CTC Revenue
1/30/03	3,000,986,266	18,681,140	46,926,754	2,954,059,512	65,607,894	
2/28/03	2,954,059,512	18,389,020	47,218,873	2,906,840,639	65,607,894	
3/30/03	2,906,840,639	18,095,083	47,512,811	2,859,327,828	65,607,894	
4/30/03	2,859,327,828	17,799,316	47,808,578	2,811,519,250	65,607,894	
5/30/03	2,811,519,250	17,501,707	48,106,186	2,763,413,064	65,607,894	
6/30/03	2,763,413,064	17,202,246	48,405,647	2,715,007,416	65,607,894	
7/30/03	2,715,007,416	16,900,921	48,706,973	2,666,300,444	65,607,894	
8/30/03	2,666,300,444	16,597,720	49,010,173	2,617,290,270	65,607,894	
9/30/03	2,617,290,270	16,292,632	49,315,262	2,567,975,009	65,607,894	
10/30/03	2,567,975,009	15,985,644	49,622,249	2,518,352,759	65,607,894	
11/30/03	2,518,352,759	15,676,746	49,931,148	2,468,421,612	65,607,894	
12/30/03	2,468,421,612	15,365,925	50,241,969	2,418,179,642	65,607,894	\$ 787,294,724
1/30/04	2,418,179,642	15,053,168	50,554,725	2,367,624,917	65,607,894	
2/28/04	2,367,624,917	14,738,465	50,869,429	2,316,755,488	65,607,894	
3/30/04	2,316,755,488	14,421,803	51,186,091	2,265,569,398	65,607,894	
4/30/04	2,265,569,398	14,103,170	51,504,724	2,214,064,674	65,607,894	
5/30/04	2,214,064,674	13,782,553	51,825,341	2,162,239,332	65,607,894	
6/30/04	2,162,239,332	13,459,940	52,147,954	2,110,091,379	65,607,894	
7/30/04	2,110,091,379	13,135,319	52,472,575	2,057,618,804	65,607,894	
8/30/04	2,057,618,804	12,808,677	52,799,217	2,004,819,587	65,607,894	
9/30/04	2,004,819,587	12,480,002	53,127,892	1,951,691,695	65,607,894	
10/30/04	1,951,691,695	12,149,281	53,458,613	1,898,233,083	65,607,894	
11/30/04	1,898,233,083	11,816,501	53,791,393	1,844,441,690	65,607,894	
12/30/04	1,844,441,690	11,481,650	54,126,244	1,790,315,446	65,607,894	\$ 787,294,724
1/30/05	1,790,315,446	11,144,714	54,463,180	1,735,852,266	65,607,894	
2/28/05	1,735,852,266	10,805,680	54,802,213	1,681,050,052	65,607,894	
3/30/05	1,681,050,052	10,464,537	55,143,357	1,625,906,695	65,607,894	
4/30/05	1,625,906,695	10,121,269	55,486,624	1,570,420,071	65,607,894	
5/30/05	1,570,420,071	9,775,865	55,832,029	1,514,588,042	65,607,894	
6/30/05	1,514,588,042	9,428,311	56,179,583	1,458,408,459	65,607,894	
7/30/05	1,458,408,459	9,078,593	56,529,301	1,401,879,158	65,607,894	
8/30/05	1,401,879,158	8,726,698	56,881,196	1,344,997,962	65,607,894	
9/30/05	1,344,997,962	8,372,612	57,235,281	1,287,762,681	65,607,894	
10/30/05	1,287,762,681	8,016,323	57,591,571	1,230,171,110	65,607,894	
11/30/05	1,230,171,110	7,657,815	57,950,079	1,172,221,031	65,607,894	
12/30/05	1,172,221,031	7,297,076	58,310,818	1,113,910,213	65,607,894	\$ 787,294,724
1/30/06	1,113,910,213	6,934,091	58,673,803	1,055,236,411	65,607,894	
2/28/06	1,055,236,411	6,568,847	59,039,047	996,197,364	65,607,894	
3/30/06	996,197,364	6,201,329	59,406,565	936,790,799	65,607,894	
4/30/06	936,790,799	5,831,523	59,776,371	877,014,428	65,607,894	
5/30/06	877,014,428	5,459,415	60,148,479	816,865,949	65,607,894	
6/30/06	816,865,949	5,084,991	60,522,903	756,343,046	65,607,894	
7/30/06	756,343,046	4,708,235	60,899,658	695,443,388	65,607,894	
8/30/06	695,443,388	4,329,135	61,278,759	634,164,629	65,607,894	
9/30/06	634,164,629	3,947,675	61,660,219	572,504,410	65,607,894	
10/30/06	572,504,410	3,563,840	62,044,054	510,460,356	65,607,894	
11/30/06	510,460,356	3,177,616	62,430,278	448,030,078	65,607,894	
12/30/06	448,030,078	2,788,987	62,818,906	385,211,172	65,607,894	\$ 787,294,724
1/30/07	385,211,172	2,397,940	63,209,954	322,001,218	65,607,894	
2/28/07	322,001,218	2,004,458	63,603,436	258,397,782	65,607,894	
3/30/07	258,397,782	1,608,526	63,999,367	194,398,414	65,607,894	
4/30/07	194,398,414	1,210,130	64,397,764	130,000,651	65,607,894	
5/30/07	130,000,651	809,254	64,798,640	65,202,011	65,607,894	
6/30/07	65,202,011	405,883	65,202,011	0	65,607,894	\$ 393,647,362

## Appendix B: Calculation of CTC for each Tariff Class

<u>RATE</u>	CTC Allocation Factor, see PECO <u>Compliance Filing</u>	Total Annual CTC <u>Revenue</u>	1999 Sales in kwh <u>See Note</u>	1999 CTC Rate includes GRT <u>cents/kwh</u>
<i>R</i>	27.873%	\$219,442,658	7,699,431,000	2.98
<i>HT</i>	33.685%	\$265,200,228	14,198,713,000	1.95
<i>GS</i>	25.998%	\$204,680,882	6,596,721,000	3.24
<i>RH</i>	7.288%	\$57,378,039	2,816,467,000	2.13
<i>OP</i>	0.065%	\$511,742	375,823,000	0.14
<i>EP</i>	1.533%	\$12,069,228	638,800,000	1.97
<i>PD</i>	3.369%	\$26,523,959	1,081,656,000	2.56
<i>SLE</i>	0.044%	\$346,410	47,017,000	0.77
<i>SLS</i>	0.050%	\$393,647	16,908,000	2.43
<i>SLP</i>	0.089%	\$700,692	88,803,000	0.82
<i>OTHER</i>	0.004%	\$31,492	9,019,000	0.36

NOTE: Pursuant to the Orders, PECO will escalate 1999 Sales at .8% annually for each tariff class to determine the CTC in future years. The CTC also shall be subject to annual reconciliation.

**APPENDIX C: UNBUNDLED T&D RATES FOR EACH TARIFF CLASS**

<b>RATE</b>	<b>Transmission Revenue Requirement</b>	<b>Distribution Revenue Requirement</b>	<b>E1 Allocator (See Note 2)</b>	<b>Reduction from PECO's Compliance Filing</b>	<b>Combined T&amp;D Revenue Requirement</b>	<b>Sales in kwh</b>	<b>Unbundled T&amp;D Rate cents/kwh</b>
<b>R</b>	\$ 42,474,000	\$ 427,682,000	37.5%	\$ 5,083,299	\$ 465,072,701	7,699,431,000	6.04
<b>HT</b>	\$ 49,959,000	\$ 109,333,000	27.9%	\$ 3,788,485	\$ 155,503,515	14,198,713,000	1.10
<b>GS</b>	\$ 38,577,000	\$ 141,224,000	21.3%	\$ 2,895,145	\$ 176,905,855	6,596,721,000	2.68
<b>RH</b>	\$ 11,078,000	\$ 97,556,000	7.3%	\$ 991,334	\$ 107,642,666	2,816,467,000	3.82
<b>OP</b>	\$ 175,000	\$ 18,864,000	0.6%	\$ 83,606	\$ 18,955,394	375,823,000	5.00
<b>EP</b>	\$ 2,306,000	\$ 7,314,000	1.4%	\$ 187,436	\$ 9,432,564	638,800,000	1.48
<b>PD</b>	\$ 5,011,000	\$ 19,479,000	2.6%	\$ 353,292	\$ 24,136,708	1,081,656,000	2.23
<b>SLE</b>	\$ 74,000	\$ 7,816,000	0.3%	\$ 35,424	\$ 7,854,576	47,017,000	16.71
<b>SLS</b>	\$ 80,000	\$ 3,816,000	0.4%	\$ 47,639	\$ 3,848,361	16,908,000	22.76
<b>SLP</b>	\$ 151,000	\$ 10,515,000	0.6%	\$ 82,113	\$ 10,583,887	88,803,000	11.92
<b>OTHER</b>	\$ 10,000	\$ 1,605,000	0.0%	\$ 3,665	\$ 1,611,335	9,019,000	17.87
<b>TOTAL</b>	\$ 149,895,000	\$ 845,204,000	100%	\$ 13,551,438	\$ 981,547,562	33,569,358,000	2.92

(round to 2.93)

**NOTES:**

1. PECO is directed to Calculate unbundled T&D rates for Rate RT (subset of Rate R) and Rates GS and Rate TL (subset of Rate GS)

2. E1 Allocator is from PECO Compliance Filing Allocation Schedules, page 3.

**Appendix D: Summary of 1999 Shopping Credits for Each Tariff Class as derived from Appendices A thru C.**

<u>RATE</u>	1999 CTC Rate from Appendix B <u>cents/kwh</u>	Combined T&D Rate from from Appendix C <u>cents/kwh</u>	Total Bundled Rate from PECO Compliance Filing <u>cents/kwh</u>	1999 Shopping Credit <u>cents/kwh</u>
<i>R</i>	2.98	6.04	14.25	5.23
<i>HT</i>	1.95	1.10	6.94	3.89
<i>GS</i>	3.24	2.68	11.61	5.69
<i>RH</i>	2.13	3.82	10.26	4.31
<i>OP</i>	0.14	5.04	6.92	1.74
<i>EP</i>	1.97	1.48	7.39	3.94
<i>PD</i>	2.56	2.23	9.61	4.82
<i>SLE</i>	0.77	16.71	20.25	2.77
<i>SLS</i>	2.43	22.76	30.33	5.14
<i>SLP</i>	0.82	11.92	15.46	2.71
<i>OTHER</i>	0.36	17.87	20.67	2.44
<u>TOTAL</u>	2.45	2.92	9.96	4.59

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P.O. BOX 8263  
PHILADELPHIA, PA 19101

GINNY KREITLER  
KREITLER CONSULTING  
1004 HAMPSTEAD ROAD  
WYNNEWOOD, PA 19096

NEAL K. CODY  
MAPSA  
ENERGY INVESTMENT ADVISORS  
7004 CLIFTON FOREST DRIVE  
CLIFTON, VA 20124

TROND GRENAGER, PRES./CEO  
LEBANON METHANE RECOVERY, INC.  
920 ROSSTOWN ROAD  
LEWISBERRY, PA 17339

FRANK E. SPARROW  
EQUITABLE GAS  
423 WALNUT STREET  
SUITE 220  
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CHRISTOPHER ZETTLEMOYER  
REED SMITH SHAW & MCCLAY  
213 MARKET STREET  
P.O. BOX 11844  
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DONNA GEHLHAART  
REGULATORY PUB. AFFRS. MGR.  
INTERNATIONAL PAPER  
320 W. MARKET ST., SUITE 600  
HARRISBURG, PA 17101

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PA. DEPARTMENT OF AGING  
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SCOTT HELM  
EXPENSE AUDIT & CONSULTING  
516 KENHORST BLVD.  
READING, PA 19610

LOUIS CARTER ESQUIRE  
7300 CITY LINE AVENUE  
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GARY STOCKBRIDGE VP  
STEPHEN HUNTOON ESQUIRE  
HORIZON ENERGY COMPANY  
2301 MARKET STREET S20-1  
PHILADELPHIA PA 19103

TAMASIN STERNER  
PURE ENERGY  
531 W. FREDERICK STREET  
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DANIEL DESMOND  
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DIANE S. MEYER  
VP - RATES & REGULATORY  
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PEOPLES GAS  
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JOEL BLAU REG CNS  
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32 WINDSOR COURT  
DELMAR NY 12054

DR JOHN O'BRIEN PRES  
WHEELED ELECTRIC POWER  
50 LINDBERGH BLVD  
SUITE 400  
UNIONDALE NY 11553

JOSEPH GOLDBERG  
CHIEF DEPUTY ATTORNEY GENERAL  
DIR., BUR. OF CONSUMER  
PROTECTION  
14TH FLOOR- STRAWBERRY SQUARE  
HARRISBURG, PA 17120

DAVID HUGHES  
4037 LUDWICK STREET  
PITTSBURGH, PA 15217

SUSAN WEINSTOCK  
AARP  
601 E STREET, NW  
WASHINGTON, DC 20049

ANTHONY MIRABILE  
UNITED REGIONAL ENERGY  
3200 MELLON BANK CENTER  
1735 MARKET STREET  
PHILADELPHIA, PA 19103

NORMAN H. STARK  
MACDONALD, ILLIG, JONES & BRITTON  
SUITE 700  
100 STATE STREET  
ERIE, PA 16507

DENNIS KALBARCZYK  
UTILITY RATES RESOURCES  
910 PIKETOWN ROAD  
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JOSEPH WYDRA  
SHUMAKER WILLIAMS GOVERNANCE  
RESOURCE GROUP  
P.O. BOX 88  
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JAY LAYMAN  
CAPITAL ASSOCIATES, INC.  
200 NORTH 3RD STREET, SUITE 1402  
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ROCCO PUGLIESE  
PUGLIESE ASSOCIATES  
208 N. 3RD STREET  
SUITE 410  
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JACK JOHNSON  
GEOPHONICS  
332 SPRINGFIELD AVENUE  
SUMMIT, NJ 07901

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PA RURAL DEVELOPMENT COUNCIL  
506 FINANCE BUILDING  
HARRISBURG, PA 17120

ELISA J. GRAMMER  
MONIQUE PENN-JENKINS  
GRAMMER KISSEL ROBINS  
SKANCKE & EDWARDS  
1225 EYE ST., NW, STE. 1225  
WASHINGTON, D.C. 20005

WILLIAM KAHOC  
NORSTAR ENERGY  
26 TOLCHESTER LANE  
BEL AIRE, MD 21014

DAN KENNEDY  
GOVERNOR'S ACTION TEAM  
439 FORUM BUILDING  
HARRISBURG, PA 17120

ROGER ODISIO  
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BETHEL PARK, PA 15102

STEVEN B. LOUX, RESEARCH  
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MARY LAYSHOCK  
DOWNES ASSOCIATES, INC.  
2129 NORTHWOOD DRIVE  
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JAMES H. CAWLEY  
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GLENN BERGER  
1440 NEW YORK AVENUE, NW  
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WASHINGTON, D.C. 20005

ANDREW ALTMAN  
CLEAN AIR COUNCIL  
135 S. 19TH STREET  
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PHILADELPHIA, PA 19103

ELIZABETH R. BENSON, PRESIDENT  
ENERGY ASSOCIATES  
7303 TIMBER LANE  
FALLS CHURCH, VA 22046-2735

TOM SCOTT  
KILLIAN & GEPHART  
218 PINE STREET  
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HARRISBURG, PA 17108

PAUL BARBER  
CITIZENS LEHMAN POWER, LLC  
530 ATLANTIC AVENUE  
BOSTON, MA 02210

ROBERT E. STEWART  
PA GOVT. NEWS & ADVISORY SERVICE  
100 SOUTH 21ST STREET  
HARRISBURG, PA 17104

TERRY HOLT  
HILLS DEPARTMENT STORES  
3010 GREENGARDEN ROAD  
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311 EDINBURGH ROAD  
CHADDS FORD, PA 19317

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MONACA, PA 15061

EDWARD WYLAND  
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338 WEST MAIDEN STREET  
WASHINGTON, PA 15301

JAMES KIRKPATRICK, PROGRAM MGR.  
ELECTRIC UNIT  
PENNDOT  
DISTRICT 6-0  
ST. DAVIDS, PA 19003

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SI  
9901 CALODEN LANE  
OAKLAND, CA 94605

RICH LUCZKO  
LEGISLATIVE COORDINATOR  
IBEW  
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1216 - 16TH STREET, NW  
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HELLER, EHRMAN, WHITE &  
MCAULIFFE  
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SUITE 1750  
PORTLAND, OR 97201

LISA YOHO  
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1700 MACCORKLE AVENUE, S.E.  
P.O. BOX 1273  
CHARLESTON, WV 25325-1273

TIM MCCORRY, PRESIDENT  
MACK SERVICES GROUP  
45 BRANCH AVENUE  
BERWYN, PA 19312

MARYLOU BARTON, ASSISTANT  
COUNSEL  
BUREAU OF REGULATORY COUNSEL  
RCSOB  
400 MARKET STREET, 9TH FLOOR  
P.O. BOX 8464  
HARRISBURG, PA 17105-8464

EDWARD GALLAGHER  
DAIRYLEA COOPERATIVE, INC.  
5001 BRITTONFIELD PARKWAY  
P.O. BOX 4844  
SYRACUSE, NY 13221-4844

BARRY GOODSTADT, PH.D.  
VICE PRESIDENT  
ITRON, INC.  
P.O. BOX 1160  
COLUMBIA, MD 21044

STEVE HASTIE  
RESOURCE MANAGEMENT, INC.  
111 PRESIDENTIAL BLVD.  
SUITE 127  
BALA CYNWYD, PA 19004

TIM MORAN  
SYSTEM COUNCIL U10, IBEW  
986 GREENTREE ROAD  
PITTSBURGH, PA 15220

JEFF SIMPSON  
SHIPLEY OIL COMPANY  
550 E. KING STREET  
YORK, PA 17403

ED PANAVICH  
WESTINGHOUSE ELECTRIC CORP.  
11 STANWIX STREET  
PITTSBURGH, PA 15222-1384

JAMES P. MCCORMICK  
UTILITY OPERATIONS CONSULTANT  
1940 ROBERT ROAD  
MEADOWBROOK, PA 19046

BERNIE MCNAMEE, GENERAL MANAGER  
COMPASS MANAGEMENT AND LEASING  
MELLON INDEPENDENCE CENTER  
701 MARKET STREET, SUITE 2384  
PHILADELPHIA, PA 19106

SIEGFRIED DOERRER  
XENERGY, INC.  
3 BURLINGTON WOODS  
BURLINGTON, MA 01803

GLENN D. CLOWNEY  
DELMARVA POWER  
CHRISTIANA BUILDING  
252 CHAPMAN ROAD  
P.O. BOX 6066  
NEWARK, DE 19714-6066

ARLEN K. BOLSTAD  
ROBERT A. OMBERG  
DIV. OF LEGISLATIVE SERVICES  
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TRD  
PO BOX 2820  
CHERRY HILL, NJ 08034-0246

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PRINCIPAL FOR MGMT. CONSULTING  
DELTA DEVELOPMENT GROUP, INC.  
207 HOUSE AVENUE, SUITE 103  
CAMP HILL, PA 17011

J. JOHN FLUHARTY  
CHESAPEAKE ENTERPRISES  
1800 K STREET, NW  
SUITE 629  
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DANIEL MONCINO  
SCHLUMBERGER INDUSTRIES  
3155-B NORTHWOODS PARKWAY  
NORCROSS, GA 30071

BARRY BLACKWELL  
CINERGY CORP.  
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PLAINFIELD, IN 46168

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12500 FAIR LAKES CIRCLE  
SUITE 350  
FAIRFAX VA 22033-3804

WILLIAM EDWARDS JR  
PACIFICORP  
1500 MARKET ST CENTER SQ  
EAST TOWER -12TH FLOOR  
PHILADELPHIA PA 19102

VALERIE SMITH  
RURAL UTILITIES  
1400 INDEPENDENCE AVE SW  
MAIL STOP 1516  
RM 4027 SOUTH BLDG  
WASHINGTON DC 20250

JOHN HORTON ANALYST  
MC<sup>2</sup>  
701 EAST 22ND STREET  
LOMBARD IL 60148-5072

PETE LANGBEIN  
GPU - ADVANCED RESOURCES  
2675 MORGANTOWN ROAD  
SUITE GH2-3300  
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ROBERT SPAULDING  
SPAULDING GROUP  
5127 WALNUT RIDGE DRIVE  
ERIE, PA 16506

JAMES KIMBALL  
ONLOCATION, INC.  
8100 OAK STREET  
SUITE 300  
DUNN LORING, VA 22027

ALBERT THOMAS  
TECHNEGLAS  
60 OLD BOSTON ROAD  
PITTSTON, PA 18640

PAUL EDMUNDSON  
PRICING AND PLANNING ANALYST  
PLUM STREET ENERGY MARKETING  
P.O. BOX 5001  
507 PLUM STREET  
SYRACUSE, NY 13204

JOHN HAPP  
NORAM ENERGY  
1600 SMITH STREET  
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JAN JARRETT  
1740 MAIN STREET LISBURN  
MECHANICSBURG PA 17055

FRANK FELDER SR CONSULTANT  
THE ECONOMICS RESOURCE GROUP  
1 MIFFLIN PLACE  
CAMBRIDGE MA 02138

WILLIAM CAMPBELL  
SEASONED ENERGY DEVELOPMENT LTD  
P O BOX 7955  
PHILADELPHIA PA 19101-7955

JUNE PERRY  
ROOM 19 CAPITOL ANNEX  
HARRISBURG, PA 17120

ALEXANDRA MATTHEWS-RITTER  
SENATOR BELL'S OFFICE  
20 EAST WING CAPITOL  
HARRISBURG, PA 17120

SENATOR ROY C. AFFLERBACH  
184 MAIN CAPITOL  
HARRISBURG, PA 17120

REP. FRANK TULLI, JR.  
155A EAST WING CAPITOL  
HARRISBURG, PA 17120

REP. WILLIAM LLOYD, JR.  
CHAIRMAN  
HOUSE CONS. AFFAIRS COMM.  
128 SOUTH OFFICE BUILDING  
HARRISBURG, PA 17120

KIM SHAWKEY  
SEN. BRIGHTBILL'S OFFICE  
337 MAIN CAPITOL  
HARRISBURG, PA 17120

SENATOR JOSEPH M. ULIANA  
459 MAIN CAPITOL  
HARRISBURG, PA 17120

NAN MCLAUGHLIN  
GOVERNOR'S OFFICE  
238 MAIN CAPITOL  
HARRISBURG, PA 17120

LEN THOMAS  
GOVERNOR'S OFFICE  
506 FINANCE BUILDING  
HARRISBURG, PA 17120

CYNTHIA DATIG  
DOLLAR ENERGY FUND  
P.O. BOX 42329  
PITTSBURGH, PA 15203

BROOKS MOUNTCASTLE  
CLEAN AIR COUNCIL  
3700 VARTAN WAY  
HARRISBURG, PA 17110

LIZ ROBINSON EXECUTIVE DIRECTOR  
ENERGY COORDINATING AGENCY OF  
PHILADELPHIA  
1924 ARCH STREET  
PHILADELPHIA PA 19103

VINCENT ROSSI  
SENATOR FUMO'S OFFICE  
545 MAIN CAPITOL  
HARRISBURG, PA 17120

REP. KEITH MCCALL  
HOUSE OF REPRESENTATIVES  
313 SOUTH OFFICE BUILDING  
HARRISBURG, PA 17120

REP. CHRIS WOGAN  
HOUSE OF REPRESENTATIVES  
5 EAST WING  
HARRISBURG, PA 17120

SENATOR CLARENCE D. BELL  
ROOM 20 EAST WING  
HARRISBURG, PA 17120

CARL ROBERT ARON EXEC VICE  
PRESIDENT  
ITRON INC  
2218 N SULLIVAN ROAD  
SPOKANE WA 99216

ROBERT YOUNG  
MCQUAIDE BLASKO  
811 UNIVERSITY DRIVE  
STATE COLLEGE PA 16801

MARGARET MURDOCH MAYOR  
MUNICIPAL BLDG  
100 GARRETT ROAD  
UPPER DARBY PA 19082-3135

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 6<sup>th</sup> day of February, 1998,  
KJH

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of OPINION AND ORDER an official Commission document entered, issued, or otherwise promulgated under date of February 5, 1998 at Docket No. R-00973953, P-00971265 on behalf of:

NAN MCLAUGHLIN

GOVERNOR'S OFFICE

DOCUMENT  
FOLDER

Nan McLaughlin  
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

**DOCKETED**  
FEB 12 1998

98 FEB 11 AM 11:22  
RECEIVED  
PROTHONOTARY'S OFFICE

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 9th day of February, 1998, KJR

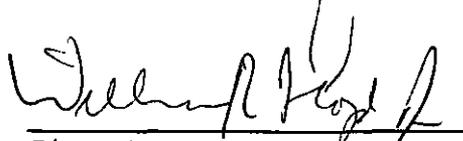
the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of OPINION AND ORDER an official Commission document entered, issued, or otherwise promulgated under date of February 5, 1998 at Docket No. R-00973953, P-00971265 on behalf of:

REP WILLIAM LLOYD JR CHAIRMAN

---

---

---

  
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  
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Harrisburg, PA 17105-3265

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98 FEB 10 AM 11:06  
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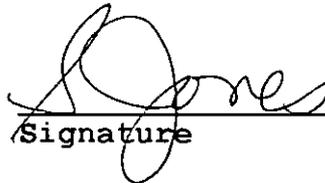
ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 10<sup>th</sup> day of Feb, 1998,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of OPINION AND ORDER an official Commission document entered, issued, or otherwise promulgated under date of February 5, 1998 at Docket No. R-00973953, P-00971265 on behalf of:

BERNARD A RYAN JR SMALL BUSINESS ADVOCATE

KJR

  
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  
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Harrisburg, PA 17105-3265

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98 FEB 11 AM 11:49  
PA.P.U.C.  
PROTHONOTARY'S OFFICE

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

KJR

AND NOW, to wit, this 9<sup>th</sup> day of February, 1998,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of OPINION AND ORDER an official Commission document entered, issued, or otherwise promulgated under date of February 5, 1998 at Docket No. R-00973953, P-00971265 on behalf of:

KIM SHAWKEY

SENATOR BRIGHTBILL'S OFFICE

DOCUMENT  
FOLDER

  
Signature

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Harrisburg, PA 17105-3265

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98 FEB - 9 PM 1:11  
P.A.P.U.C.  
PROTHONOTARY'S OFFICE

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 9<sup>th</sup> day of February, 1998,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of OPINION AND ORDER an official Commission document entered, issued, or otherwise promulgated under date of February 5, 1998 at Docket No. R-00973953, P-00971265 on behalf of:

---

SENATOR JOSEPH M ULIANA

---

DOCUMENT  
FOLDER

Joseph M Uliana  
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

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FEB 11 1998

**RECEIVED**  
98 FEB -9 PM 1:12  
PA.P.U.C.  
PROTHONOTARY'S OFFICE

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ ,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of OPINION AND ORDER an official Commission document entered, issued, or otherwise promulgated under date of February 5, 1998 at Docket No. R-00973953, P-00971265 on behalf of:

REP CHRIS WOGAN

HOUSE OF REPRESENTATIVES

DOCUMENT  
FOLDER

*Chris Wogan* (Rep. Wogan)  
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  
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FEB 11 1998

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98 FEB -9 AM 11:02  
PA.P.U.C.  
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ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this \_\_\_\_\_ day of \_\_\_\_\_, 19<sup>KJP</sup> \_\_\_\_\_,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of OPINION AND ORDER an official Commission document entered, issued, or otherwise promulgated under date of February 5, 1998 at Docket No. R-00973953, P-00971265 on behalf of:

\_\_\_\_\_  
TANYA J MCCLOSKEY ASST CONSUMER ADVOCATE

\_\_\_\_\_  
STEVEN K STEINMETZ ASST CONSUMER ADVOCATE

\_\_\_\_\_  
OFFICE OF CONSUMER ADVOCATE



\_\_\_\_\_  
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

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FOLDER

RECEIVED  
98 FEB -9 PM 3:12  
P.A.P.U.C.  
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ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 9 day of February, 1998,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of OPINION AND ORDER an official Commission document entered, issued, or otherwise promulgated under date of February 5, 1998 at Docket No. R-00973953, P-00971265 on behalf of:

HONORABLE STEWART J GREENLEAF

---

---

---

  
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 17105-3205

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98 FEB -9 PM 12:19  
PA.P.U.C.  
PROTHONOTARY'S OFFICE

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ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 9 day of Feb, 1998,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of OPINION AND ORDER an official Commission document entered, issued, or otherwise promulgated under date of February 5, 1998 at Docket No. R-00973953, P-00971265 on behalf of:

REP KEITH MCCALL

HOUSE OF REPRESENTATIVES

DOCUMENT  
FOLDER

Keith R. McCall  
Signature

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B-20, North Office Building  
Harrisburg, PA 17105-3005

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98 FEB -9 AM 10:58  
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PA P.U.C.

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

KJK

AND NOW, to wit, this 6<sup>th</sup> day of Feb-, 1998,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of OPINION AND ORDER an official Commission document entered, issued, or otherwise promulgated under date of February 5, 1998 at Docket No. R-00973953, P-00971265 on behalf of:

VERONICA SMITH DEPUTY EXECUTIVE DIRECTOR

DOCUMENT  
FOLDER

V. Smith / ma  
Signature

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

**DOCKETED**  
FEB 10 1998

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PA PUBLIC UTILITY COMMISSION  
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Harrisburg, PA 17105-3265

PROTHONOTARY'S OFFICE  
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98 FEB -6 PM 3:04

131523

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

KJR

AND NOW, to wit, this 7th day of February, 1998,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of OPINION AND ORDER an official Commission document entered, issued, or otherwise promulgated under date of February 5, 1998 at Docket No. R-00973953, P-00971265 on behalf of:

KENNETH L MICKENS ESQUIRE

CHARLES DANIEL SHIELDS ESQUIRE

OFFICE OF TRIAL STAFF

DOCUMENT  
FOLDER

Marilyn Rudy  
Signature

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

**DOCKETED**  
FEB 10 1998

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B-20, North Office Building  
Harrisburg, PA 17105-3265

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PROTHONOTARY'S OFFICE

98 FEB -6 PM 3:04

131522

PA PUC  
OFFICE OF TRIAL STAFF

98 FEB -6 AM 8:36

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