

1. REPORT DATE: December 14, 1998	2. BUREAU AGENDA NO. DEC-98-E-10*
3. BUREAU: CEEP	
4. SECTION(S): Economics & Energy Planning	5. PUBLIC MEETING DATE:
6. APPROVED BY: Director: Kaloko (7-2139) AK Supervisor:	December 17, 1998
7. PERSONS IN CHARGE: Miller (3-1546)	
8. DOCKET NO.: R-00973953 R-00973953	

DOCKETED
JAN - 4 1999

9. (a) **CAPTION** (abbreviate if more than 4 lines)

ORDER re: PECO Joint Petition for Full Settlement - Competitive Provider of Last Resort - Paragraph 38 - Competitive Default Service

(b) **Short summary of history & facts, documents & briefs**

Paragraph 38 pertains to the selection, via competitive bidding, of a competitive supplier of last resort. The competitive default service (CDS) provider will be responsible for offering service to up to 20% of PECO's residential market. The Order provides for a reply comment period and forms the PECO CDS collaborative to discuss and resolve any and all remaining issues.

(c) **Recommendation**

The Bureau of CEEP, in concurrence with the Bureaus of Law and Consumer Services, recommends that the Commission adopt the Order.

Concurred in by:

EEF

Karen Moury
Karen Moury, Esquire
Law Bureau

Wayne Williams
Wayne Williams
Bureau of Consumer Services
By Mitch Miller

10. **MOTION BY:** Commissioner Chm. Quain

Commissioner Rolka - Yes

SECONDED: Commissioner Bloom

Commissioner Brownell - Yes

Commissioner Wilson - Yes

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT
FOLDER



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

IN REPLY PLEASE
REFER TO OUR FILE

DECEMBER 21, 1998

R-00973953
P-00971265

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DOCKETED

DEC 29 1998

Re: PECO Joint Petition for full Settlement Competitive Provider of last resort
Paragraph 38

To Whom It May Concern:

This is to advise you that an Order has been adopted by the Commission in
Public Meeting on December 17, 1998 , in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

DOCUMENT
FOLDER

James J. McNulty,
Secretary

smk
Enclosure
cert. mail

SRP

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**JUNE PERRY
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MESSENGER

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184 MAIN CAPITOL
HARRISBURG PA 17120**

**SENATOR JOSEPH M ULIANA
459 MAIN CAPITOL
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MESSENGER

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**REP WILLIAM LLOYD JR
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128 SOUTH OFFICE BUILDING
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LAWRENCE G SPIELVOGEL INC
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SCOTT L GUIBORD LEGAL
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& GENERAL COUNSEL OF LEGAL AND
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AL BENINCASA DIR
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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting Held December 17, 1998

Commissioners Present:

John M. Quain, Chairman
Robert K. Bloom, Vice Chairman
David W. Rolka
Nora Mead Brownell
Aaron Wilson, Jr.

Re: PECO Joint Petition For Full Settlement
Competitive Provider of Last Resort
Paragraph 38

Docket Nos. R-00973953
and P-00971265

Order

DOCKETED

BY THE COMMISSION:

DEC 29 1998

INTRODUCTION

DOCUMENT
FOLDER

At Public Meeting of May 14, 1998, the Commission approved PECO Energy Company's restructuring case. The Commission approved the "Joint Petition for Full Settlement of PECO Energy Company's Restructuring Plan and Related Appeals and Application for A Qualified Rate Order and Application for Transfer of Generation Assets ("Joint Petition")."

The terms and conditions of the Joint Petition represent a comprehensive settlement which resolves all issues on appeal before

the Commonwealth Court, and all issues before the U.S. District Court arising from challenges by the Joint Petitioners to the Commission's final order, reconsideration order and compliance orders regarding PECO's Application for Approval of its Restructuring Plan Under Section 2806 of the Public Utility Code. Implementation of the Joint Petition requires that several innovative programs be developed.

Paragraph 38 pertains to the selection, via competitive bidding, of a competitive supplier of last resort. The competitive default service (CDS) provider will be responsible for offering service to up to twenty percent of PECO's residential market. The residential market is composed of three customer classes: residential, residential heating, and residential off-peak.

At Public Meeting of October 19, 1998, the Commission adopted a tentative order that released for comments Annex A which contained proposed PECO Energy Company's Final Rules for Competitive Default Service.

As then proposed, Annex A contained the qualifications necessary to bid on CDS, selection criteria for CDS providers, and various terms and conditions of CDS. We expected to receive comments in response to the provisions set forth in Annex A. We also

encouraged interested parties to address any other issues that they considered relevant or necessary to the successful implementation of CDS under Paragraph 38 of PECO's Joint Petition.

Comments were due within 30 days following the entry of the Order. The Pennsylvania Electric Association requested, and was granted, an extension of the comment period to December 1, 1998.

On December 9, 1998, the Mid-Atlantic Power Supply Association ("MAPSA") asked the Commission to provide the parties with the opportunity to file reply comments. MAPSA also requests that the Commission defer action until after the parties and the Commission has had a chance to meet and discuss their issues.

MAPSA argues that reply comments are absolutely critical given the different approaches advanced in the comments. MAPSA suggests that the Commission's task of resolving this matter would be made much easier by scheduling a technical conference to address the threshold issues of "retail PLR" v. "wholesale PLR" and "CDS bid price model" v. "Stranded Cost Buydown Model," after which the specific terms and conditions of PLR service could be considered.

On December 11, 1998, The Office of Consumer Advocate ("OCA") filed a letter in support of MAPSA's request. The OCA

reiterates its position that the definition and development of provider of last resort service, including competitive default service are extremely important issues for consumers. All approaches to the provision of competitive default service should be thoroughly explored.

On December 10, 1998, PECO Energy filed reply comments to those filed by the OCA and MAPSA. The Commission finds that it is appropriate that all parties have the opportunity to file reply comments which shall be due within 30 days of entry of this Opinion and Order.

THEREFORE,

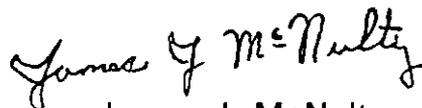
IT IS ORDERED:

1. That the parties are directed to submit reply comments within thirty days of the entry of this order.
2. That the Executive Director's Office is directed to convene a meeting of the PECO CDS Collaborative in early February 1999.
3. The PECO CDS Collaborative meet through February 28, 1999 with a report of the parties due at that time.
4. That a copy of this order shall be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office

of Trial Staff, all jurisdictional electric utilities, all parties of record and all Electric Competition Stakeholders.

5. The contact person for this matter is John C. Miller, Jr. P.E., Bureau of Conservation, Economics and Energy Planning (717) 783 - 1546.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

Order Adopted: December 17, 1998

Order Entered: **DEC 21 1998**

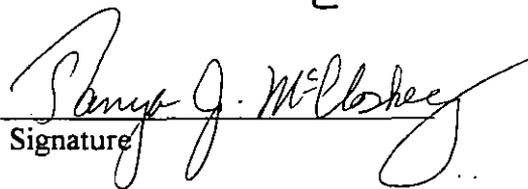
ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 21st day of December, 1998,

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TANYA J MCCLOSKEY
STEVEN K STEINMETZ
OFFICE OF CONSUMER ADVOCATE
555 WALNUT STREET
FORUM PLACE 5TH FLOOR
HARRISBURG PA 17121-1921
MESSENGER

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KENNETH L MICKENS ESQ
CHARLES D SHIELDS ESQ
OFFICE OF TRIAL STAFF
P O BOX 3265
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Elaine C. Meisinger
Signature

028399

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VERONICA A SMITH DEPUTY
PA PUC EXECUTIVE DIRECTOR
P O BOX 3265
HARRISBURG PA 17105-3265

MESSENGER

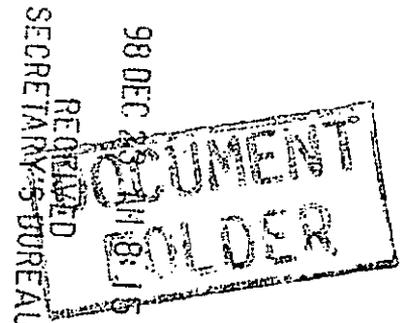
Joan E Martin

Signature

028489

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028645

SENATOR JOSEPH M ULIANA
459 MAIN CAPITOL
HARRISBURG PA 17120

MESSENGER

Joseph M. Uliana
Signature

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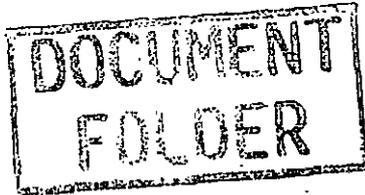
ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

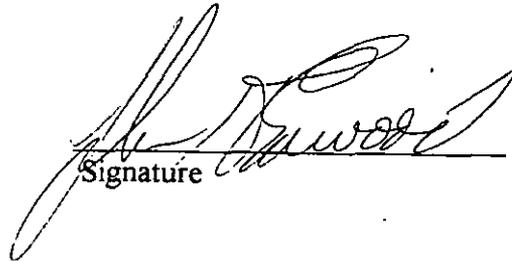
AND NOW, to wit, this 22 day of Dec, 1998

the undersigned, as evidence by execution hereof, acknowledges receipt and accepts service of COPY ORDER an official Commission document entered, issued, or otherwise promulgated under date of DECEMBER 21, 1998 at Docket No. R-00973953 & P-00971265 on behalf of:

JOHN EARWOOD
PA DEPARTMENT OF AGING
~~400 MARKET STREET~~ 535 Walnut St.
HARRISBURG PA 17101

MESSENGER




Signature

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HARRISBURG PA 17105-3265

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028773

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

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PA. P.U.C.
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Keith R McCall
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PA PUBLIC UTILITY COMMISSION
B-20 NORTH OFFICE BUILDING
HARRISBURG PA 17105-3265

EEF

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 28 day of December, 1998,

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HONORABLE STEWART J
GREENLEAF
SENATE BOX 203012
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MESSENGER

Erie Raus
Signature

PA. PUBLIC UTILITY
SECRETARY'S BUREAU
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HARRISBURG PA 17105-3265

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

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

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SENATOR ROY C AFFLERBACH
184 MAIN CAPITOL
HARRISBURG PA 17120

MESSENGER

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HARRISBURG PA 17105-3265

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*Please remove Sen. Afflerbach from any
notification lists. His term expired 11/30/98
Sandra L. Stoner
787-1463*

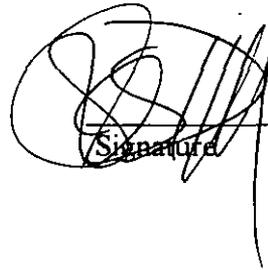
ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 22ND day of DECEMBER, 1998,

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JOE DUDICK
PA RURAL DEVELOPMENT COUNCIL
506 FINANCE BUILDING
HARRISBURG PA 17120

MESSENGER


Signature

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HARRISBURG PA 17105-3265

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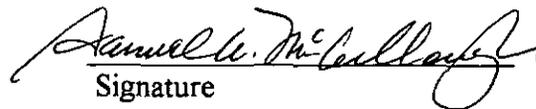
ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

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

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HON SAMUEL MCCULLOUGH
SEC
DEPARTMENT OF COMMUNITY
& ECONOMIC DEVELOPMENT
433 FORUM BUILDING
HARRISBURG PA 17120

MESSENGER

 12/23/98
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PA PUBLIC UTILITY COMMISSION
B-20 NORTH OFFICE BUILDING
HARRISBURG PA 17105-3265

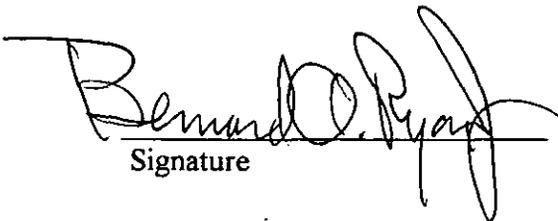
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AND NOW, to wit, this 29th day of December, 1998,

the undersigned, as evidence by execution hereof, acknowledges receipt and accepts service of COPY ORDER an official Commission document entered, issued, or otherwise promulgated under date of DECEMBER 21, 1998 at Docket No. R-00973953 & P-00971265 on behalf of:

BERNARD A RYAN JR ESQUIRE
OFFICE OF SMALL BUSINESS
ADV
300 N SECOND STREET
SUITE 1102
HARRISBURG PA 17101
MESSENGER


Signature

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

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B-20 NORTH OFFICE BUILDING
HARRISBURG PA 17105-3265

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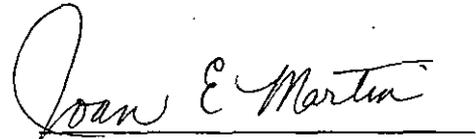
ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 21st day of December, 1998,

the undersigned, as evidence by execution hereof, acknowledges receipt and accepts service of COPY ORDER an official Commission document entered issued, or otherwise promulgated under date of DECEMBER 21, 1998 at Docket No. R-00973953 & P-00971265 on behalf of:

VERONICA A SMITH DEPUTY
PA PUC EXECUTIVE DIRECTOR
P O BOX 3265
HARRISBURG PA 17105-3265

MESSENGER


Signature

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

SECRETARY'S BUREAU FILE RETENTION SECTION
PA PUBLIC UTILITY COMMISSION
B-20 NORTH OFFICE BUILDING
HARRISBURG PA 17105-3265

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

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

the undersigned, as evidence by execution hereof, acknowledges receipt and accepts service of COPY ORDER an official Commission document entered, issued, or otherwise promulgated under date of DECEMBER 21, 1998 at Docket No. R-00973953 & P-00971265 on behalf of:

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

MESSENGER

EEF

Signature

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

SECRETARY'S BUREAU FILE RETENTION SECTION
PA PUBLIC UTILITY COMMISSION
B-20 NORTH OFFICE BUILDING
HARRISBURG PA 17105-3265

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98 DEC 30 AM 10:23
PA.P.U.C.
SECRETARY'S BUREAU

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

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

029943

the undersigned, as evidence by execution hereof, acknowledges receipt and accepts service of COPY ORDER an official Commission document entered, issued, or otherwise promulgated under date of DECEMBER 21, 1998 at Docket No. R-00973953 & P-00971265 on behalf of:

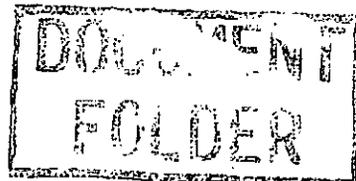
REP CHRIS WOGAN
HOUSE OF REPRESENTATIVES
5 EAST WING
HARRISBURG PA 17120
MESSENGER

RECEIVED
SECRETARY'S BUREAU
99 JAN -5 AM 8:11

Chris E. Wogan 1/4/99
Signature

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

SECRETARY'S BUREAU FILE RETENTION SECTION
PA PUBLIC UTILITY COMMISSION
B-20 NORTH OFFICE BUILDING
HARRISBURG PA 17105-3265



ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 25th day of December, 1998,

the undersigned, as evidence by execution hereof, acknowledges receipt and accepts service of **COPY ORDER** an official Commission document entered, issued, or otherwise promulgated under date of **DECEMBER 21, 1998** at Docket No. **R-00973953 & P-00971265** on behalf of:

DOUGLAS P. YAKUBO

~~JOSEPH GOLDBERG~~
CHIEF DEPUTY ATTORNEY GEN
DIR BUR OF CONSUMER
PROTECTION
14TH FL- STRAWBERRY SQUARE
HARRISBURG PA 17120
MESSENGER

99 JAN -5 AM 8:41
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SECRETARY'S BUREAU

[Handwritten Signature]

Signature

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

SECRETARY'S BUREAU FILE RETENTION SECTION
PA PUBLIC UTILITY COMMISSION
B-20 NORTH OFFICE BUILDING
HARRISBURG PA 17105-3265

DOCUMENT
FOLDER

Office of Attorney General
REC 23 1998
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ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 30th day of December, 1998

the undersigned, as evidence by execution hereof, acknowledges receipt and accepts service of COPY ORDER an official Commission document entered, issued, or otherwise promulgated under date of DECEMBER 21, 1998 at Docket No. R-00973953 & P-00971265 on behalf of:

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

MESSENGER


Signature

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

SECRETARY'S BUREAU FILE RETENTION SECTION
PA PUBLIC UTILITY COMMISSION
B-20 NORTH OFFICE BUILDING
HARRISBURG PA 17105-3265

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