

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: August 25, 1998 : 2. BUREAU AGENDA NO.
:
3. BUREAU: Fixed Utility Services : SEP-98-FUS-1096 (Revised) *
:
4. SECTION(S): Energy : 5. PUBLIC MEETING DATE:
:
6. APPROVED BY: *DHm* : September 3, 1998
Director: D.Muth 3-5242 :
Supervisor: R. Bennett 7-5553 :
Law Bureau: *Komoury 2-8883* :
7. PERSON IN CHARGE: :
R. Bennett 7-5553 :
8. DOCKET NO: :
~~R-00973953, R-00973953~~ :
9. (a) CAPTION (abbreviate if more than 4 lines)
(b) Short summary of history & facts, documents & briefs
(c) recommendation

DOCKETED
SEP 14 1998

- (a) PECO Energy Company (PECO) - Supplier Tariff Compliance Filing, Interim Code of Conduct Compliance Filing and Supplement No. 16 to Tariff Electric-Pa. P.U.C. No. 2
- (b) On July 9, 1998, PECO made its Supplier Tariff Compliance Filing, in accordance with a Commission Orders entered on May 28, 1998 and July 1, 1998. On June 29, 1998, PECO made its Interim Code of Conduct Compliance Filing in accordance with a Commission Order entered on May 14, 1998. On July 28, 1998, PECO filed a voluntary postponement of the August 1, 1998 effective date of Supplement No. 16 to Tariff Electric-Pa. P.U.C. No. 2 until August 14, 1998. PECO filed additional voluntary postponements until September 4, 1998. Supplement No. 16 deals with PECO's Net Securitization Adjustment.
- (c) The Bureau of Fixed Utility Services recommends that the Commission adopt the proposed draft Order which deals with the above mentioned items.

10. MOTION BY: Commissioner Chm. Quain Commissioner Rolka - Concurring
SECONDED: Commissioner Bloom Commissioner Brownell - Yes
Commissioner Wilson - Yes

CONTENT OF MOTION: Staff recommendation adopted.

Statement of Commissioner David W. Rolka attached.
Statement of Commissioner Nora Mead Brownell attached.

DOCUMENT
FOLDER

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

**PECO ENERGY COMPANY - SUPPLIER
TARIFF COMPLIANCE FILING AND
SUPPLEMENT NO. 16 TO TARIFF
ELECTRIC-PA PUC NO. 2**

**PUBLIC MEETING -
SEPTEMBER 3, 1998
SEP-98-FUS-1096*(REV.)
DOCKET NOS. R-00984298,
R-00973953, P-00971265**

CONCURRING STATEMENT OF COMMISSIONER DAVID W. ROLKA

Although I do not object to the recommendation that the compliance filings become effective after incorporating the clarifications and directives of the Order, I have two concerns regarding the outcome and therefore concur in the result.

First, the discussion and resolution of "load data charges" mixes several issues together. Our prior reference to 'one-time-without-charge', was intended to address historical load data requests. It was not directed at on-going billing demand information. Billing demand data for customers with that type of equipment and whose demand is recorded and read is part of the periodic reading and billing function. This information must be exchanged consistent with the meter reading and billing arrangements and is not subject to a recurring charge intended to address the provision of a historical twelve months of data.

Second, serious and numerous questions have been raised about PECO Energy's Interim Code of Conduct. A fully competitive electric market that could discipline persons engaged in anticompetitive behavior remains under development in Pennsylvania, and therefore an accounting system and process is required to identify and verify predatory behavior.

I want to make it abundantly clear that Code of Conduct compliance is a serious matter. The Uniform System of Accounts alone does not provide the information necessary to detect inappropriate conduct or cross subsidization. PECO's action in this regard should be closely monitored and I invite all interested parties to continue to provide comments that will provide guidance regarding the requisite equitable modifications and additions to the Code of Conduct and Competitive Safeguards Rulemaking to enhance enforcement by this Commission so that we can replace the interim code as soon as possible.

Additionally, I am very concerned that the language regarding the Capabilities of the Commission's Bureau of Audits does not expressly direct that the current management audit include an examination of the implementation plan and controls. The discussion language is only of capabilities and intentions and does not go further despite the opportunity to do so.

Sept. 3 1998

DATED



DAVID W. ROLKA, COMMISSIONER

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

**PECO Energy Company; Supplier Tariff
Compliance Filing; Interim Code of Conduct
Compliance Filing and Supplement No. 16 to
Tariff Electric-Pa. P.U.C. No. 2**

**PUBLIC MEETING
September 3, 1998
AUG-98-FUS-1096*
Docket Nos. R-00973953,
P-00971265 , R-00984298**

STATEMENT OF COMMISSIONER NORA MEAD BROWNELL

Included in the staff proposed action at this docket is acceptance of PECO Energy Company's Implementation Plan for the Code of Conduct contained in the Settlement of PECO's electric restructuring proceeding approved at Docket Nos. R-00973953 and P-00971265 (Order entered May 14, 1998). If I were to be the entity operating under any proposed implementation plan, I would want specific standards and clarity so as to avoid confusion and the attendant additional costs down the road. The most successful businesses operate with a clear set of objectives and measurements, well understood by all stakeholders - customers, shareholders, employees and Wall Street. Although it is my earnest hope that the Plan proposed here provides such clarity to PECO and the other parties, I do not see well defined measurements for accountability.

We are moving into new areas with only our pilot program experiences behind us. The newness and uncertainty of a developing market makes it even more important for all concerned that the standards for corporate behavior in that new arena be as clear and as specific as possible. I do not believe that it is in anyone's interest to agree to a plan which merely sets the stage for continued debate over what that plan actually means.

Clarity of standards and expectations is not just a question of fairness, although that is a crucial element. I am also concerned that a lack of clearly understood standards at the beginning may set the stage for debate and costly litigation in the future. Should questions arise, the debate may be diverted from consideration of what actions should be taken to preserve a level competitive playing field, to petty disputes about what the Plan actually means with regard to a specific issue. Such disputes would be a terrible waste of time, energy and resources for all the participants in this tremendous endeavor.

Although I support moving the Supplier Tariff and other matters forward at this time, I would have preferred working with the parties to develop a more detailed implementation plan for the Code of Conduct. However, I am supportive of moving these matters forward to ensure that timely implementation occurs. I do want to caution all parties that the controlling matter here is the Code of Conduct established in the Settlement and, eventually, the general Code to be adopted by this Commission. Regardless of the Commission's acceptance of an implementation plan, it is just that: a plan. If experience indicates that this Plan is unsuccessful in achieving full compliance with the Code of Conduct, then changes will have to be made.

9/03/98
DATE

Nora Mead Brownell
NORA MEAD BROWNELL
COMMISSIONER



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

REFER TO OUR FILE

SEPTEMBER 8, 1998

R-00973953

P-00971265

R-00984298

ROBIN L KRONGOLD PARALEGAL
NOEL H TRASK ESQUIRE
PECO ENERGY COMPANY
2301 MARKET STREET
PO BOX 8699
PHILADELPHIA PA 19101-8699

DOCKETED

SEP 14 1998

Application of PECO Energy Company for approval of
Restructuring Plan under Section 2806 of the Public Utility Code.

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 September 3, 1998, in
the above entitled proceeding.

An Opinion and Order has been enclosed for your records.

Very truly yours,

James J. McNulty,
Secretary

DOCUMENT
FOLDER

smk
Encls.
Cert. Mail

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA. 17105-3265

Public Meeting held September 3, 1998

Commissioners Present:

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

Application of PECO Energy Company
for Approval of Restructuring Plan
Under Section 2806 of the Public Utility
Code

R-00973953
P-00971265
R-00984298

OPINION AND ORDER

DOCKETED

SEP 14 1998

I. INTRODUCTION

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A. History of the Proceedings

At Docket Nos. R-00973953 and P-00971265, pursuant to the Electricity Generation Customer Choice and Competition Act, 66 Pa.C.S. §2801 et seq. (Customer Choice Act), the Pennsylvania Public Utility Commission (Commission) approved a Restructuring Plan for PECO Energy Company (respondent or PECO) by Opinion and Order entered on December 23, 1997. In that Order, the Commission, inter alia, directed PECO to file within 20 days of the entry of the Order a compliance filing which contained "a new supplier tariff for competitive generation supply consistent with this Opinion and Order."

On February 5, 1998, the Commission entered an Order (First Compliance Order) addressing the compliance filing made by PECO on January 20, 1998, and comments on that filing made by various parties to the restructuring proceeding. This Order found that PECO had failed to comply with the Commission's prior Order by filing a document entitled "EGS Rights and Obligations" rather than a specific supplier tariff. The Commission directed PECO to submit a revised compliance filing which contained, inter alia, a supplier tariff.

A revised compliance filing was made by PECO on February 19, 1998, with comments again being filed by various parties. By Opinion and Order adopted and entered on February 26, 1998 (Order on Revised Compliance Filing), the Commission rejected PECO's proposed supplier tariff for several reasons, determined that it would not be "productive" to order PECO to file a third compliance filing and instead directed that a new docket be opened to address issues relating to an appropriate Supplier Services tariff.

Further, in that February 26, 1998 Order, the Commission directed that, as the issues relating to an appropriate supplier tariff had been addressed in the restructuring proceeding to some extent, this new proceeding should not be conducted as a "full trial type hearing" but rather as "technical conferences designed to encourage consensus on all relevant issues . . ." in which the parties should be "prepared to support practical resolution of all required matters in good faith and in consideration of the legitimate requirements of the other parties." Order at 18. With respect to the outcome of this proceeding, the Commission at p. 18 directed that:

The Administrative Law Judge recommendation shall indicate matters of agreement between the parties and precise language, to the extent appropriate, as well as a

summary of issues considered but not resolved. Lastly, the Administrative Law Judge shall provide a recommendation for adoption, rejection or modification of the various agreements as well as a recommendation concerning unresolved issues.

Accordingly, a new proceeding was docketed at R-00984298 and assigned to Administrative Law Judge Marlane R. Chestnut.

A prehearing conference was held on March 9, 1998. Present were PECO, the Commission's Office of Trial Staff (OTS), Office of Consumer Advocate (OCA), Enron Energy Services Power, Inc. (Enron), Mid-Atlantic Power Supply Association (MAPSA), Conectiv Energy (Conectiv), Philadelphia Area Industrial Energy Users Group (PAIEUG), PP&L, Inc. (PP&L), Metropolitan Edison Company and Pennsylvania Electric Company d/b/a GPU Energy (GPU), NorAm Energy Management, Inc. (NorAm), Electric Clearinghouse, Inc. (ECI) and Duke Energy Trading & Marketing, L.L.C. (DETM).

Pursuant to the schedule contained in the Administrative Law Judge's March 9, 1998 Prehearing Order No. 1 (subsequently modified by an Order adopted and entered on March 26, 1998 in which the Commission rejected a Petition filed by PECO requesting initiation of either a generic proceeding or conversion of the instant proceeding into a "full trial type proceeding"), settlement roundtable meetings were held from March 17, 1998 through March 20, 1998. Legal and technical representatives of all active parties except PAIEUG and DETM participated.

On May 21, 1998, we adopted an Order at Docket No. R-00984298 which was subsequently entered on May 28, 1998. That Order directed the company to make a Supplier Tariff compliance filing.

On April 29, 1998, PECO Energy Company ("PECO" or the "Company"); Senator Vincent J. Fumo; the Office of Consumer Advocate ("OCA"); the Office of Small Business Advocate ("OSBA"); the Office of Trial Staff ("OTS"); the Philadelphia Area Industrial Energy Users Group ("PAIEUG"); Lance S. Haver; the Consumers Education and Protective Association, et al. ("CEPA") (which includes the Consumers Education and Protective Association,, the Tenant Action Group, ACORN and John W. Long, Jr.); Community Legal Services; the Environmentalists; the Delaware Valley Energy Consortium; Pennsylvania Retailers' Association; U. S. Department of the Navy; Action Alliance of Senior Citizens of Greater Philadelphia; Pennsylvania Department of Aging; Enron Power Marketing, Inc. ("Enron"); NEV East LLC ("NEV"); Conectiv Energy; Mid-Atlantic Power Supply Assoc. ("MAPSA"); Skipping Stone; Pennsylvania Petroleum Association and Pennsylvania Association of Plumbing, Heating, Cooling Contractors, Inc.; Allegheny Power System, Inc. ("APS"); GPU Energy Inc. ("GPU"); PP&L, Inc. ("PP&L"); Pennsylvania Rural Electric Assoc. ("PREA") (all such parties collectively referred to as the "Joint Petitioners") submitted a Joint Petition for Full Settlement of PECO Energy Company's Proposed Restructuring Plan and Application for a Qualified Rate Order and Application for Transfer of Generation Assets ("Joint Petition").

The proposed terms and conditions of the Joint Petition represented a comprehensive settlement which resolved all issues on appeal before 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.

In response to a Settlement Petition filed on April 29, 1998, on May 14, 1998, we issued a Final Order with respect to PECO's restructuring. On June 29, 1998, the Company made an Interim Code of Conduct compliance filing. On July 22, 1998, MAPSA filed Comments on PECO's Interim Code of Conduct compliance filing. On August 7, 1998, PECO filed Reply Comments.

Among the provisions we approved in our May 14, 1998 Order was a competitive billing/advanced metering option, in which competitive electric generation suppliers would be authorized on and after January 1, 1999, subject to guidelines to be issued by the Commission, to perform consolidated billing and to provide, install, maintain and read advanced technology electric meters capable of being remotely read. An industry stakeholders working group met in May 1998 and submitted a set of consensus "Competitive Metering and Competitive Billing Specifications" to the Commission on June 1, 1998, and a consensus "Advanced Meter Services Provider Qualifications" document on June 9, 1998. The recommendations contained a number of technical and policy proposals which the parties urged the Commission to adopt in accordance with the terms of the PECO settlement which we approved on May 14, 1998. Some of the issues raised in the working group were not resolved and were therefore the subject of individual comments filed shortly after the consensus draft.

By Order entered July 1, 1998, we issued our findings concerning the competitive metering and billing issues and directed PECO to file tariffs or tariff supplements implementing the proposed Competitive Metering and Billing Service Specifications. We also adopted the proposed Advanced Meter Services Qualification procedures for the PECO Service area.

On July 9, 1998, the Company made its Supplier Tariff compliance filing. On July 13, 1998, PECO circulated corrected pages. This filing was also necessary to implement the Commission's July 1, 1998 Order Implementing Competitive Metering and Billing Arrangements at Docket Nos. R-00973953 and P-00971265. On July 9, 1998, the Company also filed Supplement No. 16 to Tariff Electric-Pa. P.U.C. No. 2. On July 17, 1998, ACORN/CEPA filed Comments. On July 20, 1998, Conectiv filed Comments. On July 22, 1998, SEL, Enron and MAPSA filed comments. On July 28, 1998, PECO voluntarily extended the effective date of the Supplier Tariff and Supplement No. 16 from August 1, 1998 to August 14, 1998. On July 29, 1998 the OCA filed Reply Comments. On July 31, 1998, PECO filed Reply Comments. On August 5, 1998, MAPSA filed Supplemental Comments. On August 5, 1998, Conectiv filed a Sur Reply. On August 7, 1998, Enron filed a Sur Reply.

On August 5, 1998, Conectiv filed Comments on Supplement No. 17. On August 10, 1998, PECO filed Reply Comments.

On August 13, 1998, PECO voluntarily extended the effective date of the Supplier Tariff and Supplement No. 16 from August 14, 1998, to August 28, 1998.

Discussion

We will now address the written comments, of whatever characterization, that have been provided for our consideration by the various parties with respect to PECO's Tariff Compliance Filings of July 9, 1998 and PECO's Interim Code of Conduct Compliance Filing of June 29, 1998.

II. SUPPLIER TARIFF ISSUES

A. Scheduling Error Charge

MAPSA, SEL, and Conectiv all object to the imposition of a Scheduling Error Charge. Conectiv argues that the Commission decided that the charge is inappropriate and cannot be included in the tariff. Conectiv also argues that if PECO does seek Federal Energy Regulatory Commission (FERC) approval for the imposition of this charge, the Joint Settlement Petition requires a reduction in distribution charges. Lastly, Conectiv states that there is no reason at this time to include a provision in the Supplier tariff for “informational purposes”.

PECO responds that the Scheduling Error Charge is FERC jurisdictional, and the Commission does not have the power to either approve or disapprove it. The Company states that if FERC does not approve the Scheduling Error Charge, then PECO will amend its Supplier tariff accordingly.

PECO also states that the rate cap agreed to in the Joint Settlement Petition does not require any reduction to distribution rates if FERC approves the Scheduling Error Charge. The charge is to be paid by EGSs, and is, therefore, not a charge that the Company’s T&D customers will pay.

PECO points out that it originally proposed that no FERC jurisdictional provisions be included in its Supplier Tariff and that this proposal was opposed by Conectiv, among others.

Resolution

In view of the fact that the proposed Scheduling Error Charge has yet to be filed and approved by the FERC, it is inappropriate to include it in the tariff at this point in time. Because this charge is not in effect, its inclusion in this tariff may lead to confusion.

Despite the inferences which could be drawn from PECO's responses to various parties' objections to this charge, this Commission is not attempting to usurp the authority of the FERC. The FERC will, if PECO makes the appropriate filings, certainly rule on the appropriateness of this type of charge.

Furthermore, the relationship of this charge to the requirements of the Joint Petition for Full Settlement of PECO Energy's restructuring proceedings also remains to be resolved by this Commission.

B. Load Data Charges

SEL offers that the statements made within this section are vague and require clarity. Conectiv claims that the Load Data Supply Charge should be revised to preclude PECO from charging for the provision of load data that is electronically available even if a customer has requested and received for free, such information in the calendar year. Conectiv also claims that the EDEWG plan requires that the Commission remove the requirement that any request for load data be made in writing. MAPSA expresses concerns that are similar to those of Conectiv.

PECO responds that Rule 24.1 of the Company's EDC Tariff states: "PECO Energy will provide to a customer or the customer's designated EGS or

authorized consultant, all available data from the meter once each calendar year for no fee.” The Company further contends that any change should clarify that PECO can impose such charges. PECO also submitted a proposed revised rule (Exhibit A) in which it proposes to provide electronically available data, which it had already provided for no charge, for a charge of \$46 per hour at fifteen minute intervals.

PECO also addresses claims that the EDEWG plan requires that the Commission remove the requirement that any request for load data be in writing. The Company states that the EDEWG plan concerns only the details of how and in what format load data is to be transmitted when it is transmitted electronically. The Company argues that the plan contains no rules regarding whether and under what circumstances authorization for release of such data must be in writing.

PECO noted that no party had raised the matter of the requirement for written authorization of the customer’s consent for the release of load data. PECO states that had the issue been raised, the company may have agreed that an EGS could use a method other than writing, but only if (1) the EGS would in fact have an obligation to obtain authorization in some manner, (2) the EGS would have to keep a record of such authorization, and (3) the EGS would have to be able to produce that record in the event of a dispute.

Resolution

In our prior decisions, we stated that the customers should be provided load data once a year for no charge. We have also required the provision of load data to EGSs during the enrollment process. We believe that it would not be appropriate to approve PECO’s proposed “Exhibit A” which would allow an

EGS to obtain electronically available data, which had already been provided at no charge, for an hourly charge of \$46 determined at fifteen minute intervals.

MAPSA and Conectiv correctly noted that in our May 28, 1998 Order we cited four concepts applicable to the provision of load data:

- 12 month historic load data is required to be provided without charge on the request of the customer.
- Additional or more detailed historic load data is to be provided on request of the customer.
- If the additional data is available electronically, it is available without charge.
- If the additional data is not readily available, a \$92 charge may be imposed.

An additional charge for providing electronically available load data is not reasonable. PECO is directed to amend the tariff language accordingly.

Despite the fact that the proposal to require written authorization from the customer to obtain this data may not have been specifically questioned during the prior proceedings on these matters, it would be inconsistent with our attempts to facilitate retail access to restrict the availability of this information to the provision of only written authorization. As MAPSA and Conectiv noted in their comments, the requirements for “written authorization” from a customer has caused problems, delays, and confusion. MAPSA and Conectiv correctly noted that electronic authorization has been approved by the Commission through the Commission’s orders concerning the Electronic Data Exchange Working Group (EDEWG) process. While PECO presented a set of alternative requirements

which the Company may have found acceptable, we believe that these conditions should be included in the tariff as an additional means to obtain the load data.

We direct PECO to amend these proposed tariff requirements to allow for the additional charge and to allow for additional electronic and/or telephonic means of authorization for release of the load data.

C. Line Losses

MAPSA and Conectiv point out that the Company included no proposed rule in its Supplier Tariff Compliance Filing.

PECO agrees with the commenters and states that it will provide to the Commission an amended tariff page containing this rule in its next Compliance Filing.

Resolution

We accept the agreed upon proposal to have PECO include a Line Loss rule in its next Supplier Tariff Compliance filing.

D. Locational Marginal Pricing

MAPSA and Connective state that PECO has failed to include in the Supplier Tariff a provision explaining how and in what fashion the Company would provide electrical location information for purpose of Locational Marginal Pricing.

PECO states that, indeed, it committed to include such a FERC-jurisdictional provision in the Supplier tariff for informational purposes. The Company proposes to add to Rule 8.2 of its Supplier Tariff certain new language which it has provided . The new provision states that the company will provide to PJM, information on the specific bus locations for the Company's approximately 650 largest customers (peak demand equal to or greater than 1 MW to specific LMP buses), the only customers that could obtain transmission service directly from PJM under the PJM tariff. For all other customers, PECO will inform PJM that they should be treated as if they are being served at the weighted average of all PECO buses in the PECO zone. PECO intends to post this information on its SUCCESS web site by the end of August.

Resolution

We note that PECO's proposal is an interim but not final resolution. It remains for the FERC and the PJM Office of Interconnection (OI) to resolve many of the specifics involved. The Company is hereby directed to include its proposed language to Rule 8.2 in its next Supplier Tariff Compliance Filing.

E. Section 3. Commencement of EDC/EGS Coordination.

1. Rule 3.5. Grounds for Rejecting Registration.

SEL argues that in view of the fact that all licensed EGSs have met the Commission's financial fitness criteria, PECO should be required to petition the Commission for authorization to reject the registration of an EGS for coordination services.

In its response comments, PECO noted that SEL did not participate in the Company's restructuring proceedings or in the Supplier Tariff proceedings. PECO notes that this matter was considered by the parties and therefore, the Commission should not consider SEL's comments.

Resolution

PECO proposed that it may reject any registration for Coordination Services if a) the EGS has an undisputed debt from previous receipt of Coordination Services, b) the EGS failed to comply with the credit requirements of Rule 12, and c) the EGS failed to submit a completed registration within thirty (30) days. PECO also proposes that it may petition the Commission to reject registration of an EGS with "Bad Credit". As PECO notes, this matter was considered by the parties in the proceedings at Docket No. R-00984298. The parties appeared to have accepted PECO's proposal and did not submit this matter to the Administrative Law Judge and the Commission for resolution. We will not adopt SEL's recommendation at this point. An EGS may ultimately file a formal complaint with the Commission if PECO rejects their registration. While this may delay some EGS from commencing its services to customers, it may avoid problems for the customers and the PLR.

We believe that these rules and the rules contained in Section 12 of the proposed tariff are premised on a reasonable basis. However, we are concerned that the EDC may abuse its enforcement of these rules and those in Section 12 of this tariff. While we appreciate the rationale for these tariff rules, we will not tolerate an EDC's abusive application of these rules. We would view such

action as a prohibited application of market power through unreasonable restrictions of the activities of licensed EGSs.

F. Section 5. Direct Access Procedures.

1. Rule 5.1. Customer Enrollment.

SEL requests that the tariff language be revised to cite the specific enrollment details and be available for reference within the Coordination Tariff and also be available for use as the year 2000 retail access initiative is undertaken.

In its response, PECO argues that its proposed Rule 5.1 sufficiently incorporates reference to any further Commission Orders concerning the enrollment procedures (Docket No. M-00960890 F.0014).

Resolution

We will not adopt SEL's recommendation to require this tariff to cite specific enrollment details. We believe that it is incumbent on all market participants to remain informed on the specifics of the enrollment procedures. Furthermore, as these procedures may become subject to modification as circumstances may warrant, it may become difficult to maintain accurate information in the filed tariff language.

2. Rule 5.1.3(b). Data Exchange

SEL requests that the EDC be required to provide all EGSs the customer's billing address in addition to the account number, rate class, customer name and service location address. SEL argues that in the absence of the customer's telephone number, the billing address is essential to promote customer contact.

PECO responded that the data exchange rules were subject to exhaustive discussion and litigation and that the Commission made a decision which attempted to balance the interests of the parties.

Resolution

We will not adopt SEL's recommendation. In our May 28, 1998 Order at Docket No. R-00984298, we directed PECO to amend its tariff to include the customer's name and service address in addition to the account number and the rate class. We have attempted to offer consumers the choice to disclose their telephone number while making them aware of the possible difficulties of obtaining exposure to the greatest number of EGSs.

3. Rule 5.2.1(b). Initial EGS Selection for 1998.

SEL recommends that the words "if required" be deleted from this rule. SEL did not provide any further explanation for this recommendation.

PECO responded that this matter was subject to the parties' review during the proceedings at Docket No. R-00984298 and that SEL's late request should be ignored.

Resolution

Rule 5.2.1 pertains to the initial EGS selections for 1998. Under this rule, if a customer contacts the EDC by telephone in order to select an EGS, the EDC will direct the customer to contact the EGS. The EDC will provide the telephone number of the EGS to the customer, if required. At this point, we will not adopt SEL's recommendation.

4. Rule 5.2.1(c). Initial EGS Section for 1998.

Rule 5.3.2(a). Switching Among EGSs and Initial Selection of an EGS Beginning in January 1999.

MAPSA notes that these rules require an EGS to obtain written authorization from customers in order to facilitate initial supplier selection and switching. MAPSA argues that the Commission's Order of May 21, 1998, Establishing Standards for Changing a Customer's Electric Generation Supplier, Docket No. L-00970121 indicates that for the purposes of switching, no written authorization is required. MAPSA requests that the Commission clarify whether written authorization is required in order to choose an EGS under any circumstances. MAPSA also requests the Commission to make clear that the streamlined procedure detailed in the EDEWG order is an appropriate selection process applicable to either selection or switching and that there is no basis to distinguish between the two processes.

In its supplemental reply comments, PECO agreed to amend the tariff to provide that "direct oral confirmation or written evidence of consent" is necessary to establish a customer switch.

Resolution

In the Order entered July 7, 1998, at Docket No. L-00970121, Rulemaking Order Establishing Standards for Changing a Customer's Electric Supplier, we stated that Section 2807(d)(1) of the Act does not mandate the existence of a signed authorization to change a supplier and that a printed electronic transfer order can satisfy the "written evidence" requirement of the Act. We also stated that it was never our intention to propose regulations which precluded the use of electronic data transfer as a means of communications between the EDC and the EGSs to process the customer request. We further concluded that there was no requirement that the EDC must maintain a paper record because the electronic transfer order can remain with the EGS. In Annex A to the July 7, 1998 Order, under §57.173 Customer Contact with Electric Generation Suppliers, we proposed that this contact may be either "direct oral confirmation or written authorization.

In view of the foregoing, we will adopt MAPSA's request for clarification. PECO is directed to amend Rule 5.2.1(c) and Rule 5.3.2(a) to conform with the Commission's Order of July 7, 1998, at Docket No. L-00970121. PECO may not restrict the EGSs to the provision of "written authorization" from the customers for neither the initial supplier selection nor switching.

Furthermore, PECO is directed to amend all similar tariff language which is limited to the provision of "written authorization" and to comply with the Commission's orders at L-0097121.

Electronic transmittal should be allowed. In order that an EDC be protected from the unauthorized release of data the EGS must maintain appropriate records accordingly. The EDC must comply with the Commission's orders in the EDEWG process at M-00960890,F.0015.

5. Rule 5.2.1(e).

MAPSA objects to the tariff language which indicates that PECO will send a confirmation letter to customers who have made an initial EGS selection "after the initial EGS selection period concludes." MAPSA believes that it is unreasonable to delay sending a customer a confirmation letter until November 1, 1998. MAPSA argues that the Commission's proposed regulations in the revised Final Rulemaking Order establishing Standards for Changing a Customer's Electric Generation Supplier in §57.173, requires that an EDC will send a confirmation letter "by the end of the next business day following receipt of the notification of the customer's selection of an EGS." MAPSA contends that there should be no difference in the timing requirements for sending the confirmation letter between the initial EGS selection and subsequent selections of different EGSs. MAPSA recommends that PECO be directed to revise this tariff provision to be consistent with the proposed Rulemaking.

In its supplemental reply comments, PECO agreed to amend the tariff language to provide that beginning with switch requests received in January,

1999, PECO Energy must send the 10-day letter before the end of the next business day after PECO Energy's receipt of valid notification of a customer switch.

In its response, PECO disagreed with MAPSA's recommendation. PECO claims that MAPSA cited the incorrect Commission Order on this issue. PECO argues that the Commission's Enrollment Order clearly provides that, following the conclusion of the enrollment period, the EDCs shall have ten business days following receipt of selection notices from EGSs to mail confirmation letters to selecting customers.

Resolution

While we will not adopt MAPSA's recommendation, MAPSA has pointed out that the tariff language is open to an interpretation which does not reflect our May 21, 1998 Order at Docket No. M-00960890 F.0014 entitled Enrollment Procedures Applicable to Electric Distribution Companies and Electric Generation Suppliers During the Phase-In Implementation of Direct Access. In this Order, we directed EGSs that beginning September 1, 1998, the EGSs shall notify the EDCs of a customer's supplier selection. We directed the EDCs to mail confirmation letters to customers within ten business days following the receipt of notices from the EGSs.

Although we subsequently extended the date to October 1, 1998, for the transmittal to EDCs of a customer's selection, the ten-day period for mailing a confirmation letter is in effect from October 1, 1998, through November 1, 1998.

Furthermore, in our Order of June 19, 1998, at Docket No. M-00960890 F.0015, Standards for Electronic Data Transfer and Exchange Between Electric Distribution Companies and Electric Generation Suppliers, we stated:

With respect to the issuance of confirmation letters to customers, we note that our Enrollment Procedures Order directs that these letters be sent by EDCs within ten business days of receiving the selection. While we will not modify that obligation for the two-month supplier selection period beginning on September 1, 1998, we encourage EDCs to progressively improve the processing time for this function, so as to meet the one-day standards which will be effective on November 1, 1998. (p. 14)

We direct PECO to revise these tariff provisions to accurately reflect the requirements of our May 21, 1998 Order at Docket No. M-00960890 F.0014 and our June 19, 1998 Order at Docket No. M-00960890 F.0015.

6. Rule 5.3.1. Switching Among EGSs and Initial Selection of an EGS Beginning in January 1999.

SEL contends that this "switching" protocol attempts to control information release to the EGS beyond those requirements already set forth by the Commission. SEL contends that it is unnecessary for an EGS to inform a customer who is switching EGSs of certain information release requirements.

PECO responded that these switching rules were subject to exhaustive discussion and litigation. PECO argues that the customer may not be aware that this information will be released to the new EGS.

Resolution

We will adopt SEL's recommendations concerning customers who are switching EGSs. We believe that the customer is already aware that this information was made available to an EGS. PECO is directed to amend the proposed tariff accordingly.

Furthermore, we direct PECO to amend Rule 5.2.1(a) to also reflect this finding.

G. Section 6. Load Forecasting.

1. Rule 6.2.5.2. Partial Load Service for 1999 PECO Energy Billing Months Only.

Both Conectiv and MAPSA note that this provision requires that every customer in the specified rate classifications "must" purchase a portion of its energy and capacity from PECO, even if there is no necessity to allocate or pro-rate energy needs. Conectiv and MAPSA recommend that the word "must" contained in this tariff provision should be changed to "may."

In its response to these parties' recommendations, PECO states that it is possible that partial load service may not be necessary. The Company argues that the rule, as proposed, would require these customers to buy some service from PECO, if the amount of load enrolled does not require partial load service. The Company states that it has no objection to the inclusion of the appropriate clarifying language. PECO suggests instead of replacing the word "must" with "may," that proposed tariff include the phrase "if application of Rule 22.6.4 of the EDC tariff requires Partial Load Service." PECO objects to the use of the word

"may" because it might be thought to imply that a customer could obtain all of its service from two EGSs rather than from one EGS and from PECO.

Resolution

We will adopt the clarifying language proposed by PECO. However, we do not fully agree with PECO's argument. Specifically, it may be possible for a partial load customer to obtain service from more than one EGS, at the same time, for the competitive Partial Load. PECO would be responsible for the balance of the service. We do not agree with PECO's inference that the adoption of its proposed clarification limits a partial load customer to obtaining service from "one EGS" and from PECO.

2. Rule 6.3.2. Process Description for Forecasting.

SEL objects to PECO's proposed method of providing day ahead forecasts on behalf of SEL. SEL proposes that the Commission allow EGSs to provide their own forecasts for monthly metered customers' load and reserves. SEL requests that PECO not be granted the unilateral prerogative to "reject an EGS's load forecast." SEL recommends that PECO be required to contact the EGS to resolve its forecast concerns and that if no agreement is reached, then the EGS's forecast should prevail. SEL argues that this is reasonable in view of PECO's proposed "scheduling error" charge.

PECO responded to SEL's recommendations that SEL's challenges were all questioned by other EGSs during the negotiations and the on-the-record proceedings. PECO argues that these provisions are FERC jurisdictional matters.

Resolution

We will not, at this point, adopt SEL's proposals. We note that the EGSs may propose their own forecast, may seek Alternative Dispute Resolution and may file a complaint with the Commission and/or the FERC. However, SEL has pointed out a potentially serious problem which may seriously restrict the development of a fully competitive market. PECO may expose itself to serious charges of abusive market power if its forecasts result in financial harm or increased uncertainty of success for EGSs.

3. Rule 6.5. Adequacy of Forecasts.

SEL contends that the two options presented in the tariff to address the adequacy of forecasts are unnecessarily complex and impose unnecessary financial burdens on the EGS. SEL argues that a fully vested PJM member should be permitted to calculate and submit its schedules directly to the PJM and settle its financial accounts accordingly. SEL also requests that language be added to permit an EGS to unilaterally change their hourly PJM e-Schedule, consistent with PJM operational protocols, based on changing load or energy price conditions.

PECO argues that these tariff provisions were all questioned by other EGSs during the negotiations and the on-the-record proceedings. PECO also noted that these provisions are FERC jurisdictional.

Resolution

As with the preceding issue, we will not, at this point, adopt SEL's proposals. We would anticipate that an EGS would not be financially harmed at the time of reconciliation in the event that PECO had imposed its load forecast over the objections of an EGS.

H. Section 7. Load Scheduling.

1. Rule 7.3.2. Load Schedule Changes.

SEL believes that PECO should not have a right to unilaterally reject an EGS's schedule change submitted to the PJM e-Schedules system. SEL notes, again, that because of PECO's proposal to impose financial penalties on EGSs for "scheduling errors," that PECO should not possess the unilateral authority to reject an EGS's schedule change.

PECO again notes that these were matters considered by the other EGSs during the negotiations and the on-the-record proceedings. PECO reiterates that these are FERC jurisdictional matters.

Resolution

We will not, at this point, adopt the recommendation of SEL. However, as with the preceding issues, we agree that there may be serious negative impacts on the development of a competitive marketplace.

I. Section 9. Utilization of Scheduling Coordinators.

SEL contends that this section is vague regarding settlement of accounts between PECO and an EGS acting as a Scheduling Coordinator for another EGS. SEL recommends language be added to clarify the ambiguities.

PECO responded that these provisions were questioned by other EGSs during the negotiations and the on-the-record proceedings.

Resolution

Our review of the PECO Supplier Tariff failed to identify the ambiguities alleged by SEL. The tariff appears to be adequate. SEL failed to provide specific examples of clarifying language. Therefore, we will adopt PECO's proposed tariff language.

J. Section 14. EGS's Discontinuance of Service Rule 14.2 Notice to Customers.

Enron argues that because the Commission eliminated the underlying regulation at Docket L-00970126 in its Final Rulemaking Order entered May 1, 1998, Rule 14.2 should be eliminated from the PECO Supplier Tariff. In the alternative, Enron proposes that the rule should be revised so that it indicates solely that the cancellation or discontinuance will be in accordance with the contract entered into between the customer and the EGS.

The OCA argues that PECO's Rule 14.2, requiring 30 days advance notice to a customer prior to cancellation of service is appropriate and reasonable.

The OCA notes that an EGS's cancellation of service has an effect on PECO and its customers. The OCA states that while the impact may not be as great as where an EGS completely ceases operations, PECO and its customers will still be affected by the actions of the EGS. The OCA believes that without notification of cancellation from the EGS, the customers may believe that PECO "slammed" them and changed their service without authorization. The OCA also states that customers must be given the opportunity to select a new supplier prior to reverting to PECO default service.

PECO responded that it supported the OCA's comments.

Enron filed responses to the OCA's reply comments. Enron, in its reply comments, notes that the Commission eliminated any required minimum period of notice of cancellation from the underlying rulemaking. Enron argues that the Commission cannot impose through this supplier tariff process a mandatory provision that had been rejected by the Independent Regulatory Review Commission (IRRC). Furthermore, Enron argues that neither it nor the IRRC rejected the notion that suppliers should provide some notice to customers before the contract was canceled. Enron states that it is the mandatory 30-day time period which it opposes. Enron posits that the notice and the extent of the notice should be a matter to be determined between the customer and the supplier and should not be a "one-size fits all" requirement mandated by the Commission.

Enron believes that requiring suppliers to wait 30 days before they can stop providing service to a customer would mean that suppliers would be forced to bear huge levels of uncollectible revenues. Enron notes that because the

EGSs have no ability to terminate service, there is no need to require a particular and lengthy time period for cancellation.

Resolution

While we appreciate the EGS's concerns about the potential for increased uncollectibles and the customers' ability to select among various contract terms offered by competing EGSs, we will not adopt Enron's proposal. The PLR will be affected when an EGS cancels its service to a consumer. We noted in numerous licensing application orders that the customers should have an opportunity to repair their relationship with an EGS.

Furthermore, we share the OCA's concern that customers may believe that they have been improperly switched from their EGS's service by the EDC. The potential for additional customer confusion and the resulting informal and formal complaints concerning the EDCs may be diminished by the adoption of the proposed tariff rule.

In our Order entered August 13, 1998, at Docket No. M-00960890 F.0013, we required a thirty-day notice be given when customers are transferred to another supplier. There are certain similarities between a transfer and a cancellation from a customer's perspective.

In view of the foregoing, we direct PECO to amend its proposed tariff to reflect that the thirty-day advance notice is required for residential and small business customers. PECO is also directed to incorporate the Commission's definition of a "small business customer" in the tariff.

In Docket No. L-00970126, we addressed the disclosure of information to residential and small business customers. In our May 1, 1998, Order at this docket, we defined a small business customer in the following way:

This term refers to a person, sole proprietorship, partnership, corporation, association or other business entity that receives electric service under a small commercial, small industrial or small business rate classification, and whose maximum registered peak load was less than 25 kW within the last 12 months.

K. Frequently Asked Questions.

Both MAPSA and Conective observed that PECO failed to incorporate the Commission's directive in its May 28, 1998 Order that PECO must "post on its website Frequently Asked Questions pages and that these pages be updated regularly."

In its response to the parties' comments, PECO agreed that such language is required. PECO proposed specific language be added to the Technical Support and Assistance Charge.

Resolution

We agree with the parties' observation and will allow PECO to include the language it had proposed in Exhibit "C" to its comments to be included in the Supplier Tariff.

L. Electronic Data Exchange.

MAPSA recommends that PECO be required to revise its Supplier Tariff to limit the use of its SUCCESS website to make available load profiles, eligible customer lists, meter reading schedules, daily operation schedules, EDC rates, stratacodes, and the capacity obligations for PJM members. MAPSA states that it supports the EDEWG July 24, 1998 recommendations to the Commission.

PECO responded that in the EDEWG's July 24, 1998 "Revisions, Clarification, and Additions," the EDEWG has substantially expanded the scope of EDI transactional requirements which value-added networks (VAN) are typically designed to secure. PECO argues that MAPSA's suggestions should not be adopted because the SUCCESS website works and most EGSs have learned how to use it during the pilot program. PECO argues that to expand the use of another mechanism at this time could present unseen problems and stall the transition from the pilot to the phase-in. PECO also claims that the use of EDI transactions over a VAN will be costly for both the EGS and PECO.

PECO notes that, at a minimum, the Commission should not decide prematurely what the Commission will have to finally decide in the context of the generically applicable EDEWG.

Resolution

As noted by PECO, we have continued to make these types of determinations in the context of our directives at Docket No. M-00960890 F.0015, Standards for Electronic Data Transfer and Exchange Between Electric

Distribution Companies and Electric Generation Suppliers. PECO's tariff provisions relating to the electronic exchange of data must reflect the conclusions in our Orders on EDEWG matters.

III. CUSTOMER TARIFF

A. Transmission Rates.

MAPSA and Conectiv note that PECO failed to include the transmission charges applicable to rate LILR and recommend that the Commission direct PECO to provide the appropriate rate.

PECO did not provide a response to these comments.

Resolution

We note that by letter dated July 24, 1998, PECO submitted a voluntary postponement of these tariffs and included tariff replacement pages to correct this oversight.

IV. COMPETITIVE METERING AND BILLING

A. Chapter 56 Budget Billing Requirements.

ACORN/CEPA argue that the issue whether EGSs performing a billing function were required to provide budget billing options was unresolved in the negotiations concerning PECO's competitive metering and billing

specifications. ACORN/CEPA contend that PECO's proposed budget billing process require revision and further clarification if the budget billing customer protections of Chapter 56 are to be fully preserved. ACORN/CEPA note that the Commission has repeatedly held that under the Act, the residential customer's right to choose a budget billing plan from any billing entity shall not be diminished absent a Commission waiver. ACORN/CEPA also note that the Act requires the EDCs maintain the same level of customer service quality under retail competition and that the EDCs are therefore required to continue to provide residential customers all the protections set forth in Chapter 56.

ACORN/CEPA recommend that PECO be directed to replace the phrase "waives any applicable requirement" in the proposed Supplier Tariff with the phrase "waives the requirements of 52 Pa. Code §56.12(7)."

In its response, PECO states that the Commission should not adopt any changes proposed by ACORN/CEPA. PECO argues that the processes proposed in the tariff do not assume that all EGSs have waivers to Chapter 56.

Resolution

While we agree with ACORN/CEPA's position that Chapter 56 applies to both EGSs and EDCs when they offer billing services, we do not believe it is necessary to adopt the proposed specific revisions to the tariff language.

B. Consolidated EDC Billing.

ACORN/CEPA contend that when PECO is the billing entity, it must provide budget billing regardless of whether the customer's EGS provides a budget billing option. ACORN/CEPA note that the proposed tariff offers two sets of processes, one where the EGS "offers" budget billing, and another where the EGS "does not offer a budget." ACORN/CEPA argue that the distinction based upon the policy of the EGS is irrelevant for an EDC offering consolidated billing, because, as the billing entity, the EDC is required under Chapter 56 to honor the customer's option for a budget bill. According to ACORN/CEPA, the budget bill would include EGS generation and EDC transmission, distribution and CTC components. ACORN/CEPA state that PECO assumes that if an EGS obtains a waiver of budget billing requirements for its actions when the EGS is providing a consolidated EGS bill, then the EGS charges for other customers will not be subject to budget billing when an EDC is performing the consolidated billing. According to ACORN/CEPA, if an EGS obtains a waiver of budget billing, such EGS would transmit its current charges to the EDC performing consolidated billing, the EDC would place those current charges on the bill, and the customer would be obligated to pay the EGS's current charges as well as the EDC's budget charges. ACORN/CEPA argue that this scenario is contrary to the whole nature and purpose of budget billing. Therefore, ACORN/CEPA request that the Commission require that under consolidated EDC billing, a customer's request for budget billing should result in making all charges on the bill subject to the budget billing requirement.

In response, PECO opposes any changes proposed by ACORN/CEPA. PECO argue that the processes proposed in its tariff do not

assume all EGSs have waivers to the Chapter 56 budget billing requirements, as the ACORN/CEPA comments content.

Resolution

We agree with the ACORN/CEPA position that consumers must continue to be offered a budget billing option. In our June 18, 1998 Order at Docket No. M-00960890 F0011, we addressed whether the billing entity is obligated to remit the service provider's actual charges or only the portion of the budget bill payment that is applicable to generation services. We stated that the simplest and fairest approach for applying budget bill payments to the various charges is on a pro rata basis. We stated that if an EDC is providing billing services on behalf of an EGS, the statute specifically states that "it shall not be required to forward payment" to the EGS before it "has received payment for these services from customers." 66 Pa. CS Section 2807 (c) (3). We concluded that an EDC which is billing for an EGS is not required to remit the full charges to the EGS when it receives a budget bill payment from the customer.

EDCs who issue consolidated billings must offer a budget billing option. PECO is directed to revise its proposed tariff language accordingly.

C. General Rules for Budget Billing.

ACORN/CEPA contend that the proposed language is contrary to law, erroneous and confusing. ACORN/CEPA object to the first general rule because the process for budget billing by an EDC performing consolidated billing is not dependent upon what an EGS may request. ACORN/CEPA also contend that the second, the fourth and the sixth general rules are confusing because these rules refer to a "customer switch" without specifying the exact nature of the

switch. Finally, ACORN/CEPA object to the second general rule because it seems to create the erroneous impression that the Chapter 56 obligation to review and adjust a customer's account at least three times during a twelve-month period is no longer applicable.

PECO failed to provide a specific response to these comments.

Resolution

We will not adopt the suggestions of ACORN/CEPA. The first general rule offers the EGS, if the EGS requests, the option of the calculation of the budget bill using PECO's budgeting protocol. The second general rule does not refer to a "customer switch" as ACORN/CEPA contends. In addition, while the second general rule does not specifically refer to the requirements of Chapter 56 that the utility review the account at least three times during the optional billing period, the rule does not circumvent the requirements of the Commission's Chapter 56 regulations, either. While the fourth and the sixth general rules do refer to a "customer switch," we do not believe the specific enumeration of all the possible actions which could result from a customer's request to change suppliers or billing options is necessary. It would appear that ACORN/CEPA has misinterpreted these general rules or has postulated the most objectionable meanings of these proposed rules.

D. Consolidated EGS Billing.

ACORN/CEPA contend that the process described for consolidated EGS budget billing is not consistent with the general rules for budget billing set

forth in the next paragraph of the proposed tariff. ACORN/CEPA notes that the proposed tariff would require the EGS providing consolidated billing to pay PECO a sum equal to the "current" (as opposed to "budget") charges. ACORN/CEPA believes that this tariff provision is in direct conflict with a portion of the first general rule for budget billing which requires that the EGS "must display PECO actual charges and the EGS must pay PECO for its budget charges."

ACORN/CEPA contend that certain terms contained in the "Month 12" reconciliation process should be defined and designated by one term.

Finally, ACORN/CEPA recommend that option (b) contained in the first general rule for budget billing should be deleted because it refers to the inclusion of an "actual" PECO amount on the bill of a budget bill scenario.

PECO did not provide a specific response to this comment.

Resolution

In PECO's proposed "General Rules for Budget Billing" it appears that it would be incorrect to state that "the EGS must pay PECO for its budget charges". In viewing the tariff provisions immediately proceeding the "General Rules", and to be consistent with the proposed tariff provisions contained in the Consolidated EDC Billing section of the tariff, the correct language should be "current charges". PECO is directed to correct this tariff provision accordingly.

We believe that it is not necessary to require the other ACORN/CEPA recommended changes to these tariff provisions.

E. Availability of Competitive Billing Services.

SEL objects to the proposed requirement that an EGS which is qualified and plans to offer consolidated billing must inform PECO on or before August 1, 1998. SEL notes that the qualification standards are not yet defined and therefore it is inappropriate to maintain the August 1, 1998 deadline.

PECO did not respond to this comment.

Resolution

We will adopt SEL's recommendation. In view of the facts, the August 1, 1998 deadline was unreasonable because it made it impossible for EGSs to comply with the proposed tariff.

PECO is directed to revise its tariff proposal in order to allow EGSs to offer competitive billing by January 1, 1999.

F. Reversion to Split Billing.

MAPSA and Conectiv contend that the proposed language in paragraph 11 of the competitive billing specification section of the tariff is inadequate. MAPSA and Conectiv recommend that the request to revert to split billing should be in writing and the request must be made at least sixteen days in advance of the next billing cycle.

MAPSA and Conectiv also recommend that the term "split billing" be changed to "Separate EDC/EGS Billing" for clarity. MAPSA and Conectiv propose that the following paragraph be used to replace paragraph 11 in the proposed tariff:

Undisputed accounts that are 90 days or three billing cycles overdue, whichever is shorter, will be considered seriously delinquent and, at the written request of either the EDC or EGS, will convert to separate EDC/EGS Billing for the next billing cycle commencing sixteen (16) days after receipt of the written request.

PECO responded that it agreed with the suggested changes to this tariff provision. However, PECO recommended that written notice be clarified to state that electronic notice may be used.

Resolution

We will adopt the recommendation of MAPSA and Conectiv as modified by PECO to reflect the use of electronic notice. PECO is directed to make the appropriate revisions to the tariff.

G. Third Party Metering and Billing.

MAPSA and Conectiv note that the Commission's July 1, 1998 Order at Docket Nos. R-00973953 and P-00971265 concerning competitive metering and billing requires that a third party which was not providing generation supply may offer these services. Conectiv states that PECO may not ignore the July 1, 1998 Order on the grounds that it has sought reconsideration.

PECO responded that it has sought reconsideration of this provision of the July 1, 1998 Order. PECO states that if the Commission does not grant its petition for reconsideration, it will provide the appropriate tariff language.

Resolution

While the petition for reconsideration is before the Commission, PECO is nonetheless required to file the appropriate compliance tariff language. We direct PECO to file the language as required by our earlier Order of July 1, 1998.

H. Presumption of Fitness.

MAPSA and Conectiv recommend that the language in this section of the tariff be revised to delete the term "technically." MAPSA and Conectiv note that the Commission's July 1, 1998 Order referred to a "presumption of fitness" and not to technical fitness.

PECO did not provide a response to these comments.

Resolution

We will adopt the recommendation of MAPSA and Conectiv and therefore direct PECO to delete the term "technically" from this tariff provision.

I. Customer Characteristic Information.

MAPSA and Conectiv noted that while the Commission's July 1, 1998 Order required PECO to supply the customer characteristic and access requirements information, PECO had failed to include this in the proposed tariff. MAPSA and Conectiv suggest the following should be included in the tariff:

When an EGS desires to provide metering to one of its customers, on request from the EGS, PECO will provide to the EGS, without charge, customer characteristics and access requirements for the EGS' customer.

PECO did not respond to this comment.

Resolution

We will adopt the proposal of MAPSA and Conectiv. PECO is directed to include the proposed language in the tariff

V. CODE OF CONDUCT

Section III. N. Code of Conduct, of the Settlement Agreement, states as follows:

PECO further agrees that it will be subject to and governed by the Code of Conduct set forth in Appendix H to this Joint Petition. The Code of Conduct set forth in Appendix H shall remain applicable to PECO until the later of January 1, 2001, or the date when the statewide generic code of conduct established by the Commission in its rulemaking becomes effective.

Item No. 10 of the Interim Code of Conduct requires that PECO:

...shall file a compliance filing within 60 days of execution of any settlement which sets forth a detailed plan for compliance with this Code of Conduct as well as the PUC separation and cost allocation requirements already ordered.

On July 22, 1998, MAPSA filed comments to PECO's June 29, 1998 compliance filing regarding its Interim Code of Conduct. On August 7, 1998, PECO filed reply comments to the issues raised by MAPSA.

MAPSA states that PECO's compliance filing is not in accord with the directives of the Settlement Agreement or the Commission's Final Order and does not include sufficient detail to allow for meaningful review. MAPSA has identified several alleged deficiencies with PECO's compliance filing:

Separation of PECO EDC and PECO Supplier Employees (Code of Conduct Standard No. 5)

MAPSA states that the following serious questions remain unanswered concerning the separation of PECO EDC/PECO Supplier employees:

- Are there shared PECO EDC/PECO Supplier employees? If there are, the individuals should be identified and their job descriptions listed. Without this information, the Commission will not be able to determine whether there is sufficient separation to comply with the Code of Conduct.
- What is the minimum allowable period for an employee transfer?

- What conditions, if any, are imposed upon newly transferred employees in order to prevent the circumvention of the requirements of Standard 5?
- Are all Exelon employees located in the Wayne, Pennsylvania office? If not, where are they located?
- Is the National Energy Team sharing a floor with any PECO EDC operational employees?
- What functions are performed by the PECO EDC groups currently located on the same floor as the National Energy Team?
- How will PECO ensure that the National Energy Team will not be privy to the informal transfer of PECO EDC information?
- PECO states that both existing PECO Suppliers have their own direct line management. PECO should be required to provide an organizational chart so the Commission can ensure that PECO is in compliance.

Sales of Non-Power Goods or Services (Code of Conduct Standard No. 3)

MAPSA states that Code of Conduct Standard No. 3 requires that PECO not engage in transactions with a PECO Supplier that are detrimental to either the PECO EDC and its customers or to the competitive market. MAPSA claims that without an adequate description of PECO's internal accounting controls currently in place, it is not possible to ensure compliance with the Interim Code of Conduct. MAPSA believes that PECO should be required to provide additional information such as the following:

- How does PECO determine the market value of goods and services?

- Are the support functions listed above the only services that will be shared?
- What "information systems" does PECO EDC contemplate transferring to PECO Supplier?
- What accounting principles will PECO EDC employ with respect to any sale of non-power goods or services from PECO Supplier to PECO EDC?
- How will PECO ensure that no transaction between PECO EDC and a PECO Supplier will involve cross-subsidization?
- Are all of PECO's cost allocation and asset transfer valuation rules contained in Section IV of its compliance filing? Are some of the rules located elsewhere? If so, where?

MAPSA also claims that PECO's statement that all transfers of value between PECO EDC and PECO's affiliated supplier will be billed at a cost not less than PECO's fully allocated cost does not comply with Standard No. 3. MAPSA states that Standard No. 3 requires the PECO EDC to not sell non-power goods or services to PECO Supplier at a price below the cost or market, whichever is higher. MAPSA expresses the same concern with regard to PECO's proposal that the PECO EDC will bill its affiliated supplier on a fully-allocated costs basis with respect to shared employees, office space, parking and storage spaces, facilities, and equipment.

Simultaneous Disclosure of Market Information (Code of Conduct Standard No. 4)

In regard to PECO's proposed compliance with this standard, MAPSA claims that:

- PECO has failed to enumerate the particular classes of employees which it believes have access to confidential customer information.
- PECO should not be permitted to transfer expertise gained in its capacity as a regulated entity to its competitive side without sharing benefit of that expertise with all Suppliers, affiliated or not.
- PECO's proposed implementation plan does not evidence an intention that its SUCCESS website be a PECO Supplier's exclusive method of obtaining customer information from PECO EDC and, further, PECO's filing appears to state that the PECO Supplier and PECO EDC share a common intranet.

MAPSA also avers that PECO's compliance filing fails to provide for an adequate oversight mechanism, or for appropriate correction of infractions. MAPSA states that PECO's employees are given opportunities to report infractions, but are not required to do so. MAPSA claims that PECO employees should be guaranteed that a report of an infraction to an outside regulatory agency, such as the Commission, is subject to full "whistleblower" protection and that PECO's general counsel should constantly monitor PECO's compliance, and should punish all violations, not just those that are intentional.

MAPSA concludes that the Commission should require that PECO file a new implementation plan which addresses its concerns and that PECO should also be required to file an implementation plan for the Competitive Safeguards provisions included in its compliance filing.

In its reply comments, PECO generally states that MAPSA's requested additions to PECO's Code of Conduct and compliance filing should all be rejected as they are: "(1) already addressed in the Public Utility Code or other sources of law; (2) beyond the scope of the Final Settlement in PECO Energy's

Restructuring proceeding; (3) an attempt to relitigate issues the MAPSA members lost in settlement negotiations; or (4) an unreasonable interpretation of an applicable provision.” PECO also notes that Standards No. 8 and No. 9 of the Interim Code of Conduct anticipate the possibility that real disputes may develop concerning compliance and provide an expeditious procedure for resolving any such disputes. PECO further states that if a Supplier believes PECO has committed a Code violation it may file a Complaint with the Commission.

PECO also provided specific responses to MAPSA’s comments. With regard to the separation of PECO EDC and PECO Supplier employees (Standard No. 5), PECO responded as follows:

- the Interim Code requires no "minimum allowable period for an employee transfer" between PECO EDC and PECO Supplier. Upon such transfers, however, representatives from PECO Energy's Legal Division who are charged with training all affected PECO EDC and PECO Supplier employees will contact newly transferred employees to reemphasize the Interim Code requirements on which they have already received training.
- the Interim Code does not require separate buildings or elevator banks for the EDC's affiliated or divisional EGS. To protect against informal transfers [of competitive information], PECO Energy's EGS/EDC employee training will stress the EDC's obligation to maintain the confidentiality of competitively sensitive information generated by the EDC in connection with its monopoly "wires business" functions, and to not discuss such matters in the building's common areas.
- There are no employees who work for both PECO EDC and any PECO Supplier.
- Most of Exelon Energy's employees are located in the Wayne, Pennsylvania office with some employees in Pittsburgh and in Valley Forge.

- The NET [National Energy Team] does not share a floor with any PECO EDC employees; rather, the NET shares its floor with marketing and communication employees of PECO Energy's unregulated, competitive Exelon group.

Concerning MAPSA's comments addressing PECO's compliance with sales of non-power goods and services (Standard No. 3), PECO stated that:

- "Internal account controls" means that PECO EDC and PECO Supplier each have a designated code in the Company's accounting system. Transactions between PECO EDC and PECO Suppliers are identified per those designated codes and reviewed monthly to insure correct coding.
- A similar set of accounting controls will be established for the NET, reflecting their divisional rather than affiliated status.
- PECO Energy, however, shares the general belief advocated vigorously by the EGSs during litigation of PECO Energy's restructuring plan that competition generally yields lower prices. Implicit in PECO Energy's statement that any PECO EDC transfers of non-power goods and services will be billed at not less than PECO EDC's fully allocated costs, is the assumption that market costs will almost always be lower than its fully allocated costs.

In regard to the simultaneous disclosure of market information (Standard No. 4), PECO responds in its reply comments that:

- As indicated in the Compliance Plan PECO Energy filed, all "wires" employees with access to confidential customer information will receive targeted training with special emphasis on the need to restrict access to customer information. The partial listing of examples of such employee categories PECO Energy previously provided included customer service, linemen, and trouble crews. In addition, energy technicians, account

representatives, contract and builder services personnel, and customer consultants are also categories of employees whose targeted training will emphasize the need to restrict access to customer information.

- MAPSA's contention that PECO EDC should be restricted from transferring any "expertise" to a PECO Supplier without sharing such expertise with all Suppliers reflect another attempt to impose additional rules not contained in the Code with the purpose not of protecting competition, but of handicapping PECO Energy. ...All EGSs will bring varying strengths, capabilities and corporate affiliations to the retail market for electricity in Pennsylvania. No competitive market requires a subset of competitors, or one competitor, to share their strengths with other competitors.
- As for MAPSA's concern regarding PECO EDC's and PECO Supplier's use of the Company Intranet, PECO Energy notes that its Intranet contains no customer or market information. PECO Energy will not use its Intranet to circumvent any of the Code of Conduct rules.

In regard to MAPSA's comments concerning oversight and enforcement, PECO states that its Corporate Code of Conduct requires all employees to report violations of any applicable rules, regulations and laws. Concerning MAPSA's demand that PECO punish even unintentional Code violations, the Company states that given the complexity and novelty of many Code of Conduct issues, even employees who have received training may unintentionally violate the Code. PECO states that in such cases, it is only fair to inform the employees of the nature of his/her violation, with punishment assessed for any subsequent violations of that type.

PECO responds to MAPSA's request for "whistle-blower protection" for those who report infractions by noting that its Corporate Code of Conduct protects employees who make good faith disclosures concerning Code

violations of law. PECO also states, that similarly, Section 3316 of the Public Utility Code provides comprehensive whistle-blower protection for any good faith report of wrongdoing.

Resolution

We will approve PECO's implementation plan for its Interim Code of Conduct for purposes of this compliance filing. While we generally agree with MAPSA that PECO's plan could contain more detail, the Interim Code of Conduct is consistent with the standards included in the settlement approved by the Commission. Standard No. 9 of the Interim Code of Conduct provides for a dispute resolution process of the Code provisions. EGSs or other parties may also file complaints directly with the Commission.

For example, on June 26, 1998, MAPSA filed a Petition for Emergency Order and a related Complaint alleging that PECO was improperly maintaining a link on its website to Exelon Energy, a PECO EGS. After reviewing supporting documentation, Chairman Quain issued an Emergency Order on June 26, 1998, directing PECO to immediately cease and desist from creating and maintaining links, including the Exelon link, to any PECO supplier on its corporate website. The Commission entered an Order on July 9, 1998, ratifying the Emergency Order. The remaining allegations and request for relief were treated as a complaint and will be addressed through our complaint procedure.

The Commission is committed to requiring PECO and all EDCs to adhere to the principles set forth in the Interim Code of Conduct and the Competitive Safeguards Rulemaking at Docket No. L-00980132. EDCs must

interact with their customers in a completely neutral manner because they operate as a gateway to competitive generation services. Failure to properly regulate and enforce these principles may also result in cross-subsidization of an EGS affiliate's or division's sales and marketing functions with dollars derived from regulated services.

The Commission's Bureau of Audits is currently engaged in a management audit of PECO Energy. It will be possible to expand the areas the Audit's staff will examine to include the Code of Conduct implementation plan and controls. It is our intention to have our Bureau of Audits conduct spot or comprehensive compliance audits, as needed, to assure that PECO and all EDCs comply with these principles.

CONCLUSION

On July 9, 1998, PECO Energy Company filed:

- Supplement No. 16 to Tariff Electric Pa. P.U.C. No. 2 proposing the Net Securitization Adjustment in compliance with the Commission Order of May 14, 1998, at Docket No. R-00973953 and P-00971265.
- Tariff Electric Pa. P.U.C. No. 3 proposing unbundled tariff rates including an interim code of conduct and a listing, for informational purposes, of the Transmission Charges in compliance of the Commission Order of May 14, 1998, at Docket No. R-00973953 and P-00971265.

- Tariff Electric Pa. P.U.C. No. 1S proposing electric generation supplier coordination rules and charges including competitive metering and competitive billing specifications.

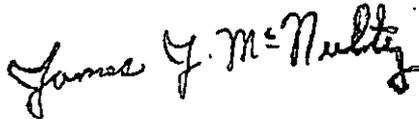
PECO has proposed amendments to various tariff provisions in response to the parties' comments, " if the Commission agrees ". To the extent that these proposed amendments are not otherwise addressed in this Opinion and Order, we will " agree " to adopt the proposed amendments. With the *modifications and changes to these tariffs and tariff supplements, directed through* this Opinion and Order, PECO Energy Company will be in a position to offer consumers retail access beginning on January 1, 1999; **THEREFORE,**

IT IS ORDERED:

1. That Supplement No. 16 to Tariff Electric Pa. P.U.C. No. 2 may become effective, as filed.
2. That PECO Energy is directed to amend Tariff Electric Pa. P.U.C. No. 3 and Tariff Electric Pa. P.U.C. No. 1S as required by this Opinion and Order.
3. That upon the filing of the required tariffs or tariff supplements consistent with this Opinion and Order, the records Docket Nos. R-00984298, R-00973953 and P-00971265 be marked closed.

4. That a copy of this Opinion and Order shall be served upon all parties to the proceedings at Docket Nos. R-00984298, R-00973953 and P-00971265.

BY THE COMMISSION,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty

Secretary

(SEAL)

ORDER ADOPTED: September 3, 1998

ORDER ENTERED: **SEP - 8 1998**

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

**PECO ENERGY COMPANY - SUPPLIER
TARIFF COMPLIANCE FILING AND
SUPPLEMENT NO. 16 TO TARIFF
ELECTRIC-PA PUC NO. 2**

**PUBLIC MEETING -
SEPTEMBER 3, 1998
SEP-98-FUS-1096*(REV.)
DOCKET NOS. R-00984298,
R-00973953 P-00971265**

CONCURRING STATEMENT OF COMMISSIONER DAVID W. ROLKA

Although I do not object to the recommendation that the compliance filings become effective after incorporating the clarifications and directives of the Order, I have two concerns regarding the outcome and therefore concur in the result.

First, the discussion and resolution of "load data charges" mixes several issues together. Our prior reference to 'one-time-without-charge', was intended to address historical load data requests. It was not directed at on-going billing demand information. Billing demand data for customers with that type of equipment and whose demand is recorded and read is part of the periodic reading and billing function. This information must be exchanged consistent with the meter reading and billing arrangements and is not subject to a recurring charge intended to address the provision of a historical twelve months of data.

Second, serious and numerous questions have been raised about PECO Energy's Interim Code of Conduct. A fully competitive electric market that could discipline persons engaged in anticompetitive behavior remains under development in Pennsylvania, and therefore an accounting system and process is required to identify and verify predatory behavior.

I want to make it abundantly clear that Code of Conduct compliance is a serious matter. The Uniform System of Accounts alone does not provide the information necessary to detect inappropriate conduct or cross subsidization. PECO's action in this regard should be closely monitored and I invite all interested parties to continue to provide comments that will provide guidance regarding the requisite equitable modifications and additions to the Code of Conduct and Competitive Safeguards Rulemaking to enhance enforcement by this Commission so that we can replace the interim code as soon as possible.

Additionally, I am very concerned that the language regarding the Capabilities of the Commission's Bureau of Audits does not expressly direct that the current management audit include an examination of the implementation plan and controls. The discussion language is only of capabilities and intentions and does not go further despite the opportunity to do so.

Sept. 3 1998

DATED



DAVID W. ROLKA, COMMISSIONER

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265**

**PECO Energy Company; Supplier Tariff
Compliance Filing; Interim Code of Conduct
Compliance Filing and Supplement No. 16 to
Tariff Electric-Pa. P.U.C. No. 2**

**PUBLIC MEETING
September 3, 1998
AUG-98-FUS-1096*
Docket Nos. R-00973953,
P-00971265, R-00984298**

STATEMENT OF COMMISSIONER NORA MEAD BROWNELL

Included in the staff proposed action at this docket is acceptance of PECO Energy Company's Implementation Plan for the Code of Conduct contained in the Settlement of PECO's electric restructuring proceeding approved at Docket Nos. R-00973953 and P-00971265 (Order entered May 14, 1998). If I were to be the entity operating under any proposed implementation plan, I would want specific standards and clarity so as to avoid confusion and the attendant additional costs down the road. The most successful businesses operate with a clear set of objectives and measurements, well understood by all stakeholders - customers, shareholders, employees and Wall Street. Although it is my earnest hope that the Plan proposed here provides such clarity to PECO and the other parties, I do not see well defined measurements for accountability.

We are moving into new areas with only our pilot program experiences behind us. The newness and uncertainty of a developing market makes it even more important for all concerned that the standards for corporate behavior in that new arena be as clear and as specific as possible. I do not believe that it is in anyone's interest to agree to a plan which merely sets the stage for continued debate over what that plan actually means.

Clarity of standards and expectations is not just a question of fairness, although that is a crucial element. I am also concerned that a lack of clearly understood standards at the beginning may set the stage for debate and costly litigation in the future. Should questions arise, the debate may be diverted from consideration of what actions should be taken to preserve a level competitive playing field, to petty disputes about what the Plan actually means with regard to a specific issue. Such disputes would be a terrible waste of time, energy and resources for all the participants in this tremendous endeavor.

Although I support moving the Supplier Tariff and other matters forward at this time, I would have preferred working with the parties to develop a more detailed implementation plan for the Code of Conduct. However, I am supportive of moving these matters forward to ensure that timely implementation occurs. I do want to caution all parties that the controlling matter here is the Code of Conduct established in the Settlement and, eventually, the general Code to be adopted by this Commission. Regardless of the Commission's acceptance of an implementation plan, it is just that: a plan. If experience indicates that this Plan is unsuccessful in achieving full compliance with the Code of Conduct, then changes will have to be made.

9/03/98
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PO BOX 4 WP2-1
WEST POINT PA 19486-0004

BYRON WILLIAMSON
ENGELHARD POWER MARKETING INC
101 WOOD AVENUE
ISELIN NJ 08830-0770

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YORK PA 17402

DEBORAH SCHACHTER
163 SILK FARM ROAD
CONCORD NH 03301

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IBEW LOCAL UNION 777
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C/O EXPEDX
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LEMOYNE PA 17043

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STEVENS & LEE
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JOHN EARWOOD
PA DEPARTMENT OF AGING
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HARRISBURG PA 17101

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516 KENHORST BLVD
READING PA 19610

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625 LIBERTY AVENUE
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DELMAR NY 12054

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50 LINDBERGH BLVD
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DAVID HUGHES
4037 LUDWICK STREET
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100 STATE STREET
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CAPITAL ASSOCIATES INC
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JOE DUDICK
PA RURAL DEVELOPMENT COUNCIL
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MESENTER

DAN KENNEDY
GOVERNOR'S ACTION TEAM
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HARRISBURG PA 17120

MESENTER

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2129 NORTHWOOD DRIVE
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CLEAN AIR COUNCIL
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PENNDOT
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45 BRANCH AVENUE
BERWYN PA 19312

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R-00973953 T/O

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DAIRYLEA COOPERATIVE INC
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VICE PRESIDENT
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ED PANAVICH
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128 SOUTH OFFICE BUILDING
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155A EAST WING CAPITOL
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MESSENGER

SENATOR JOSEPH M ULIANA
459 MAIN CAPITOL
HARRISBURG PA 17120

MESSENGER

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

MESSENGER

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CLEAN AIR COUNCIL
3700 VARTAN WAY
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REP KEITH MCCALL
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313 SOUTH OFFICE BUILDING
HARRISBURG PA 17120

MESSENGER

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LAWRENCE G SPIELVOGEL INC
203 HUGHES ROAD
KING OF PRUSSIA PA 19405-3785

R-00973953

JOHN M ALVAREZ
175 BEULAH ROAD
DOYLESTOWN PA 18901-2614

R-00973953

CHRIS S KING
CELLNET
125 SHOREWAY ROAD
SAN CARLOS CA 94060

R-00973953

CONN THOMAS
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506 FINANCE BUILDING
HARRISBURG PA 17120

MESSENGER

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R-00973953

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R-00973953

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REG DEVP GREEN MTN ENERGY RES
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R-00973953

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MESSENGER

EDWARD ESSL
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COOR CAPITAL CITY TASK FORCE
225 MARKET STREET STE 502
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R-00973953

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GOVERNOR'S OFFICE
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313 SOUTH OFFICE BUILDING
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LAWRENCE G SPIELVOGEL INC
203 HUGHES ROAD
KING OF PRUSSIA PA 19405-3785**

R-00973953

**JOHN M ALVAREZ
175 BEULAH ROAD
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R-00973953

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CELLNET
125 SHOREWAY ROAD
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GOVERNOR'S OFFICE
506 FINANCE BUILDING
HARRISBURG PA 17120**

MESSENGER

**LIZ ROBINSON EXEC DIR
ENERGY COORDINATING AGENCY
OF PHILADELPHIA
1924 ARCH STREET
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HOUSE OF REPRESENTATIVES
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R-00973953

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**KAREN K O'NEILL VP
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ROOM 20 EAST WING
HARRISBURG PA 17120**

MESSENGER

**EDWARD ESSL
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COOR CAPITAL CITY TASK FORCE
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R-00973953

**JOHN W STORB PE
SOTRB INCORPORATED
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R-00973953

**MARYLOU BARTON AST CNSL
400 MARKET ST 9TH FLOOR
RCSOB
PO BOX 8464
HARRISBURG PA 17105-8464**

MESSENGER

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 SEPTEMBER 3, 1998 at Docket No. R-00973953,ETC on behalf of:

JOSEPH GOLDBERG
CHIEF DEPUTY ATTORNEY GEN
DIR BUR OF CONSUMER

PROTECTION

14TH FL- STRAWBERRY SQUARE

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 RECORD RETENTION
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

KJR

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 9th day of SEPTEMBER, 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 SEPTEMBER 3, 1998 at Docket No. R-00973953, ETC on behalf of:

KENNETH L MICKENS ESQUIRE
CHARLES DANIEL SHIELDS ESQ
OFFICE OF TRIAL STAFF
P O BOX 3265
HARRISBURG PA 17105-3265

Mami J Rudy
Signature

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

98 SEP 10 11:10 AM
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PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

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FOLDER

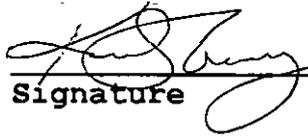
SRB

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 10 day of September, 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 SEPTEMBER 3, 1998 at Docket No. R-00973953, ETC on behalf of:

_____	KIM SHAWKEY	_____
_____	SEN BRIGHTBILL'S OFFICE	_____
_____	337 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 RECORD RETENTION
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

009322

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SECRETARY'S BUREAU
98 SEP 10 AM 10:58

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KJR

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 9 day of Sept, 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 SEPTEMBER 3, 1998 at Docket No. R-00973953,ETC on behalf of:

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

Keith M^cCall
Signature

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

SECRETARY'S BUREAU RECORD RETENTION
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

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98 SEP -9 AM 11:12
PA.P.U.C.
SECRETARY'S BUREAU

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 SEPTEMBER 3, 1998 at Docket No. R-00973953,ETC 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:

SECRETARY'S BUREAU RECORD RETENTION
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

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98 SEP -8 AM 7:58
PA.P.U.C.
SECRETARY'S BUREAU

EEF

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 SEPTEMBER 3, 1998 at Docket No. R-00973953,ETC on behalf of:

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

Signature

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

SECRETARY'S BUREAU RECORD RETENTION
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

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PA.P.U.C.
SECRETARY'S BUREAU

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 10 day of September, 1998,

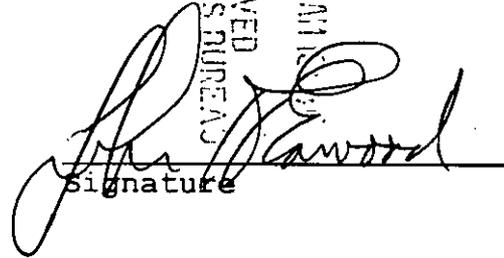
the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of OPINION AND ORDER (an official Commission document entered, issued, or otherwise promulgated under date of September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

054

JOHN EARWOOD
PA DEPARTMENT OF AGING
400 MARKET STREET
HARRISBURG PA 17101

MESSENGER

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PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

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EEF

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 September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

MARYLOU BARTON AST CNSL
400 MARKET ST 9TH FLOOR
RCSOB
PO BOX 8464
HARRISBURG PA 17105-8464

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 ROOM
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

SECRETARY'S BUREAU
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98 SEP 11 PM 3:05

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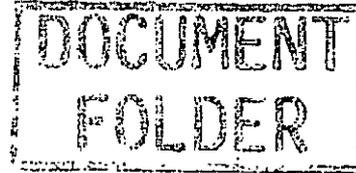
ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 14TH day of OCTOBER, 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 September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

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

MESSENGER



KJR


Signature

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

SECRETARY'S BUREAU FILE ROOM
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

SECRETARY'S BUREAU
RECEIVED

98 OCT 16 PM 2:44

017030

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 September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

R-00973953 O

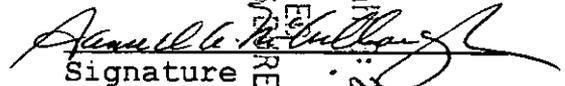
HON SAMUEL MCCULLOUGH SEC
DEPARTMENT OF COMMUNITY &
ECONOMIC DEVELOPMENT
433 FORUM BUILDING
HARRISBURG PA 17120

MECCENED.

015728

KJR

98 OCT -9 AM 11:21
RECEIVED
SECRETARY'S BUREAU


Signature

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

SECRETARY'S BUREAU FILE ROOM
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 10th day of September, 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 SEPTEMBER 3, 1998 at Docket No. R-00973953, ETC on behalf of:

_____	SENATOR JOSEPH M ULIANA	_____
_____	459 MAIN CAPITOL	_____
_____	HARRISBURG PA 17120	_____
_____	MESSENGER	_____
_____		_____

Joseph M. Uliana
Signature

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

SECRETARY'S BUREAU RECORD RETENTION
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

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98 SEP 11 AM 10:19
PA.P.U.C.
SECRETARY'S BUREAU

EEF

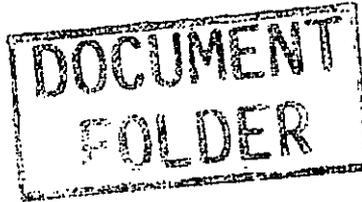
ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 10th day of September, 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 September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

SENATOR JOSEPH M ULIANA
459 MAIN CAPITOL
HARRISBURG PA 17120

MESSENGER



RECEIVED
98 SEP 11 AM 10:19
PA.P.U.C.
SECRETARY'S BUREAU


Signature

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

SECRETARY'S BUREAU FILE ROOM
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 10th day of September, 1998,

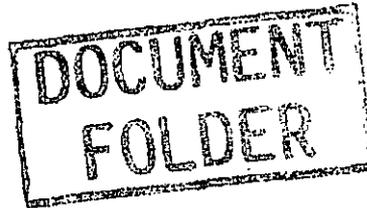
the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of OPINION AND ORDER an official Commission document entered, issued, or otherwise promulgated under date of September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

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

MESSSENGER

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SEP 13 3:26

SECRETARY'S BUREAU



Nan McLaughlin/kab
Signature

009431

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

SECRETARY'S BUREAU FILE ROOM
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 _____ 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 September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

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

MESSENGER



Chris Wogan
Signature

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

SECRETARY'S BUREAU FILE ROOM
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

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SECRETARY'S BUREAU

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ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

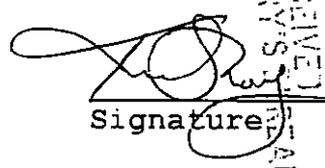
AND NOW, to wit, this 10 day of September, 1998,

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 September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

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

MESSENGER

009321

98 SEP 10 AM 10:58
RECEIVED
SECRETARY'S BUREAU

Signature

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

SECRETARY'S BUREAU FILE ROOM
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

SRB

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 9th day of Sept., 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 September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

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

MESSENGER

JAMES CRADDOCK

009290

Signature Veronica Smith gm
RECEIVED
SECRETARY'S BUREAU
90 SEP 11 AM 10:51

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

SECRETARY'S BUREAU FILE ROOM
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

DOCUMENT
FOLDER

SRB

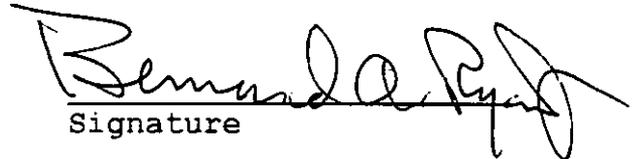
ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 9th day of Sept, 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 September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

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

RECEIVED
98 SEP 10 AM 11:01
PA.P.U.C.
SECRETARY'S BUREAU


Signature

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

SECRETARY'S BUREAU FILE ROOM
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 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 September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

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

MESSENGER

98 SEP 10 AM 10:20
PA.P.U.C.
SECRETARY'S BUREAU


Signature

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

SECRETARY'S BUREAU FILE ROOM
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 8th day of Sept., 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 September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

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

RECEIVED
98 SEP 11 PM 2:37
PA.P.U.C.
SECRETARY'S BUREAU
KJR


Signature

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

SECRETARY'S BUREAU FILE ROOM
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

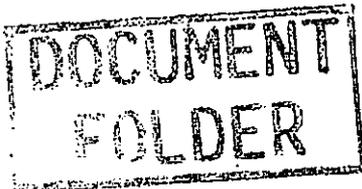
ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

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

the undersigned, as 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 September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

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

009432



[Handwritten Signature]
Signature
RECEIVED
SECRETARY'S BUREAU
98 SEP 10 11:3:27

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

SECRETARY'S BUREAU FILE ROOM
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

Received

SEP 10 1998

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE
Harrisburg

AND NOW, to wit, this 10 day of Sept, 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 September 8, 1998 at Docket Nos. R-00973953, P-00971265 & R-00984298 on behalf of:

HONORABLE STEWART J
GREENLEAF
SENATE BOX 203012
HARRISBURG PA 17120-3012

MESSENGER

RECEIVED
KJR
98 SEP 10 PM 3:47
PA.P.U.C.
SECRETARY'S BUREAU

Eric Paul
Signature

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

SECRETARY'S BUREAU FILE ROOM
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265