

COMMONWEALTH OF PENNSYLVANIA



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August 15, 1997

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Room B-20, North Office Building
P.O. Box 3265
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**Re: Application of Pennsylvania Power & Light Company
For Approval Of Its Restructuring Plan Under
Section 2806 the Public Utility Code
Docket No. R-00973954**

Dear Prothonotary:

Enclosed is a certificate of service pursuant to 52 Pa. Code §5.412(f) for filing the surrebuttal testimony and exhibits of Mr. Robert D. Knecht in the above docket labeled OSBA Statement No. S1.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Karen Oill Moury
Karen Oill Moury
Deputy Small Business Advocate

Enclosure

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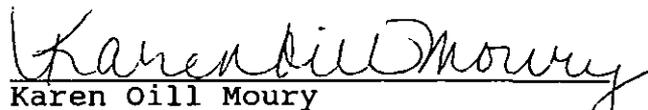
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Mr. James J. McNulty, Acting Prothonotary
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P.O. Box 3265
Harrisburg, PA 17105-3265

RE: PP&L Restructuring Proceeding, Docket No. R-00973954 - Surrebuttal Testimony

Dear Mr. McNulty:

Enclosed is a Certificate of Service pursuant to 52 Pa. Code §5.412(f) for filing the surrebuttal testimony and exhibit of David Schoengold, Bruce Biewald, and Peter Bradford on behalf of the Environmentalists in the above referenced docket.

Also enclosed is our office copy which we would appreciate having time-stamped for our files.

If you have any questions, please do not hesitate to contact us.

Sincerely,



Mary Lou Morin
Secretary to Alan Barak
Attorney for the Environmentalists

/mlm
Enclosure

cc: Service List

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITIES COMMISSION

Application of Pennsylvania Power & Light Company)
for Approval of its Restructuring Plan Under Section)
2806 of the Public Utility Code)

Docket No. R00973954

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a true copy of the Environmentalists' Surrebuttal upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Sec. 1.54, in the manner and upon the persons listed below.

On the 15th day of August, 1997:

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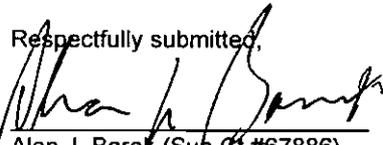
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Dated: August 15, 1997

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Re: **Pennsylvania Public Utility Commission v. Pennsylvania Power & Light Company**
- Application of Pennsylvania Power & Light Company for Approval of its
Restructuring Plan under Section 2806 of the Public Utility Code;
Docket No. R-00973954

Dear Judge Kashi:

Consistent with the procedural schedule in the above-referenced proceeding, enclosed please find a copy of written surrebuttal testimony prepared on behalf of the PP&L Industrial Customer Alliance ("PPLICA") as follows:

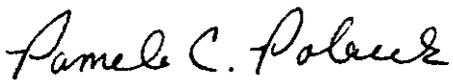
- (1) PPLICA Statement 1-S (surrebuttal testimony of Stephen J. Baron)
- (2) PPLICA Statement 2-S (surrebuttal testimony and exhibits of Randall J. Falkenberg)
- (3) PPLICA Statement 3-S (surrebuttal testimony and exhibits of Lane Kollen)

Honorable George M. Kashi
August 15, 1997
Page 2

Copies are also being served upon all parties of record as evidenced by the attached Certificate of Service.

Very truly yours,

McNEES, WALLACE & NURICK

By 
Pamela C. Polacek

Counsel to the PP&L Industrial Customer Alliance

PCP/clc

Enclosures

c: Certificate of Service
James J. McNulty, Prothonotary (transmittal letter and Certificate of Service only)

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing surrebuttal testimony upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Docket No. R-00973954

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Docket No. R-00973954

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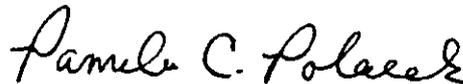
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Pamela C. Polacek, Esq.

Counsel to PP&L Industrial Customer Alliance

Dated this 15th day of August, 1997, at Harrisburg, Pennsylvania.

- * Federal Express packages will be sent on August 14, 1997, for delivery on August 15, 1997. Hand deliveries will be made on August 15, 1997.

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August 15, 1997

HAND DELIVERY

Hon. George M. Kashi
Administrative Law Judge
Pennsylvania Public Utility Commission
North Office Building, Room G-8
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Application of Pennsylvania Power & Light Company
for Approval of its Restructuring Plan Under
Section 2806 of the Public Utility Code
No. 00973954

R-00973954

Dear Judge Kashi:

Enclosed please find a copy of the prepared Surrebuttal Testimonies and supporting Exhibits of Enron Power Marketing, Inc.'s witnesses in the above captioned proceeding. Copies of this testimony are being served upon all active parties of record.

Very truly yours,



Alan Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN

AK/cln
Enclosure
cc: All Parties of Record (w/enc.)

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KJR

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing documents upon the participants, listed below, in accordance with the requirements of §1.54 (relating to service by a participant):

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Dated: August 15, 1997

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August 15, 1997

VIA FACSIMILE AND E-MAIL

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RE: Application of Pennsylvania Power & Light Company
for Approval of its Restructuring Plan Under Section 2806
of the Public Utility Code, Docket No. R-00973954

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KJR

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Dear Paul:

Enclosed please find Enron Power Marketing, Inc.'s answers to PP&L's Interrogatories, Set III, nos. 11 and 12. Due to the unavailability of certain persons within Enron, who are not witnesses in this case, we are unable to provide meaningful answers until Monday. This appears satisfactory to me since cross-examination of Bowen is not until late in the week.

If you have any questions or concerns regarding this matter feel free to contact the undersigned at your convenience.

Very truly yours,



Alan Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN, LLP

RJL/jlg

Enclosures

cc: James McNulty, Acting Secretary (Cert. of Service only)
Parties of Record

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Alan Kohler

Dated: August 15, 1997

DOCKETED

DATE: August 18, 1997 AUG 20 1997

SUBJECT: R-00973954

TO: Office of Administrative Law Judge

FROM: *WJZ* James J. McNulty, Acting Secretary

DOCUMENT
FOLDER

APPLICATION OF PENNSYLVANIA POWER & LIGHT COMPANY
FOR APPROVAL OF ITS RESTRUCTURING PLAN

Attached is copy of a Second Amendment to Formal Complaint, Protest and Petition to Intervene of the Environmentalists deemed Petition to Intervene filed in connection with the above docketed proceeding.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS

wjz



Pennsylvania Power & Light Company

Two North Ninth Street • Allentown, PA 18101-1179 • 610/774-5151

Paul E. Russell
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August 18, 1997

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PA PUBLIC UTILITY COMMISSION
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VIA FEDERAL EXPRESS

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Harrisburg, Pennsylvania 17105-3265

KJR

**Re: Pennsylvania Power & Light Company
Restructuring Plan
Docket No. R-00973954**

Dear Mr. McNulty:

Attached for filing, pursuant to the Commission's regulations, 52 Pa. Code § 5.342(d), is a Certificate of Service identifying answers to interrogatories that Pennsylvania Power & Light Company served today on the active participants in this proceeding.

If you have any questions regarding this letter, please call.

Very truly yours,

Paul E. Russell

Attachment

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION AUG 18 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Pennsylvania Power & Light Company :
Restructuring Plan Filing : Docket No. R-00973954

CERTIFICATION OF SERVICE

I hereby certify that I have this day served a true copy of Pennsylvania Power & Light Company's answers to the Office of Small Business Advocate's Interrogatories, Question 48, 50, 53, and 58 upon the active participants listed below, in accordance with the requirements of §1.54 (relating to service by a participant):

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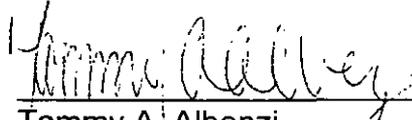
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Dated this 18th day of August, 1997.



Tammy A. Albenzi

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KJR

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R-973954

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Linda C. Smith

August 18, 1997

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Honorable George M. Kashi
P. O. Box 3265
Harrisburg, PA 17105

KJR

Re: Assignment of AARP to the Public Interest Group.

Dear Judge Kashi:

I am writing in opposition to the assignment of AARP to a "Public Interest group" with the intent that AARP be represented, along with others, by counsel selected by your Honor. Intrinsic to the right to representation by counsel is the right to select that counsel.

There are many problems with Your Honor's decision to select counsel for the parties since these parties do not have like interests, but rather have very distinct interests as demonstrated by their complaints, interventions and filed testimony.

First and foremost, the decision to group parties and designating a lead counsel denies parties their right to due process. This alone will provide a basis for an appeal of any decision resulting from the proceeding.

Second, your decision violates the Pennsylvania Rules of Professional Conduct. Those rules clearly require that fee arrangements be disclosed in writing (Rule 1.5), that confidentiality of clients be maintained (Rule 1.6), that attorney's most act with diligence to represent their clients interest (Rule 1.2); and the exercise of independent professional

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judgment on behalf of one's client (Rule 2.1). Other rules of professional conduct may also be applicable.

Third, your decision to group parties and assign lead counsel interferes with contractual obligations between clients and their attorneys.

Fourth, your decision may conflict with Canon 3 of the Code of Judicial Conduct which provides that Judges accord to every person legally interested full right to be heard.

AARP understands Your Honor's desire and responsibility to conduct efficient hearings without repetition of cross examination questions. This can be achieved by instructing parties to carefully listen to those parties preceding their own cross with diligence to avoid any repeat of cross examination questions. In fact, AARP has made a determination that it would not conduct cross examinations in this proceeding and has advised PP&L of its intent in response to a request for scheduling purposes.

For all the foregoing reasons, AARP opposes Your Honor's decision and requests that you reconsider your decision at the earliest opportunity.

Very truly yours,

Linda C. Smith

Linda C. Smith

LCS:sr

cc: All Parties Of Record

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August 18, 1997

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VIA FACSIMILE AND E-MAIL

Paul E. Russell, Esquire
Pennsylvania Power & Light Company
2 North 9th Street
Allentown, PA 18101

DOCUMENT
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RE: Application of Pennsylvania Power & Light Company
for Approval of its Restructuring Plan Under Section 2806
of the Public Utility Code, Docket No. R-00973954

Dear Paul:

Enclosed please find Enron Power Marketing, Inc.'s answers to PP&L's Interrogatories, Set III, nos. 1 through 10. The answers to these interrogatories are all proprietary in nature and are being served only on the parties who have signed the Confidentiality Agreement in this matter.

If you have any questions or concerns regarding this matter feel free to contact the undersigned at your convenience.

Very truly yours,



Alan Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN, LLP

RJL/jlg

Enclosures

cc: James McNulty, Acting Secretary (Cert. of Service only)
Parties of Record

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing documents upon the participants, listed below, by hand delivery at hearing who signed the Confidentiality Agreement, in accordance with the requirements of §1.54 (relating to service by a participant):

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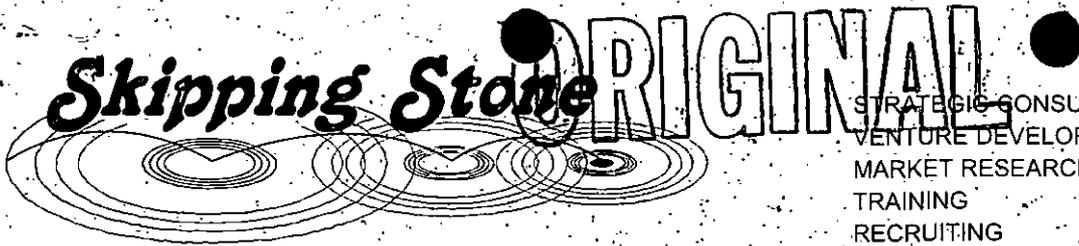
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Alan Kohler

Dated: August 18, 1997



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August 18, 1997

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Dear Mr. Secretary:

I am writing this letter requesting to become an active party in the proceedings I have identified below. Skipping Stone is an energy consulting firm which specializes in the deregulation of the electric utility industry. Our firm now represents a number of power marketers and aggregators who plan on selling power in Pennsylvania once the Pilot Program begins and also for the duration of the restructuring. Our clients have been active in many other Pilot programs throughout the country as well as restructuring proceeding. As such we feel that our input in the proceedings would benefit all parties. The following are the proceedings we plan on being active in:

Restructuring Plans:	
PP&L	R0097394
Allegheny/	R00973981
West Penn	
GPU	R00974008
PECO	R00973953

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Pilots
Met Ed P00971168
Penn Elec. P00971169
PECO P 00971170
West Penn/Allegheny P00971172
Duquesne P00971175
PP&L P00971183



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CREATING RIPPLES FOR CLIENTS ACROSS THE ENERGY SPECTRUM

Please forward all correspondence to Albert M. Benincasa
Director of Regulatory Affairs
46⁹th Ave.
Sea Cliff NY 11579

If there are any questions please call me @ 516-674-4186. My fax number is
516- 676- 6984.

Sincerely



Albert M. Benincasa

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August 19, 1997

PLEASE REPLY TO:

Harrisburg

VIA HAND DELIVERY

*ALSO ADMITTED IN NJ
†ALSO ADMITTED IN NC
°ALSO ADMITTED IN MD
°ALSO ADMITTED IN DE
°ALSO ADMITTED IN DC
†ALSO ADMITTED IN FL
*ALSO ADMITTED IN NY
*ALSO ADMITTED IN KY

James McNulty, Deputy Prothonotary
Public Utility Commission
206 North Office Building
Harrisburg, PA 17120

RE: **Pennsylvania Power & Light Company's Restructuring Plan;
Docket No. R-00973954**

Dear Mr. McNulty:

Enclosed are an original and four copies of The Quaker Oats Company and Mount Joy Wire Corporation's Motion to Reconsider the Denial of Their Petitions to Intervene. Please time stamp one copy and return to our office.

A courtesy copy is being sent to ALJ Kashi.

Very truly yours,

POWELL, TRACHTMAN, LOGAN, CARRLE,
BOWMAN & LOMBARDO, P.C.

By 
David W. Francis

DWF/mak
Enclosures
cc: ALJ George Kashi
Service List

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KJR

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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IN THE MATTER OF PENNSYLVANIA
POWER & LIGHT COMPANY'S
RESTRUCTURING PLAN

DOCKET NO. R-00973954

**THE QUAKER OATS COMPANY AND MOUNT JOY WIRE CORPORATION'S
MOTION TO RECONSIDER THE DENIAL OF THEIR PETITIONS TO INTERVENE**

The Quaker Oats Company ("Quaker") and Mount Joy Wire Corporation ("Mount Joy") respectfully move this tribunal to reconsider its denial of Quaker's and Mount Joy's petitions to intervene. In support of this motion, Quaker and Mount Joy state as follows:

1. On October 5, 1995, Pennsylvania Power and Light Company ("PP&L") filed with the commission Supplement No. 56 to Tariff Electric Pa. P.U.C. 200 at Docket No. R-00943271 in compliance with a Commission Order of September 27, 1995 ("PP&L's October 5, 1995 compliance filing"). PP&L's October 5, 1995 compliance filing created several rate schedules that provided interruptible service to eligible customers.

2. PP&L's October 5, 1995 compliance filing placed a 500 MW cap on the amount of interruptible power that PP&L would be required to carry. The tariff defined the 500 MW cap as follows:

The Company will not enter into new contracts for interruptible power if the amount of interruptible power for all customers served under Rates IS-I, IS-P, IS-T, PR-2, the competitive Rate Rider, and Interruptible Service by Agreement exceeds a total of 500 MW. For the purpose of determining this amount, interruptible power is the twelve month average of each customer's monthly on-peak demand less the customer's contract firm power level.

(emphasis supplied).

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3. In or about October, 1995 the following four customers, among others, requested service under PP&L's interruptible rate schedules: Caradon Mideast Aluminum, a division of Caradon America Inc. ("Caradon"), Metal Industries Inc. ("M.I."); Quaker and Mount Joy.

4. Notwithstanding these requests, PP&L refused to timely place these customers on the interruptible rate.

5. On May 30, 1996, Caradon, and on August 21, 1996, M.I. filed complaints against PP&L before the Commission seeking, *inter alia*, retroactive application of the interruptible rate to October 1995. These matters are presently pending before ALJ Cynthia Williams Fordham at docket nos. C-00968031 and C-0096827.

6. On April 1, 1997, Pennsylvania Power and Light Company ("PP&L") filed its restructuring plan ("PP&L's Plan") pursuant to the provisions of the Electricity Generator Customer Choice and Competition Act.

7. PP&L's plan called for a change in the way that PP&L would be required to calculate interruptible power of all customers served on the interruptible rate. Specifically, PP&L's plan calls for the complete deletion of the definition of interruptible power from each interruptible rate schedule.

8. In the direct testimony of Mr. Oliver Kasper submitted to the Commission, he stated,

The Company consistently has calculated the amount of available interruptible load as a customer's maximum actual annual demand (in any 12-month period) and the customer's firm contract demand. This is consistent with the underlying purpose of interruptible load (to reduce peak demand) and how the Company calculates interruptible load as a capacity reserve obligation in the Pennsylvania-New Jersey-Maryland Interconnection. Unfortunately, the definition of the cap in the Company's tariff has

created some confusion and has led some customers to propose a substantially different method for calculating interruptible load based upon 12-month monthly average data. This alternative definition is inconsistent with how the Company has always calculated interruptible load, completely at odds with the purpose of and need for interruptible load, and substantially understates the amount of interruptible load on the Company's system. If this alternative definition were adopted, it would force the Company to contract for excessive amounts of interruptible load to the detriment of the Company and its other customers. To avoid continued controversy, the Company seeks to remove the definition from the tariff.

9. Upon information and belief, the customers who have allegedly proposed a substantially different method for calculating interruptible load include Caradon, M.I., Quaker and Mount Joy.

10. On April 29, 1997, Caradon and M.I. each filed a petition to intervene in this restructuring matter. These petitions were granted on June 17, 1997.

11. On July 14, 1997, Quaker Oats filed a complaint against PP&L seeking retroactive application of the interruptible rate. Thereafter, on July 15, 1997, Quaker Oats filed a petition to join the intervention of Caradon and M.I.

12. The specific basis for Quaker's petition was to address the exact situation presently encountered: that PP&L would resolve its differences with Caradon and M.I. before evidentiary hearings. Specifically, in paragraph 15 of Quaker's petition, this rationale was set forth as follows:

Quaker Oats' petition is to join Caradon and Metal Industries' intervention, in so far as they have similar interests in this case. However, in the event Caradon and Metal Industries were to resolve their differences with PP&L between now and trial, Quaker Oats' interests would not be adequately represented by the existing participants in the proceedings.

(emphasis supplied) The clear intent of Quaker's petition was to address the scenario of

Caradon and M.I. withdrawing from the proceedings, thereby allowing PP&L to proceed to modify the language of the tariff without challenge. As such, it should be treated as a petition to intervene.

13. PP&L did not object to Quaker's petition. Accordingly, pursuant to 52 Pa. Code § 5.66, PP&L is deemed to have waived any objection not filed within twenty days. This twenty day period expired on August 4, 1997.

14. 52 Pa. Code § 5.75 provides "As soon as practicable after the expiration of the time for filing answers to petitions as provided in § 5.66 (relating to answers to petitions to intervene), the Commission or presiding officer will grant or deny the petition in whole or in part..."

15. On July 28, 1997, Mount Joy filed a petition to join as a party of the intervention of Caradon, M.I., and Quaker. Mount Joy's petition also requested, in the alternative, that it be treated as a separate petition to intervene. PP&L never objected to Mount Joy's petition.

16. As explained on page 9 of PP&L's recent Answer of Pennsylvania Power and Light Company to Interruptible Intervenors' Motion to Compel Responses to Requests for Admissions, "Caradon and MI reached an agreement in principle to settle [their] claims."

17. On August 11, 1997, Caradon and M.I. each filed a petition to withdraw with prejudice from the restructuring matter.

18. On August 15, 1997, this tribunal granted the petitions to intervene of the following entities:

- a. York County Solid Waste & Refuse Authority (petition date unknown)
- b. Pennsylvania Association of Plumbing, Heating, Cooling Contractors

(petition filed on July 23, 1997);

- c. Electric Clearinghouse, Inc (petition filed June 25, 1997)
- d. NorAm Energy Management, Inc (petition filed (June 27, 1997)
- e. Duke Energy Trading and Marketing L.L.C. (petition filed June 18, 1997)
- f. Vastar Power Marketing, Inc. (petition filed June 26, 1997)
- g. Pennsylvania Retailers' Association (petition filed June 25, 1997)
- h. ERI Services, Inc (petition filed July 23, 1997)

However, no action was taken upon Quaker Oats or Mount Joy's petitions.

19. On August 15, 1997, the Honorable ALJ Kaski granted Caradon's and M.I.'s petitions to withdraw with prejudice from the restructuring case.

20. On August 18, 1997, the Honorable ALJ Kashi denied Quaker Oats and Mount Joy's petitions for intervention on the basis that Caradon's and M.I.'s petitions were withdrawn with prejudice.

21. Quaker Oats and Mount Joy respectfully submit that their petitions should be considered as separate petitions to intervene, and should not have been tied to Caradon's and M.I.'s continued participation in the case. This is evident from the fact that the very basis of Quaker's and M.I.'s petitions to intervene was to deal with the scenario of Caradon and M.I. resolving their dispute with PP&L. Accordingly, Quaker and Mount Joy respectfully request that this motion for reconsideration be granted, and that they be allowed to participate in these proceedings.

22. In the alternative, Quaker and Mount Joy respectfully submit that your Honor's failure to act upon Quaker Oats' and Mount Joy's petitions to intervene, despite no objection

from PP&L, until after granting Caradon's and M.I.'s petitions to withdraw, constitutes an abuse of discretion.

23. In the alternative, Quaker Oats and Mount Joy respectfully submit that this tribunal's failure to act upon Quaker Oats' and Mount Joy's petitions at the same time it acted upon the petitions of York County Solid Waste & Refuse Authority, Pnnsylvania Association of Plumbing, Heating, Cooling Contractors, Electric Clearinghouse, Inc., NorAm Energy Management, Inc., Duke Energy Trading and Marketing L.L.C., Vastar Power Marketing, Inc., Pennsylvania Retailers' Association, and ERI Services, Inc., amounts to an abuse of discretion.

24. In the alternative, Quaker Oats respectfully submits that this tribunal's failure to grant its petition, despite the fact that it was filed prior to the petitions of the Pennsylvania Association of Plumbing, Heating and Cooling Contractors, Inc., and ERI Services, Inc.'s petitions amounts to an abuse of discretion.

25. In the alternative Mount Joy respectfully submits that this tribunal's failure to grants its petition, notwithstanding that it was filed only five days after the Pennsylvania Association of Plumbing, Heating and Cooling Contractors, Inc., and ERI Services, Inc.'s petitions amounts to an abuse of discretion.

26. Quaker Oats and Mount Joy's interests will not be adequately protected by the current parties. Pursuant to the comments made by the Honorable ALJ George M. Kashi at the third prehearing conference regarding the need for "lead counsel," counsel for Quaker and Mount Joy telephoned counsels for PPLICA and the Office of Small Business Advocate to ascertain whether they would perform any cross-examination relating to the proposed change to the 500 MW cap. It was mutually agreed that Quaker Oats and Mount Joy would perform this

cross-examination.

27. There will be no prejudice to PP&L in granting Quaker's and Mount Joy's petitions. In fact, PP&L has apparently anticipated that Quaker and Mount Joy would be allowed to participate, and has submitted surrebuttal testimony of Mr. Oliver G. Kasper. This surrebuttal testimony is dedicated specifically to addressing issues raised by Quaker and Mount Joy in certain outstanding Requests for Admissions. A copy of this surrebutall testimony is attached hereto as exhibit A and incorporated by reference.

28. In the event Quaker and Mount Joy are not permitted to participate in this hearing, this tribunal and the Commission will be required to rule upon PP&L's request to delete the definition of interruptible power without a complete evidentiary record. A cursory review of Mr. Kasper's surrebuttal testimony underscores the need for the development of a complete record. A substantial portion of Mr. Kasper's surrebuttal testimony is dedicated to explaining away prior statements made by PP&L which apparently contradict his direct testimony. Two significant examples are as follows:

a. Page 24, line 8 through page 27, line 10. In this testimony, Mr. Kasper discusses request for admission exhibits J and K and L, which are PP&L internal e-mail messages discussing a meeting between PP&L and another customer (Caradon).¹ Each of these e-mail messages reference PP&L's admissions to Caradon that PP&L was below the 500 MW cap for serveral months as of Febraury 1996. Mr. Kasper's surrebuttal

¹A copy of the Requests for Admission are attached to Interruptible Intervenors Motion to Compel Responses to Requests for Admission, which was previously filed with the Commission. Because of their bulk and size, another copy is not being attached here. However, they are incorporated by reference.

testimony suggests that this admission was based upon an alternate methodology for calculating interruptible power, however the alternate methodology is not described. Moreover, the use of a so-called alternate methodology undermines PP&L's claim that they have always calculated interruptible power according to the annual demand method.

In addition, the e-mail messages set forth a different basis for rejecting Caradon's request for interruptible power -- "the tariff does not state that we must sign contracts when below 500 MW and this gives me the ability to make business decisions for PP&L." In his surrebuttal testimony Mr. Kasper admits this was "in error." (See P. 26, lines 9-10).

b. Page 32, line 15 through page 33, line 22. In this testimony, Mr. Kasper discusses requests for admission nos. 33 through 43 which relate to a specific customer alternatively identified as customer 59 or 60 ("customer 59/60"). In the requests for admission, Quaker and Mount Joy pointed out that PP&L credited itself with 26 MW worth of interruptible power for customer no. 59/60 since May, 1994, even though that customer did not begin receiving interruptible power until 1996, and has never obtained an on-peak maximum demand of 26 MW. Mr. Kasper explains in his surrebuttal testimony that PP&L "reserved" the 26 MW of interruptible power for this customer. This contradicts the assertion that PP&L utilizes the actual annual demand method since they used an *anticipated* demand for this customer.

Based upon these two examples, it is clear that some evidentiary record should be established before ruling upon PP&L's proposal.

Wherefore Quaker and Mount Joy request the Honorable ALJ George M. Kashi
reconsider the ruling upon Quaker Oats and Mount Joy's petitions to intervene.

Respectfully Submitted,

POWELL, TRACHTMAN, LOGAN, CARRLE,
BOWMAN & LOMBARDO, P.C.

By



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Date: August 19, 1997

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 1997, a copy of the within document was served upon the following person(s) by first class U.S. Mail, postage prepaid.

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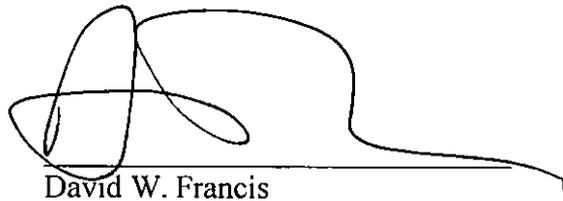
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David W. Francis

Date: August 19, 1997

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August 19, 1997

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VIA HAND DELIVERY

KJR

Honorable George M. Kashi
Administrative Law Judge
Pennsylvania Public Utility Commission
Room G-08, North Office Building
Harrisburg, PA 17120

**Re: Pennsylvania Public Utility Commission v. Pennsylvania Power & Light Company -
Application of Pennsylvania Power & Light Company for Approval of its
Restructuring Plan under Section 2806 of the Public Utility Code;
Docket No. R-00973954**

Dear Judge Kashi:

As suggested by PP&L's counsel in a letter dated August 11, 1997, the PP&L Industrial Customer Alliance ("PPLICA") lists below its statements and exhibits:

PPLICA Statement No. 1 - Direct Testimony and Exhibits of Stephen J. Baron;
PPLICA Statement No. 1R - Rebuttal Testimony of Stephen J. Baron;
PPLICA Statement No. 1S - Surrebuttal Testimony of Stephen J. Baron;
PPLICA Statement No. 2 - Direct Testimony and Exhibits of Randall J. Falkenberg;
PPLICA Statement No. 2S - Surrebuttal Testimony and Exhibits of Randall J. Falkenberg;
PPLICA Statement No. 3 - Direct Testimony and Exhibits of Lane Kollen;
PPLICA Statement No. 3S - Surrebuttal Testimony and Exhibits of Lane Kollen;
PPLICA Statement No. 4 - Direct Testimony of James H. Rooney; and
PPLICA Statement No. 5 - Direct Testimony of James S. Schneider.

AUG 25 1997

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Honorable George M. Kashi
August 19, 1997
Page 2

We understand that each of these Statements and Exhibits will be admitted into the **record** without conducting direct examination at the evidentiary hearing. Thank you for your cooperation in this regard.

Very truly yours,

McNEES, WALLACE & NURICK

By *David M. Kleppinger/dt*
David M. Kleppinger

Counsel to the PP&L Industrial Customer Alliance

DMK/dt

c: All parties of record
James J. McNulty, Acting Secretary ✓

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing letter upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

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Dated this 19th day of August, 1997, at Harrisburg, Pennsylvania.

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August 20, 1997

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PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

**Re: Pennsylvania Power & Light Company
Restructuring Plan
Docket No. R-00973954**

Dear Mr. McNulty:

Attached for filing, pursuant to the Commission's regulations, 52 Pa. Code § 5.342(d), is a Certificate of Service identifying answers to interrogatories that Pennsylvania Power & Light Company served today on the active participants in this proceeding.

If you have any questions regarding this letter, please call.

Very truly yours,

Paul E. Russell

Attachment

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Pennsylvania Power & Light Company :
Restructuring Plan Filing :

Docket No. R-00978054

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CERTIFICATION OF SERVICE

I hereby certify that I have this day served a true copy of Pennsylvania Power & Light Company's corrected answer to the Office of Consumer Advocate's Interrogatories, Set XVI, Questions 1, 2, and 3, and Set XVII, Question 1 upon the active participants listed below, in accordance with the requirements of § 1.54 (relating to service by a participant):

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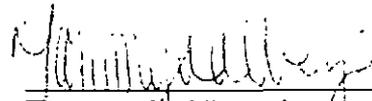
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Dated this 20th day of August, 1997.



Tammy A. Albenzi



Pennsylvania Power & Light Company

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KJR

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August 20, 1997

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AUG 20 1997

**PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE**

**Re: Pennsylvania Power & Light Company
Restructuring Plan
Docket No. R-00973954**

Dear Mr. McNulty:

Attached for filing, pursuant to the Commission's regulations, 52 Pa. Code § 5.342(d), is a Certificate of Service identifying answers to interrogatories that Pennsylvania Power & Light Company served today on the active participants in this proceeding.

If you have any questions regarding this letter, please call.

Very truly yours,

Paul E. Russell

Attachment

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Pennsylvania Power & Light Company :
Restructuring Plan Filing : Docket No. R-00973954

DOCKETED

AUG 22 1997

CERTIFICATION OF SERVICE

RECEIVED

AUG 20 1997

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S

I hereby certify that I have this day served a true copy of Pennsylvania Power & Light Company's answers to the Office of Small Business Advocate's Interrogatories, Question 54, 59 and 60 upon the active participants listed below, in accordance with the requirements of §1.54 (relating to service by a participant):

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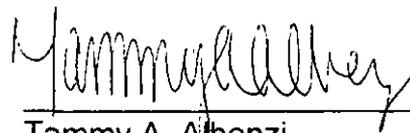
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Dated this 20th day of August, 1997.



Tammy A. Albenzi



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

IN REPLY PLEASE
REFER TO OUR FILE

August 21, 1997

In Re: R-00973954

(See letter dated 07/24/97)

Pennsylvania Power & Light Company

Application for approval of a Restructuring Plan.

DOCKETED
AUG 26 1997

KJR

Hearing Notice

This is to inform you that Public Input Hearings on the above-captioned case will be held as follows:

Wednesday, September 3, 1997 at 1:00 p.m..

Hearing Room 1
Ground Floor
North Office Building
North Street and Commonwealth Avenue
Harrisburg, Pennsylvania

**DOCUMENT
FOLDER**

Presiding Officer: Administrative Law Judge George M. Kashi
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5452

Please mark your records accordingly.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call Norma Lewis at the Public Utility Commission:

- Scheduling Office: 717-787-1399
- AT&T Relay Service number for persons who are deaf or hearing impaired:
1-800-654-5988.

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pc:

Chairman Quain

Vice Chairman Bloom

Commission Hanger

Commissioner Rolka

Commissioner Brownell

Judge Kashi

Rosemary Chiavetta - BPL 111

John Frazier - BPL 101

Office of Trial Staff (2)

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Calendar File

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August 22, 1997

VIA HAND DELIVERY

Honorable George M. Kashi
Administrative Law Judge
Pennsylvania Public Utility Commission
Room G-08, North Office Building
Harrisburg, PA 17120

Re: **Pennsylvania Public Utility Commission v. Pennsylvania Power & Light Company**
- Application of Pennsylvania Power & Light Company for Approval of its
Restructuring Plan under Section 2806 of the Public Utility Code;
Docket No. R-00973954

Dear Judge Kashi:

Enclosed please find an update to PPLICA Statement No. 2-S, the surrebuttal testimony of Randall J. Falkenberg on behalf of the PP&L Industrial Customer Alliance ("PPLICA"). The update consists of a revised Exhibit No. ____ (RJF-9) and an errata sheet reflecting changes to the text of the testimony.

Copies are also being served upon all parties of record as evidenced by the attached Certificate of Service.

RECEIVED
97 AUG 22 PM 3:30
PA.P.U.C. PROTHONOTARY'S OFFICE

Very truly yours,

McNEES, WALLACE & NURICK
By *Pamela C. Polacek*
Pamela C. Polacek

Counsel to the PP&L Industrial Customer Alliance

PCP/clc
Enclosures
c: Certificate of Service
James J. McNulty, Prothonotary (transmittal letter and Certificate of Service only)

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing updated surrebuttal testimony upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL

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AUG 25 1997

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Page 3

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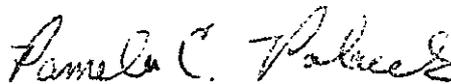
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Pamela C. Polacek, Esq.

Counsel to PP&L Industrial Customer Alliance

Dated this 22nd day of August, 1997, at Harrisburg, Pennsylvania.

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JOHN C. BECKER
OF COUNSEL

August 22, 1997

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The Honorable George Kashi
Administrative Law Judge
Public Utility Commission
Commonwealth of Pennsylvania
P. O. Box 3265
Harrisburg, PA 17105-3265

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AUG 27 1997

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**RE: Restructuring Plan by Pennsylvania Power and Light Company
PUC Docket No. R-00973954**

Dear Judge Kashi:

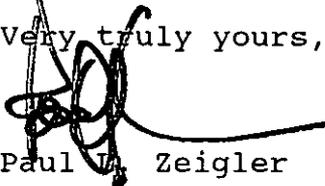
Please be advised that we represent the Cumberland County Energy Consortium, a pool of municipalities and school districts located in Cumberland County, which have joined together to address energy issues. On behalf of my client, we are requesting that an additional public hearing be held in Harrisburg regarding PP&L's debt restructuring request as per PUC Docket No. R-00973954.

The Cumberland County Energy Consortium, which was formed recently, already has a membership of 25 entities and membership continues to grow at a rapid pace. Therefore, it is clear this Consortium represents a significant number of energy users in this area.

Accordingly, we are requesting your consideration for establishing an additional.

Your consideration in this request is greatly appreciated.

Very truly yours,


Paul L. Zeigler

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PLZ/kam

cc: John S. Ward, Chief Clerk, Commissioners of Cumberland County
George Zimmerman, Capital Area Intermediate Unit
Bruce A. Yerger, Buchart Horn, Inc./Basco Associates

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AUG 27 1997

August 22, 1997

KJR

VIA TELECOPY AND REGULAR MAIL

The Honorable George Kashi
Administrative Law Judge
Pennsylvania Public Utility Commission
Room G-81, North Office Building
Harrisburg, PA 17105-3265

**RE: In the Matter of Pennsylvania Power & Light Co.
Restructuring Plan Filing
Docket No. R-00973954**

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Dear Judge Kashi:

I write this letter on behalf of my client New Energy Ventures, Inc. ("NEV") with respect to Your Honor's suggestion that the parties submit group briefs rather than individual briefs following conclusion of the hearing in the above-captioned matter. While I am unable to be present in the Hearing Room today due to another commitment, I respectfully submit this letter in order to register the objection of NEV to the joint briefing proposal. If, however, Your Honor would prefer that this objection be registered orally during the conduct of the hearing, I would be pleased to do so at Your Honor's direction next week when the hearing is scheduled to continue.

NEV respectfully submits that requiring all of the parties other than PP&L to submit joint group briefs would, at a minimum, significantly complicate the brief preparation process for the parties subject to the requirement, and may prove wholly unworkable. Each party has a unique perspective on the many issues presented by PP&L's application, and what is an important issue to one party may be an issue on which another party within the same group has a different perspective, or wishes to take no position. Requiring the submission of joint briefs would inevitably force the individual members of a group to engage in extended discussions relating to

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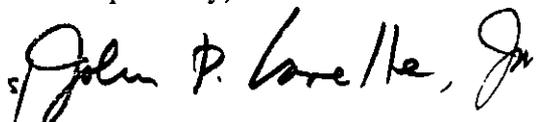
The Honorable George Kashi
August 22, 1997
Page 2

the composition of the brief in order to preserve or accommodate the perspectives of each group member. Moreover, requiring parties to submit to filing joint briefs, rather than permitting each party to file an individual brief, will deprive each party of the opportunity to submit a brief structured in order to make clear the levels of priorities of each of that particular party's interests and concerns, and providing a cohesive individual view of what the result of this proceeding should be.

These problems are exacerbated by the fact that one party, PP&L, would not be required to file a joint brief -- even though the focus of this proceeding is the basis on which PP&L's unregulated generation arm will compete with other generation providers. To permit PP&L to submit its own brief, while requiring all other generation providers to submit a joint brief, we respectfully submit, is inherently unfair. At a minimum, if joint briefs are to be required, PP&L's unregulated generation arm should be required to file a joint brief along with all of the other members of the generation provider group, to ensure that it does not obtain an unfair advantage by being the only generation provider permitted to file its own individual brief. NEV submits that a preferable alternative, to protect the interests of all parties while achieving enhanced efficiency, would be to impose reduced page limits, if appropriate, uniformly to all parties.

Thank you for Your Honor's consideration of this submission.

Respectfully,

A handwritten signature in black ink that reads "John P. Lavelle, Jr." The signature is written in a cursive style with a large initial "J" and a distinct "L" and "V".

John P. Lavelle, Jr.

cc: All Parties On Attached Certificate Of Service

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the Matter of)
Pennsylvania Power & Light Co.) Dkt. No. R-00973954
Restructuring Plan Filing)
)

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 1997, I caused a true and correct copy of the foregoing to be served in the manner indicated, upon the following counsel by regular mail upon the following parties:

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