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August 4, 1997

Honorable George M. Kashi  
Administrative Law Judge  
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Room G-08, North Office Building  
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VIA HAND DELIVERY

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 PPLICA Statement No. 1R, the prepared rebuttal testimony of Stephen J. Baron on behalf of the PP&L Industrial Customer Alliance ("PPLICA").

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*  
Pamela C. Polacek

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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)

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KJR

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I hereby certify that I am this day serving a true copy of the foregoing rebuttal 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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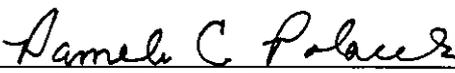
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Counsel to PP&L Industrial Customer Alliance

Dated this 4th day of August, 1997, at Harrisburg, Pennsylvania.

\* Federal Express packages will be sent on August 4, 1997, for delivery on August 5, 1997. Hand deliveries will be made on August 5, 1997.

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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 rebuttal testimony and exhibits of Mr. Robert D. Knecht in the above docket labeled OSBA Statement No. R1.

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

Sincerely,

*Karen Oill Moury*  
Karen Oill Moury  
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Enclosure

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Pennsylvania :  
Power & Light Company For :  
Approval Of Its Restructuring :  
Plan Under Section 2806 Of : Docket No. R-00973954  
The Public Utility Code :

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I certify that I am serving two copies of the rebuttal testimony and exhibit of Robert D. Knecht, labeled OSBA Statement No. 1R on behalf of the Office of Small Business Advocate in the manner indicated upon the persons addressed below:

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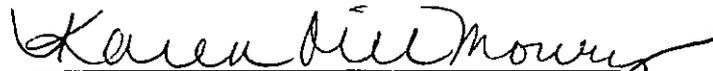
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Date: August 5, 1997

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97 AUG -6 AM 8:00 CHERRY HILL, NJ  
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Linda C. Smith

August 5, 1997

KJP

Lisa Helpert  
Donald Kaplan  
PRESTON, GATES, ELLIS & ROUVELAS  
1735 New York Avenue, NW  
Suite 500  
Washington, DC 20006

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 Ms. Helpert:

Enclosed please find the American Association of Retired  
Persons Response to the Pennsylvania Power and Light Company's  
Interrogatories, Set 1, numbered 1 through 12.

Copies of attachments were served on PP&L only, due to the  
voluminous nature. Other parties will be provided copies of  
attachments upon request.

Very truly yours,

*Linda C. Smith*  
Linda C. Smith

LCS:sr  
Enclosure

cc: Certificate of Service  
Paul E. Russell, Esquire  
Prothonotary (Certificate of Service Only)

DOCUMENT  
FOLDER

**CERTIFICATE OF SERVICE**

I, Linda C. Smith, hereby certify that I have this day caused a true copy of the foregoing to be served upon the parties of record in Docket No. R-00973954 in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the parties listed below.

Dated at Harrisburg, Pennsylvania, August 5, 1997.

**VIA FIRST CLASS MAIL**

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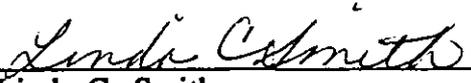
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August 5, 1997

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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

KJR

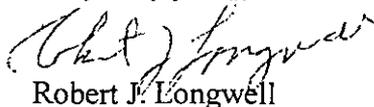
Dear Paul:

Enclosed please find Enron Power Marketing, Inc.'s supplemental answers to PP&L's Interrogatories, Set I, nos. 35, 36, 37, 51, 56 and 59.

As indicated in Enron's response to interrogatory no. 1, we are now in receipt and are providing you by mail with a copy of the August 1, 1997 Portland General Electric Co. filing. Due to the voluminous nature of this document, we will be happy to provide a copy to any other party who so requests.

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

Very truly yours,



Robert J. Longwell

For WOLF, BLOCK, SCHORR and SOLIS-COHEN, L.L.P.

RJL/jlg

Enclosures

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

DSH:9293.1

PHILADELPHIA, PA • BLUE BELL, PA • CAMDEN, NJ • NORRISTOWN, PA • WILMINGTON, DE

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 § 154 (relating to service by a participant):

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\_\_\_\_\_  
Robert J. Longwell

Dated: August 5, 1997



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MEMORANDUM

To: Service List  
Docket No. R-00973954  
(PP&L Restructuring)  
FR: Fred Zalcman, Esquire  
DA: August 4, 1997

DOCUMENT  
FOLDER

Please confirm that the Environmentalists' co-counsel in the above-referenced proceeding is on your service list. If you have not already done so, please send a copy of your pre-filed testimony to Mr. Zalcman at the address listed below.

Fred Zalcman  
Pace Energy Project  
Pace University School of Law  
78 N. Broadway  
White Plains, NY 10603

Thank you for your attention to this matter.

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AUG 19 1997

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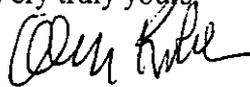
RE: Application of Pennsylvania Power & Light Company  
for Approval of its Restructuring Plan Under Section 2806  
of the Public Utility Code. Docket No. R-00973954

Dear Paul:

Enclosed please find Enron Power Marketing, Inc.'s answers to PP&L's Interrogatories, Set I, nos. 3 - 34. As indicated in Enron's response to interrogatory no.10, a copy of the *Monopoly Leveraging Theory* article is being provided to PP&L, a copy will be provided to any other party upon request.

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, L.L.P.

RJL/jlg

Enclosures

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

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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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Noel H. Trask, Esquire  
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Selinsgrove, PA 17870

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Hangley, Aronchick, Segal and Pudlin  
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Harrisburg, PA 17101-1236

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



\_\_\_\_\_  
Alan Kohler

Dated: August 7, 1997

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305 N. FRONT STREET

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(717) 236-4812

Linda C. Smith

KJR

August 7, 1997

Paul E. Russell  
Associate General Counsel  
Pennsylvania Power & Light Company  
Two North Ninth Street  
Allentown, PA 18101-1179

R-973954

Re: Pennsylvania Power & Light Company Restructuring Plan  
Docket No. R-00983954

Dear Paul:

Enclosed please find a completed matrix on behalf of AARP. Please note AARP does not intend to cross examine any witnesses, but will appear through its witness on August 29th as scheduled if parties indicate a desire to cross Dr. Cooper.

Very truly yours,

*Linda*  
Linda C. Smith

LCS:sr  
Enclosure

cc: Prothonotary

DOCKETED  
AUG 11 1997  
DOCUMENT  
FOLDER

1417 Blue Mtn Pkwy  
Harrisburg PA 17112

717-540-5106 v.  
717-652-6899 f.

barak@igc.apc.org

---

# Penn. Energy Project

---

August 7, 1997  
**DOCUMENT  
FOLDER**

**ORIGINAL**

James McNulty  
Office of the Prothonotary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RE: Application of PP&L Energy Company for Approval  
of its Restructuring Plan, Docket No. R-00973954

Dear Mr. McNulty:

Enclosed please find the original and fifteen copies of the Environmentalists' 2nd Amendment to Formal Complaint, Protest And Petition to Intervene in the above-docketed proceeding, as well as a Certificate of Service. I have also included two computer diskettes with the documents in WordPerfect 5.1 format.

Please time-stamp our enclosed 'office copy' of our 2nd Amendment and return it in the envelope provided.

Sincerely,



Mary Lou Morin  
Secretary to Alan J. Barak  
Counsel for the Environmentalists

cc: Service List  
\\\_penrg\_l\lrg\rtw12\liling\amr\_intr.ltr

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PA.P.U.C.

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COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

SECOND AMENDMENT TO FORMAL COMPLAINT

BEFORE THE

**ORIGINAL**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCUMENT  
FOLDER

FORMAL COMPLAINT, PROTEST AND PETITION TO INTERVENE  
OF THE ENVIRONMENTALISTS  
REGARDING THE Pennsylvania Power & Light Co. RESTRUCTURING PLAN  
DOCKET R-00973954

For Commission Use Only:

COMPLAINT DOCKET NO. \_\_\_\_\_ REF. # \_\_\_\_\_  
UTILITY CODE \_\_\_\_\_

**DOCKETED**  
AUG 20 1997

PLEASE PRINT:

1. YOUR NAME, ADDRESS AND TELEPHONE NUMBER.

Name Alan J. Barak, Esq., Alan J. Barak, PC (Attorney for Environmentalists)  
Street 1417 Blue Mountain Parkway  
City Harrisburg State PA Zip 17112  
County Dauphin Work Telephone - Area Code ( 717 ) 540-5106

2. COMPANY YOU ARE COMPLAINING ABOUT

Name Pennsylvania Power & Light Company

3. WHAT IS YOUR COMPLAINT? (DESCRIBE PROBLEM)

This amendment adds parties to the Environmentalists.

j. The Pennsylvania Power & Light Ratepayers' Association is an association of electric ratepayers residing in the PP&L service territory. On April, 14, 1997, the PP&L Ratepayers' Association (including, as a member and coordinator, Mr. Gene Stilp) filed its Verified Application for Leave

For Commission Use Only:

DATE FILED \_\_\_/\_\_\_/\_\_\_ MONITOR \_\_\_\_\_ BUREAU \_\_\_\_\_

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

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to Intervene. The Application was granted pursuant to Administrative Law Judge's Order of April 30, 1997. The Association wishes to join with, and be represented by counsel for the Environmentalists.

k. The Environmentalists will further update this list as necessary throughout the proceedings, in the form of amendments to this Complaint, Protest and Petition.

**4. WHAT DO YOU WANT US TO DO?**

WHEREFORE, the Environmentalists REQUEST THAT THE COMMISSION:

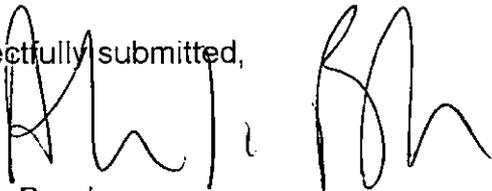
- l. Accept as additional parties to this proceeding, as part of the Environmentalists' group, the above-listed organization;
- m. Grant the relief requested in this Formal Complaint, Protest and Intervention, as amended;
- n. Grant all other relief to which the Environmentalists are entitled; and,
- o. Grant such other relief which the Commission may deem to be necessary and proper.

**YOU MUST SIGN AND DATE YOUR COMPLAINT.**

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State law if I purposely give false information. I am an attorney.

**SIGNATURE OF COMPLAINANT:**

Respectfully submitted,



Alan J. Barak

Alan J. Barak, PC  
Attorney for the Environmentalists  
(Sup. Ct. No. 67886)

Dated: August 7, 1997

Amendment to Complaint/Intervention of Environmentalists  
PP&L Restructuring Plan -- Docket R-00973954

**YOU DO NOT NEED A LAWYER** If you **DO** have a lawyer PLEASE PRINT the lawyer's name, address and telephone number below.

Lawyer's Name Alan J. Barak, Esq.  
Street 1417 Blue Mountain Parkway  
City Harrisburg State PA Zip 17112  
Telephone Number - (717) 540-5106  
Fax Number - (717) 541-1970  
E-mail address - barak@jgc.apc.org

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Susan Tomalty, Esq.  
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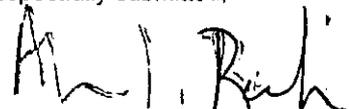
Terrance Fitzpatrick (GPU)  
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305 North Front St.  
Suite 403  
Harrisburg, PA 17101

Respectfully submitted,

  
Alan J. Barak (Sup Ct #67886)

Alan J. Barak PC  
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Harrisburg, PA 17112

717.540-5106 v.  
717.541-1970 f.

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LOUISE A. KNIGHT  
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NORMAN JAMES KENNARD  
LILLIAN SMITH HARRIS  
SCOTT T. WYLAND  
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MAILING ADDRESS:  
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HARRISBURG, PA 17105

August 7, 1997

Paul E. Russell, Esquire  
Associate General Counsel  
Pennsylvania Power & Light Company  
2 North Ninth Street  
Allentown, PA 18101-1179

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97 AUG 12 PM 1:06  
PP&L'S OFFICE  
PROTHONOTARY'S OFFICE

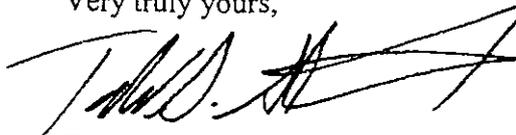
RE: Application of Pennsylvania Power & Light Company for Approval of its Restructuring Plan; Docket No. R-00973954; **INTERROGATORIES OF THE MID ATLANTIC POWER SUPPLY ASSOCIATION DIRECTED TO REBUTTAL WITNESSES OF PP&L**

Dear Mr. Russell:

Enclosed are the Interrogatories of Mid Atlantic Power Supply Association (Set I) addressed to Pennsylvania Power & Light Company ("PP&L") in connection with the above-referenced proceeding. For your convenience, the enclosed Interrogatories are separated by PP&L witness. The instructions and definitions attached to the Interrogatories are intended to reply to each PP&L witness. Although PP&L's responses to these Interrogatories are due within fifteen (15) days, it would be appreciated if you could forward as many of your responses as possible prior to the beginning of hearings on August 18, 1997.

If you have any questions please feel free to contact me.

Very truly yours,



Todd S. Stewart

Counsel for  
Mid Atlantic Power Supply Association

TSS/bab

Enclosures

cc: All parties as listed

Application of Pennsylvania Power & Light Company  
For Approval of Its Restructuring Plan Under Section 2806  
of the Public Utility Code  
Docket No. R-00973954

Interrogatories and Document Requests  
of Mid-Atlantic Power Supply Association

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DOCUMENT  
FOLDER

AUG 18 1997

INSTRUCTIONS

A. In answering these Interrogatories and Document Requests (collectively, the "Discovery Requests"), furnish all information available to you, including any such information in possession of your attorneys or anyone acting on your behalf. If you cannot answer the Discovery Requests in full after exercising due diligence to secure the information to do so, so state and answer to the extent possible.

B. If the answer to any of the Discovery Requests is that you lack knowledge of some or all of the requested information, describe all efforts made by you to obtain the information necessary to answer that Discovery Request.

C. If any matter responsive to any of the Discovery Requests is withheld based on any claim of privilege, describe generally the matter withheld, state the privilege being relied upon, and identify all persons or entities who have or have had access to said matters. If you refuse to describe and/or produce any document on the basis of a claim of privilege or protection from discovery of any kind, with respect to each such document, set forth the following information:

1. the date of the document;
2. its authors;
3. all recipients of the document;
4. the present location and custodian of the document; and
5. the basis of the claim of privilege or protection from discovery.

In addition, if you refuse to produce information based on the ground that such information is preliminary and/or still in draft form, set forth the following information:

**Application of Pennsylvania Power & Light Company  
For Approval of Its Restructuring Plan Under Section 2806  
of the Public Utility Code  
Docket No. R-00973954**

**Interrogatories and Document Requests  
of Mid-Atlantic Power Supply Association**

- (i) the date the information was first created or recorded;
- (ii) the last date on which the information was changed or altered in any manner; and
- (iii) the expected date that the information will be finalized.

D. Each lettered sub-part of a numbered Discovery Request is to be considered a separate Discovery Request for the purpose of your answers and objections. You must object separately to each sub-part and must answer any other sub-parts.

E. These Discovery Requests are to be deemed continuing in nature and you shall promptly supply, by way of supplemental response, any additional responsive information that may become known to you or anyone acting on your behalf after your answers have been prepared or served.

F. For all documents produced, identify which document or documents are responsive to each separate Discovery Request. If you respond by stating that the requested documents already have been produced in response to prior discovery requests, identify the responsive documents previously produced by describing the author(s), recipients(s), date of creation, and general description of the document. If you respond by stating that the requested information already has been produced in response to prior discovery requests or as part of your testimony, identify by date, specific page number(s), and general description the prior discovery responses or portions of testimony that are responsive.

DEFINITIONS

A. "You" refers to the individual PP&L witness(es) to whom these Discovery Requests are directed.

B. "PP&L" refers to the Pennsylvania Power and Light Company and any agent, agency, or affiliate thereof.

**Application of Pennsylvania Power & Light Company  
For Approval of Its Restructuring Plan Under Section 2806  
of the Public Utility Code  
Docket No. R-00973954**

**Interrogatories and Document Requests  
of Mid-Atlantic Power Supply Association**

C. "Assumption" refers to any predictions, projections, assumptions, or other estimates.

D. "Person" or "Persons" means all individuals and entities, including natural persons, representative persons, public or private corporations, companies, unincorporated associations, partnerships, organizations, government entities or groups, plus any divisions, departments, or units thereof.

E. "Document" or "documents" means any written, printed, typed, recorded, or graphic matter, whether produced or reproduced or stored on paper, cards, tapes, film, electronic facsimile, computer storage devices or any other devices or media, including, but not limited to papers; books; letters; photographs; objects; tangible things, correspondence, telegrams; cables; telex messages; memoranda; notes; notations; records; work papers; transcripts; minutes; reports and recordings of telephone or other conversations, or of interviews, or of conferences, or of other meetings; affidavits; statements; opinions; proposals; reports; studies; analyses; audits; evaluations; contracts; agreements; journals; statistical records; ledgers; books of account; bookkeeping entries; financial statements; tax returns; vouchers; checks; check stubs; invoices; receipts; desk calendars; appointment books; diaries; lists; tabulations; summaries; sound recordings; computer printouts; data processing input and output; microfilms; all records kept by electronic, photographic, or mechanical means; and things similar to any of the foregoing, however denominated. When one or more of the following documents is requested or referred to, the request or reference shall include, but is not limited to, the original and each and every copy and draft thereof having writings, notations, corrections or markings unique to such copy or draft.

F. "Oral communication" means any and all non-written forms of expression or communication, whether face-to-face or by telephone, in a conference or otherwise

G. "Identify" or "identification," when used in reference to a document, means to:

1. state the type of document (e.g., letter, log, report, etc.);

**Application of Pennsylvania Power & Light Company  
For Approval of Its Restructuring Plan Under Section 2806  
of the Public Utility Code  
Docket No. R-00973954**

**Interrogatories and Document Requests  
of Mid-Atlantic Power Supply Association**

2. state its date;
3. state its title, heading or other designation and any other information (e.g., index or file number) which would facilitate the identification thereof;
4. identify the person(s) who prepared and/or signed the document;
5. identify the persons (or if widely distributed, the organization or classes of persons) to whom it was sent;
6. identify the last known location of the document and of each copy thereof having notations or markings unique to such copy;
7. if the document was, but no longer is, in your possession or subject to your control, identify its last known custodian, describe the circumstances under which it passed from your control to that person and identify each person having knowledge of such circumstances;
8. describe its general subject matter and contents; and
9. if the document exceeds one page in length, or is contained in a series of documents or a larger portion, identify the specific document by appropriate identifying name or symbol, the number of the particular page or pages (or other descriptive aid) and the line or lines thereof upon which the information referred to in the Discovery Request or your response appears.

H. "Identify" or "identification," when used in reference to a natural person, means to provide the following information:

1. his or her full name;

**Application of Pennsylvania Power & Light Company  
For Approval of Its Restructuring Plan Under Section 2806  
of the Public Utility Code  
Docket No. R-00973954**

**Interrogatories and Document Requests  
of Mid-Atlantic Power Supply Association**

2. his or her business affiliation(s), position(s), title(s), and job description(s) during the period in the Discovery Request (and the dates during which each affiliation, position, title, and job description applied to him or her;
3. his or her present or last known business address (and the date of that last knowledge); and
4. his or her present or last known residence address (and the date of that last knowledge).

I. "Identify" or "identification," when used in reference to an oral communication or statement, means to:

1. state the date of the oral communication or statement;
2. state the place where it occurred;
3. identify the persons(s) making and listening to the oral communication or statement;
4. identify all other persons present at the time it was made;
5. if by telephone, identify the persons participating in the conversation and where each was located at the time of the call; and
6. describe the substance of the oral communication or statement.

J. "Date" means the exact day, month, and year if ascertainable, or, if not, the best approximation thereof or best approximation in relation to other events.

K. "Describe" means to set forth fully and clearly every fact and/or event relevant to a Discovery Request, including particulars of time, place and manner.

**Application of Pennsylvania Power & Light Company  
For Approval of Its Restructuring Plan Under Section 2806  
of the Public Utility Code  
Docket No. R-00973954**

**Interrogatories and Document Requests  
of Mid-Atlantic Power Supply Association**

L. "Set forth the factual basis" for a particular assumption means: (a) describe in detail the facts underlying the assumption; (b) identify each and every document which constitutes, evidences, refers, or relates in any way to the assumption; (c) identify each and every person whom you know or believe to have knowledge or information concerning the assumption; and (d) describe in detail the nature of each such person(s) knowledge or information.

M. Where the context so requires:...

1. the terms "and" and "or" mean "and/or";
2. the plural of a word includes the singular, and the singular includes the plural;
3. the past tense of verb includes the present, and the present tense includes the past; and
4. the masculine gender includes feminine and neuter genders, and the neuter gender include the masculine and feminine.

N. All other words are to be given their ordinary and usual meanings according to a current edition of Webster's Dictionary.

**Application of Pennsylvania Power & Light Company  
For Approval of Its Restructuring Plan Under Section 2806  
of the Public Utility Code  
Docket No. R-00973954**

**Interrogatories and Document Requests  
of Mid-Atlantic Power Supply Association**

**QUESTIONS DIRECTED TO PP&L WITNESS SCOTT T. JONES**

1. Explain every reason why the prices for oil and natural gas may not move together (Rebuttal Testimony, pp. 6-7).
2. What is the current trend in natural gas prices (p. 7)?
3. Is a market for electric energy in which there is no opportunity for return of or on capital a sustainable market (p. 15)?
4. On page 26 of your rebuttal testimony, you stated that the membership of PJM has swelled to more than 40 members as of early July 1997. During the relevant time period, the period in which the membership swelled, did the market clearing price on the PJM undergo any significant change on a trend basis?
5. Explain what is meant by "(real) gas" as described by you in your rebuttal testimony (p. 28).

**Application of Pennsylvania Power & Light Company  
For Approval of Its Restructuring Plan Under Section 2806  
of the Public Utility Code  
Docket No. R-00973954**

**Interrogatories and Document Requests  
of Mid-Atlantic Power Supply Association**

6. Is it your testimony that coal is typically a direct substitute for natural gas or oil in specific plant operations (p. 29)?
  
7. List each plant in the Pennsylvania Power & Light Company ("PP&L") portfolio generation plants that can switch between coal and natural gas or between coal and oil without substantial modifications (p. 29).
  
8. State every instance in which your direct and/or rebuttal testimony conflicts with that of Mr. Donald Johnstone.
  
9. Explain what set of variables might actually need to change in order to produce higher forecasts of energy capacity on the PJM system (pp. 36-37).
  
10. Explain the relationship between stranded costs and fuel prices as translated into costs for energy and capacity.

**Application of Pennsylvania Power & Light Company  
For Approval of Its Restructuring Plan Under Section 2806  
of the Public Utility Code  
Docket No. R-00973954**

**Interrogatories and Document Requests  
of Mid-Atlantic Power Supply Association**

11. Describe the trend in natural gas prices beginning in 1996 and including projections for each year based on current or future contracts through the year 2005.
  
12. Explain what is meant by the "1996 price spike" that you refer to on page 44 of your rebuttal testimony.
  
13. Explain how long you believe it will take for the spike to "work itself out of the market" (p. 44).
  
14. Are there factors which would favor natural gas over oil as the fuel of choice in the future?
  
15. Of all generation produced by PP&L over the past five years, what percentage of kwh were produced from units while fired by oil?
  
16. What percentage of all kwh generated over the past five years by PP&L were generated by units fired by natural gas?

**Application of Pennsylvania Power & Light Company  
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17. Detail PP&L's expected income from the provision of spinning reserve services over the next ten years.
  
18. Does the Federal Energy Regulatory Commission ("FERC") regulate sales of electric energy at retail (p. 108)?
  
19. What relevant market did FERC consider in determining that PP&L lacked market power (p. 109)?
  
20. On page 110 of your rebuttal testimony, you cited a long list of concerns. Attribute these concerns to the party(s) that raised them (p. 110).
  
21. On page 113 of your rebuttal testimony, you state that in a competitive world "what entity does the metering is irrelevant, the most efficient competitors will prevail." Please reconcile this statement with the fact that PP&L does not intend to allow competition in metering (p. 113).
  
22. Explain why PP&L refuses to offer competitors the ability to supply a single bill (p. 113).

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23. Please reconcile the statement at the top of page 114 of your rebuttal testimony that “the force of evidence indicates that PP&L does not have vertical market power” with the fact that PP&L proposes to be the sole provider of metering and billing services.

**Application of Pennsylvania Power & Light Company  
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Docket No. R-00973954**

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**QUESTIONS DIRECTED TO PP&L WITNESS JOSEPH P. KLEHA**

1. Explain how, by using current technology, customers with hourly meters might purchase from different generation suppliers in the course of a single day (Rebuttal Testimony, p. 38).
2. On page 40 of your rebuttal testimony, you state that PP&L would purchase the generation supply from the marketplace in order to supply customers taking BUSS service. From which marketplace does PP&L intend to purchase that power (p. 40)?

**Application of Pennsylvania Power & Light Company  
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Docket No. R-00973954**

**Interrogatories and Document Requests  
of Mid-Atlantic Power Supply Association.**

**QUESTIONS DIRECTED TO PP&L WITNESS JOSEPH P. KALT**

1. Explain why PP&L refuses to unbundle revenue cycle services.
2. Reconcile your statement on page 18 of your rebuttal testimony that “the positive role for the Commission is in breaking down legal and regulatory barriers to entry, in ensuring non-discriminatory access, and in preventing cross-subsidization of common utilities’ non-monopoly activities by their monopoly activities” with PP&L’s refusal to unbundle services that are capable of competitive provision and which competitors wish to provide, specifically revenue cycle services, and in particular, billing, metering and meter reading as you discuss on page 24 of your rebuttal testimony.

Application of Pennsylvania Power & Light Company  
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Interrogatories and Document Requests  
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QUESTIONS DIRECTED TO PP&L WITNESS SUSAN F. TIERNEY

1. What entity will suffer the loss which is the difference between the market price of energy and the rate cap for energy provided to "last resort customers" when the market price of energy exceeds the rate cap (Rebuttal Testimony, p. 14)?
2. Explain how, if there is no competition in a particular market, there can be stranded costs, which are by definition costs that cannot be collected in a competitive market (p. 27)

**Application of Pennsylvania Power & Light Company  
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**QUESTION DIRECTED TO PP&L WITNESS ROBERT P. GENECKO**

1. On page 12 of your rebuttal testimony, you state that PP&L has proposed safeguards which include disclosure of confidential customer information to other customers or suppliers. You further state that the requirement extends not only to PP&L affiliates, but to all other suppliers and customers. Does this requirement extend to PP&L's division generation supplier?

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of Interrogatories of Mid Atlantic

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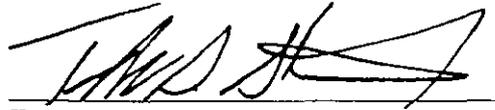
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Counsel for  
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PLEASE REPLY TO:

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James McNulty, Deputy Prothonotary  
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206 North Office Building  
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**RE: Pennsylvania Power & Light Company's Restructuring Plan;  
Docket No. R-00973954**

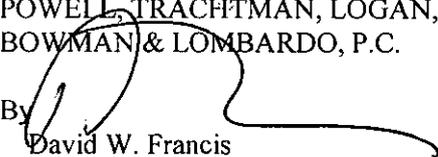
Dear Mr. McNulty:

Enclosed are an original and four copies of Caradon Mideast Aluminum, A Division of Caradon America, Inc.'s Petition to Withdraw with Prejudice from the Restructuring case. 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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**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

IN THE MATTER OF PENNSYLVANIA POWER & LIGHT COMPANY'S RESTRUCTURING PLAN	DOCKET NO. R-00973954
--	-----------------------

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 1997, upon consideration of  
CARADON MIDEAST ALUMINUM, A DIVISION OF CARADON AMERICA, INC.'s  
Petition to Withdraw with prejudice, the petition is hereby granted.

\_\_\_\_\_  
Administrative Law Judge G. Kashi

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

DOCKET NO. R-00973954

**CARADON MIDEAST ALUMINUM, A DIVISION OF CARADON AMERICA, INC.'S  
PETITION TO WITHDRAW WITH PREJUDICE  
FROM THE RESTRUCTURING MATTER**

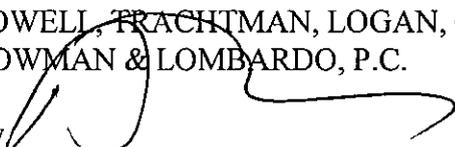
Caradon Mideast Aluminum, A Division of Caradon America, Inc. respectfully petitions as follows:

1. Caradon Mideast Aluminum, a Division of Caradon America, Inc. petitions to withdraw with prejudice from the above-captioned Pennsylvania Power & Light Company restructuring matter effective immediately.

2. This petition applies only to Caradon Mideast Aluminum, a Division of Caradon America, Inc.

WHEREFORE, interruptible intervenor Caradon Mideast Aluminum, A Division of Caradon America, Inc. respectfully requests that the Honorable Administrative Law Judge issue an order allowing it to withdraw with prejudice from Pennsylvania Power & Light Company's restructuring case at Docket No. R-00973954.

POWELL, FRACHTMAN, LOGAN, CARRLE,  
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By 

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 8, 1997, a copy of Caradon Mideast Aluminum, A Division of Caradon America, Inc.'s Petition to Withdraw with Prejudice from the Restructuring Matter was served upon the following person(s) by first class U.S. Mail, postage prepaid.

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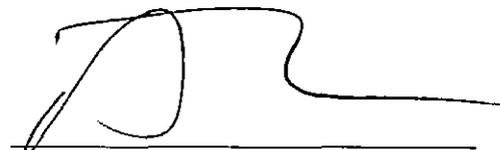
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\*ALSO ADMITTED IN KY

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

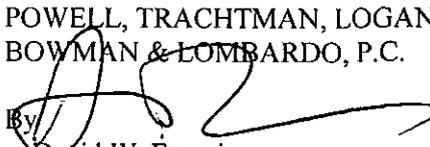
Dear Mr. McNulty:

Enclosed are an original and four copies of Metal Industries, Inc.'s Petition to Withdraw with Prejudice from the Restructuring case. 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  
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# ORIGINAL

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

DOCKET NO. R-00973954

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 1997, upon consideration of METAL INDUSTRIES, INC.'s Petition to Withdraw with prejudice, the petition is hereby granted.

\_\_\_\_\_  
Administrative Law Judge G. Kashi

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

DOCKET NO. R-00973954

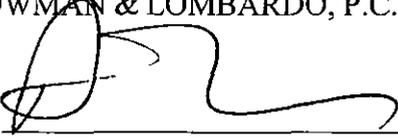
**METAL INDUSTRIES'  
PETITION TO WITHDRAW WITH PREJUDICE  
FROM THE RESTRUCTURING MATTER**

Metal Industries, Inc. respectfully petitions as follows:

1. Metal Industries, Inc. petitions to withdraw with prejudice from the above-captioned Pennsylvania Power & Light Company restructuring matter effective immediately.
2. This petition applies only to Metal Industries, Inc.

WHEREFORE, interruptible intervenor Metal Industries, Inc. respectfully requests that the Honorable Administrative Law Judge issue an order allowing it to withdraw with prejudice from Pennsylvania Power & Light Company's restructuring case at Docket No. R-00973954.

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

By 

David W. Francis  
I.D. #53718  
114 North Second Street  
Harrisburg, PA 17101  
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Date: August 8, 1997

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 8, 1997, a copy of Metal Industries, Inc.'s Petition to Withdraw with Prejudice from the Restructuring Matter was served upon the following person(s) by first class U.S. Mail, postage prepaid.

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Philadelphia, PA 19103



David W. Francis

Date: August 8, 1997

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SALIL P. PATEL\*  
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BRADFORD J. SANDLER\*  
MICHAEL J. MARANSKY\*

August 8, 1997

PLEASE REPLY TO:

Harrisburg

KJR

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\*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 Restructuring Plan; Docket No. R-00973954**

Dear Mr. McNulty:

Enclosed for filing are an original and four copies of Interruptible Intervenor's Quaker Oats Company and Mount Joy Wire Corporation's Proposed Cross Examination Schedule. Please note that the time set forth for cross examination is contingent upon the outcome of the Motion to Compel Responses to Requests for Admission. Please time stamp one copy and return in the envelope provided.

Copies of this are being served upon all counsel of record, and a courtesy copy is being sent directly to the Hon. ALJ George Kashi.

Very truly yours,

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

By   
David W. Francis

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cc: ALJ George Kashi  
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P&L RESTRUCTURING PROCEEDING  
WITNESS CROSS-EXAMINATION PROJECTION

PARTY The Quaker Oats Company and Mount Joy Wire Corporation P. 12: 01  
001326

DAY	WITNESS	TIME	COMMENTS
PROTHONOTARY'S OFFICE			
Monday 8/18			
	Kalt (PP&L)		
	Geneczko (PP&L)		
	Shapiro (Enron)		
	Mayo (Enron)		
	Dirmeier (Enron)		DOCUMENT FOLDER
	Johnstone (MAPSA)		
Tuesday 8/19			
	Krall (PP&L)		
	Tierney (PP&L)		
	Kasper (PP&L)	20 min.	500 MW cap revision issue*
	Kleha (PP&L)		
	L. Smith (OCA)		
	Reising (Enron)		
	Knecht (OSBA)		
Wednesday 8/20			
Thursday 8/21			
	Kahn (PP&L)		DOCKETED  AUG 13 1997
	Bradford (Env)		
	Hill (PP&L)		
	Rooney (PPLICA)		
	Schneider (PPLICA)		
Friday 8/22			
	Baumann (PP&L)		
	Bujnowski (PP&L)		
	Osmanski (PP&L)		
	Whitehead (PP&L)		
	Alexander (OCA)		
	Jacobson (Enron)		
	Bowen (Enron)		
	Tabor (Enron)		
	Coles (Enron)		

\* SEE ATTACHED SHEET

\* Currently pending before this tribunal in the Interruptible Intervenors' Motion to Compel Responses to Requests for Admission. In the event the motion is denied, Quaker Oats and Mount Joy anticipate the need for 90 minutes cross-examination of Mr. Kasper.

DAY	WITNESS	TIME	COMMENTS
Monday 8/25			
	Jones (PP&L)		
	Falk (PP&L)		
	Kollen (PPLICA)		
	D. Smith (OCA)		
	Schoengold (Env)		
Tuesday 8/26			
Wednesday 8/27			
	Schadt (PP&L)		
	Berish (PP&L)		
	Hoch (PP&L)		
	Farley (PP&L)		
	Falkenberg (PPLICA)		
	Baron (Enron)		
	LaCapra (OCA)		
	Catlin (OCA)		
	Prisco (Army)		
	Biewald (Env)		
Thursday 8/28			
	Guth (PP&L)		
	Moul (PP&L)		
	Gruber (OTS)		
	Reed (OTS)		
	Deardorf (OTS)		
Friday 8/29			
	Dahl (PP&L)		
	Lennon (PP&L)		
	Brockway (OCA)		
	Kuennen (CEO)		
	Crandall (CEO)		
	Karp (CEO)		
	Cooper (AARP)		



ORIGINAL

PRESTON GATES ELLIS &  
ROUVELAS MEEDS LLP  
ATTORNEYS

August 11, 1997

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AUG 11 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

KJR

**VIA FEDERAL EXPRESS**

Mr. James McNulty, Prothonotary  
Pennsylvania Public Utility Commission  
North Office Building  
North Street and Commonwealth Avenue  
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,  
Docket No. -00973954; **Answer to Motion to Compel**

Dear Mr. McNulty:

Enclosed for filing in the above-captioned proceeding are an original and three  
(3) copies of the Answer of Pennsylvania Power & Light Company to Interruptible  
Intervenors' Motion to Compel Responses to Requests for Admissions.

Upon receipt of this filing, please date and time-stamp the enclosed extra copy of  
this letter to reflect a filing date of August 11, 1997 and return it to Pennsylvania Power  
& Light Company in the envelope provided. If you have any questions regarding this  
filing, please call.

Respectfully submitted,

Donald A. Kaplan  
Counsel for Pennsylvania Power  
& Light Company

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Enclosures

cc: Certificate of Service

126

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

**ORIGINAL**

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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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**ANSWER OF  
PENNSYLVANIA POWER & LIGHT COMPANY  
TO INTERRUPTIBLE INTERVENORS'  
MOTION TO COMPEL RESPONSES TO  
REQUESTS FOR ADMISSIONS**

**RECEIVED**

AUG 11 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

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Pennsylvania Power & Light Company ("PP&L" or the "Company"), by its attorneys, hereby files with the Pennsylvania Public Utility Commission ("Commission") this Answer to Interruptible Intervenors' Motion to Compel Responses to Requests for Admissions. As explained below, PP&L offers to withdraw its objections to Intervenors' belated Requests for Admissions ("Requests"), provided that the Company is afforded a full opportunity to submit surrebuttal testimony addressing the issues raised by the Requests. If the Company's alternative proposal is rejected, however, PP&L presses its objection that the Requests are untimely and respectfully submits that the Interruptible Intervenors' Motion to Compel Responses to Requests for Admissions ("Motion to Compel") should be denied.

**DOCKETED**  
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## I. BACKGROUND

On May 30, 1996 and August 21, 1996, Caradon Mideast Aluminum ("Caradon") and Metal Industries, Inc. ("MI"), respectively, filed Complaints with the Commission seeking, inter alia, retroactive application of PP&L's interruptible rate option back to September 1995. The Quaker Oats Company ("Quaker Oats") filed a similar Complaint with the Commission on July 15, 1997. Mount Joy Wire Corporation ("Mount Joy") states that it filed a similar Complaint with the Commission on July 28, 1997.<sup>1</sup>

On April 1, 1997, PP&L filed its Restructuring Plan with the Commission. The Company's Restructuring Plan proposes, in part, to remove the definition of interruptible power from its tariff. That definition states that "[f]or the purpose of determining [PP&L's total amount of interruptible power], interruptible power is the twelve month average of each customer's monthly Maximum On-peak Demand less the customer's contract Firm Power level." As explained by Mr. Oliver G. Kasper in direct testimony submitted in this proceeding, the Company proposes to remove this definition from the tariff because it has:

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<sup>1</sup> The Company has not yet been served with a copy of Mount Joy's Complaint.

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.

Direct Testimony of Oliver G. Kasper, p. 16.

On April 29, 1997, Caradon and MI filed a Joint Petition to Intervene in the instant proceeding. The Joint Petition was granted on June 17, 1997. On July 15, 1997, Quaker Oats filed a Petition to Join As a Party to the Intervention of Caradon and MI. Similarly, on July 28, 1997, Mount Joy filed a Petition to Join As a Party to the Intervention of Caradon, MI and Quaker Oats. The Petitions of Quaker Oats and Mount Joy are currently pending.

On July 16, 1997, Caradon, MI and Quaker Oats served the Requests. On July 28, 1997, PP&L filed Objections to the Requests. The Company objected to the Requests in their entirety, objecting that they are untimely, outside the scope of these proceedings, and address issues currently being litigated in separate complaint cases before the Commission. On August 1, 1997, Quaker Oats and Mount Joy (hereinafter "Intervenors") filed the Motion to

Compel to which PP&L now responds.<sup>2</sup>

## II. ARGUMENT

### A. PP&L's Alternative Proposal

As explained below and in PP&L's Objections, the Company believes that Intervenors' Requests are completely improper and untimely. However, in an effort to resolve the parties' dispute, PP&L is willing to withdraw its Objections and to submit responses to the Requests if the Company is afforded a full opportunity to submit surrebuttal testimony regarding the various issues raised by Intervenors' belated Requests. PP&L respectfully submits that its proposal will remedy the prejudice created by Intervenors' actions and will expedite cross-examination of PP&L's witnesses.

If PP&L is required to answer the Requests, PP&L must be permitted to submit surrebuttal testimony addressing the several issues raised by the Requests. ALJ Kashi established a carefully considered procedural schedule to govern the litigation of this case. This schedule included deadlines for the submission of opposing party testimony, PP&L rebuttal testimony, surrebuttal testimony, evidentiary hearings and briefing. The purpose of this schedule is to

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<sup>2</sup> As noted above, Caradon, MI, Quaker Oats and Mount Joy each filed Complaints in connection with the Company's interruptible service option. PP&L, Caradon and MI have reached an agreement in principle regarding settlement. The parties currently are in the process of finalizing the formal agreement. As a result of these recent developments, Caradon and MI have not joined in the motion to Compel filed by petitioning intervenors Quaker Oats and Mount Joy.

ensure the orderly and efficient conduct of the case. Towards that end, the procedural schedule adopts a FERC-type schedule that requires the filing of direct, rebuttal and surrebuttal testimony before the commencement of hearings.

Pre-filed written testimony serves two fundamental purposes. First, it narrows and defines the issues in the case. Second, pre-filed written testimony gives all parties and the presiding officer notice of the issues to be litigated at hearings and on briefs. Pre-filed testimony, therefore, streamlines the parties' preparations and reduces the amount of time required for hearings.

Intervenors' untimely Requests completely undermine these goals. As explained in PP&L's Objections, Intervenors have not actively participated in this case. Intervenors did not conduct formal discovery in response to PP&L's Application filed on April 1, 1997, nor did they file any direct testimony. Therefore, PP&L prepared rebuttal testimony addressing the numerous issues raised in direct testimony filed by the active participants in the case, but did not prepare any rebuttal testimony directed to the issues raised in the Intervenors' Requests. If Intervenors are permitted compel answers to their Requests at this point in the procedural schedule, and then offer those answers in evidence at the hearing, Intervenors will have effectively denied PP&L any opportunity to submit written rebuttal testimony responding to the several issues raised by their belated Requests. Intervenors' effort to circumvent the procedural schedule in this case is inappropriate, unfair and inconsistent with sound administrative practice, and

completely undermines the purposes for which such schedule was adopted.<sup>3</sup>

In sum, so long as PP&L is not prejudiced by Intervenors' belated service of the Requests, PP&L is willing to withdraw its objections and provide responses to the Requests. Fundamental fairness and due process requires that the Company be permitted an opportunity to provide surrebuttal testimony addressing the issues belatedly raised by the Requests. If PP&L's alternative proposal is denied, the Company presses its objection to the untimeliness of the Requests. As explained below, absent adoption of PP&L's alternative proposal, Intervenors' Requests are untimely and PP&L's objections should be sustained.

**B. The Requests Are Untimely And Improper.**

Intervenors contend that the Requests are timely and proper. Intervenors offer three arguments in support of their claim: (1) the Requests are timely in accordance with 52 Pa. Code § 5.331(d);<sup>4</sup> (2) the deadline for filing direct

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<sup>3</sup> Intervenors' claim that the Requests were submitted in response to discussions during the July 15, 1997 Third Prehearing Conference fails to justify their late-filed Requests. Intervenors state that they "fully intended to cross examine [PP&L witness] Mr. [Oliver G.] Kasper on all of the issues reflected in the Requests." Motion to Compel, p. 5. As explained above, however, the ALJ established a comprehensive schedule for the submission of written testimony before hearings. Intervenors' original intention to establish their entire case on cross-examination is wholly inconsistent with the ALJ's extensive efforts to ensure the efficient and orderly litigation of this case. Intervenors' claim that they filed the Requests to reduce cross-examination of Mr. Kasper fails to remedy this problem.

<sup>4</sup> 52 Pa. Code § 5.331(d) states as follows:

In a rate proceeding, initial discovery directed to data or information supplied by the public utility at the time of the initiation of the proceeding shall be submitted to the utility within 10 working days following the first prehearing conference. Discovery directed to

testimony is irrelevant to the timeliness of the Requests because Intervenors elected to rely upon the alleged “admissions contained in documents authored or testified to by PP&L” (Motion to Compel, p. 9); and (3) the Requests do not raise new issues. Motion to Compel, pp. 7-10. Each of these arguments is without merit and should be rejected.

First and foremost, Intervenors expressly concede that “[s]ince this case involves a restructuring plan, it is not altogether clear that [it] should be characterized as a ‘rate case.’” Motion to Compel, p. 8. Intervenors then proceed to make their procedural argument by “assuming that this case may be properly characterized as a rate case.” (Id.) (emphasis added). Therefore, Intervenors base their Motion to Compel on an assumption that even they concede is not altogether clear, and one which PP&L respectfully submits is wrong. This is a restructuring case arising out of The Electricity Generation Customer Choice and Competition Act, not a traditional rate case.<sup>5</sup>

Intervenors’ arguments fail to address the fundamental flaw in their approach to discovery and the litigation of this case. Intervenors’ argument assumes that they have otherwise complied with the procedural schedule. As

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other matters shall be available until the close of evidentiary hearings. In other proceedings, the presiding officer, upon motion of a participant, may establish reasonable limitations upon the timing of discovery.

<sup>5</sup> Moreover, even if 52 Pa. Code §5.331(d) applied here, it is clear that these Requests are directed to data or information (i.e., Mr. Kasper’s direct testimony on the tariff definition) supplied by PP&L at the time it initiated the proceeding. As such, it should have been submitted to PP&L within 10 working days following the first Prehearing Conference.

explained above, this is simply not true. Intervenors have not actively participated in the case and failed to file any direct testimony. As a result, PP&L prepared its rebuttal testimony to address issues raised by opposing parties in their direct testimony. By relying on requests for admission and failing to file direct testimony, Intervenors' have failed to give PP&L a reasonable explanation of their allegations or reasonable notice of the evidence supporting their claims. Unlike the twelve other parties that filed written testimony on July 2, 1997, Intervenors clearly intend to disclose their entire case on cross-examination. As explained above, this effectively precluded PP&L from filing rebuttal testimony on the issues raised by those Requests.

Moreover, Intervenors' argument that their Petitions to Intervene gave PP&L notice of the issues raised by the Requests is meritless. The procedural schedule in this case was designed to give all parties a full opportunity to present written testimony on all issues before hearing. As a result, PP&L properly prepared rebuttal testimony addressing issues raised by opposing parties in their direct testimony. Intervenors' actions are plainly inconsistent with the purpose underlying the schedule set by ALJ Kashi. Intervenors should not be permitted to manipulate the discovery process and otherwise ignore the procedural schedule in this case to deprive PP&L of an opportunity to submit written testimony on all issues.

Based on very recent developments, PP&L no longer presses the objections raised in Paragraphs 4 and 5 of the Company's Objections to the

Requests. In Paragraph 4, PP&L objected that Intervenors' right to remain on interruptible service would not be affected by the Commission's adoption of PP&L's proposed revisions to the tariff for interruptible service so long as they elected to continue receiving service from PP&L. However, Intervenors' Motion to Compel demonstrates that the Commission's adoption of PP&L's position on the policy issues underlying the adoption of the 500 MW cap could have an effect on the retroactive claims raised by Quaker Oats and Mount Joy in their recent Complaint. In Paragraph 5, PP&L objected that Intervenors' Requests sought to pursue information that Caradon and MI failed to pursue in a timely manner in their consolidated complaint proceeding scheduled for hearings in early September. However, since PP&L filed its Objections, PP&L, Caradon and MI reached an agreement in principle to settle those claims. As a result, the settlement of those claims moots the persuasive force of PP&L's objection in this regard.

### III. CONCLUSION

WHEREFORE, for the reasons set forth above, PP&L respectfully submits that the Commission adopt its alternative proposal that PP&L withdraw its Objections to Intervenors' Requests for Admissions provided that the Company shall have a full opportunity to submit surrebuttal testimony on or before August 15, 1997, regarding the issues raised by such Requests for Admissions. If the Commission denies the Company's alternative proposal, PP&L respectfully submits that Intervenors' Motion to Compel Responses to Requests for Admissions should be denied, and that the Company's Objections to the untimeliness of the Requests should be sustained.

Respectfully submitted,

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Counsel For Pennsylvania Power & Light  
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By:



Date: August 11, 1997

**ORIGINAL**

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

AUG 11 1997

PA PUBLIC UTILITY COMMISSION  
PROTHONOTARY'S OFFICE

---

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

---

**CERTIFICATION OF SERVICE**

---

I hereby certify that on August 11, 1997, I served a true copy of Pennsylvania Power & Light Company's Answer to Interruptible Intervenors' Motion to Compel Responses to Requests for Admissions upon the active participants listed below, in accordance with the requirements of §1.54 (relating to service by a participant):

**By Facsimile and Federal Express:**

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Lisa M. Helpert

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August 12, 1997

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KJR

RE: Application of Pennsylvania Power & Light Company for Approval  
of its Restructuring Plans; Docket No. R-00973954;  
**INTERROGATORIES OF THE MID-ATLANTIC POWER SUPPLY  
ASSOCIATION DIRECTED TO REBUTTAL WITNESSES OF  
PP&L**

Dear Mr. McNulty:

Enclosed are the Interrogatories of the Mid-Atlantic Power Supply  
Association (Set I) addressed to the Pennsylvania Power & Light Company  
(letter and Certificate of Service only). These Interrogatories were served on  
PP&L and the attached service list on August 7, 1997, but due to a clerical  
oversight were not filed with your office until now.

If you have any questions regarding filing, please direct them to me.

Very truly yours,



Todd S. Stewart  
Counsel for  
Mid-Atlantic Power Supply  
Association

TSS/kmg

Enclosure

cc: Attached Certificate of Service

23

# ORIGINAL

## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a copy of Interrogatories of Mid Atlantic

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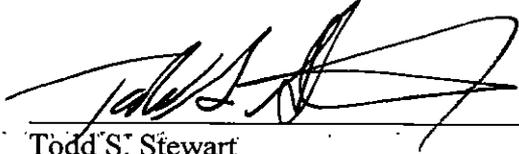
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August 12, 1997

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RE: Application of PP&L Energy Company for Approval  
of its 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 our responses (Nos. 1 to 4) to Interrogatories by Pennsylvania Power & Light Co. that the Environmentalists served on the active participants in this proceeding.

Please also date stamp the enclosed copy marked for our office files, and return it to us in the envelope provided.

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

Sincerely,



Mary Lou Morin  
Secretary to Alan Barak  
Counsel for the Environmentalists

Attachments

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. R-00973954

DOCUMENT  
FOLDER

CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the Environmentalists' responses to PP&L's Interrogatories and Requests for Production of Documents, Items 1 through 4, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Sec. 1.54, in the manner, on the dates, and upon the persons listed below.

On the 11th day of August, 1997:

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Respectfully submitted,

/s

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Dated: August 12, 1997

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KJR

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 II, nos. 1 and 3. As indicated in Enron's responses to these interrogatories copies the various testimonies are being provided to PP&L, a copy will be provided to any other party upon request. These responses are approximately 2,000 pages.

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

Very truly yours,

  
Robert J. Longwell

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, in accordance with the requirements of §1.54 (relating to service by a participant):

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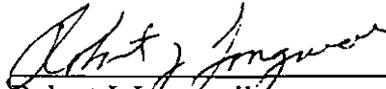
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