

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Public Meeting held October 23, 1997

Commissioners Present:

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

DOCKETED

NOV 14 1997

Application of Pennsylvania Power & Light	:	Docket No.
Company for Approval of Restructuring Plan	:	R-00973954
Under Section 2806 of the Public Utility Code	:	
	:	
Petition to Amend the Procedural Schedule	:	

ORDER

BY THE COMMISSION:

Before us is a petition filed on October 15, 1997 by the Pennsylvania Power & Light Company (PP&L) requesting that the Commission extend the date by which the Commission will accept, modify or reject PP&L's Restructuring Plan which is proceeding

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at the above-captioned docket. Specifically, PP&L requests that the due date of the final Commission order in this proceeding be changed from February 5, 1998 to March 26, 1998.

Background

On April 1, 1997, PP&L filed its Restructuring Plan filed at Docket No. R-00973954 in accordance with Section 2808(d) of the Electricity Generation Customer Choice and Competition Act (Competition Act). 66 Pa. C.S. §2808(d). At the prehearing conference for this Restructuring Plan, the parties agreed to a procedural schedule which was adopted by the presiding Administrative Law Judge on April 29, 1997. As part of the schedule agreement, PP&L specifically waived the requirement of Section 2806(f) of the Act, 66 Pa. C.S. §2806(f), which required the Commission to issue an order which accepts, modifies or rejects a restructuring plan within nine months from the time that plan was initially filed.

Evidentiary hearings on the PP&L Restructuring Plan were held in August of 1997. The intervening parties met in an attempt to settle this matter, and on September 10, 1997, PP&L requested that the procedural schedule be extended by 30 days to provide sufficient time for PP&L to review settlement proposals and to develop appropriate counter-proposals. This request for extension was granted by the Commission on September 12, 1997. On October 15, 1997, PP&L filed the instant petition which requests an additional 45

day extension of the procedural schedule. PP&L has provided copies of the instant petition to all parties of record. No objections have been filed.

Discussion

In the instant petition, PP&L requests the extension to allow the parties to the Restructuring Plan sufficient time to discuss and analyze alternative settlement proposals and to (potentially) reach a broad settlement which addresses the interests of all active parties. To accommodate the Commission, PP&L will again waive the requirement of Section 2806(f) of the Act which establishes the nine month deadline for the Commission to issue an dispositive order on a filed restructuring plan.

We agree that a full or partial settlement of the PP&L Restructuring Plan could be in the public interest. A settlement that is in the public interest will conserve time and resources which would otherwise be spent fully litigating this matter. In light of the foregoing, we will grant the instant petition to the extent that the Commission will issue an order which will accept, modify or reject PP&L's Restructuring Plan by March 26, 1998. This revised date constitutes a 45 day extension from the present due date.

PP&L notes that a grant of this petition will require a readjustment of the interim deadlines in the procedural schedule, and PP&L has provided a proposed revised schedule with its Petition. PP&L requests that the presiding Administrative Law Judge (ALJ) adopt

its proposed revised schedule in full. We agree that the ALJ should adopt the revised January 26, 1998 date for the Recommended Decision. Additionally, the ALJ should accept March 12, 1998 as the revised date for the Commission Polling. However, the ALJ should retain autonomy over the various other due dates. This will allow the ALJ the flexibility to adjust the remaining deadlines and response intervals as circumstances warrant;

THEREFORE,

IT IS ORDERED:

1. That the Petition of Pennsylvania Power & Light Company to Amend the Procedural Schedule, at Docket No. R-00973954, is granted in part and denied in part to the extent consistent with this order.
2. That the current due date of February 5, 1998 for the Commission to issue an order which will accept, modify or reject PP&L's Restructuring Plan will be extended by 45 days to March 26, 1998.
3. That the current due date of December 12, 1997 for the presiding Administrative Law Judge to issue a Recommended Decision is hereby changed to January 26, 1998.
4. That the current due date of January 22, 1998 for the Commission Polling is hereby changed to March 12, 1998.

5. That a copy of this order shall be served on all parties to the restructuring proceeding at Docket No. R-00973954.

BY THE COMMISSION,



James J. McNulty
Acting Secretary

(SEAL)

ORDER ADOPTED: October 23, 1997

ORDER ENTERED: **OCT 23 1997**



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

Record

IN REPLY PLEASE
REFER TO OUR FILE

October 23, 1997

R-00973954

All Parties
See attached list

Application of Pennsylvania Power & Light Company for approval of Restructuring Plan under
Section 2806 of the Public Utility Code

Petition to Amend the Procedural Schedule

KJR

To Whom It May Concern:

This is to advise you that an Order was adopted by the Commission at public meeting
held October 23, 1997 on the above entitled proceeding.

A copy of the Order is enclosed for your records.

Very truly yours,

James J. McNulty

James J. McNulty, Acting Secretary

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Application for approval of a Restructuring Plan

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ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 24th day of October, 1997,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of Order an official Commission document entered, issued, or otherwise promulgated under date of October 23, 1997 at Docket No.R-00973954 on behalf of:

OFFICE OF TRIAL STAFF JONNIE SIMMS

DOCKETED
OCT 27 1997

Mari Jo Rudy
Signature

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

OFFICE OF PROTHONOTARY FILE ROOM
PA PUBLIC UTILITY COMMISSION
B-20, North Office Building
Harrisburg, PA 17105-3265

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014567

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OFFICE OF TRIAL STAFF

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this Oct. 27 day of Oct., 1997,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of Order an official Commission document entered, issued, or otherwise promulgated under date of October 23, 1997 at Docket No.R-00973954 on behalf of:

CONSUMER ADVOCATE

KJR

Gay Benzoff
Signature

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

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ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

KJR

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

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of Order an official Commission document entered, issued, or otherwise promulgated under date of October 23, 1997 at Docket No.R-00973954 on behalf of:

SMALL BUSINESS ADVOCATE

OFFICE OF SMALL
BUSINESS ADVOCATE

OCT 24 1997

C. Updegraff
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