



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

ISSUED: September 16, 1997

REFER TO OUR FILE  
 IN REPLY PLEASE  
 R-00973954

DOCUMENT  
 FOLDER

PAUL E RUSSELL ESQUIRE  
 PENNSYLVANIA POWER AND LIGHT COMPANY  
 TWO NORTH NINTH STREET  
 ALLENTOWN PA 18101-1179

KJR

Application of Pennsylvania Power and Light Company . . .

TO WHOM IT MAY CONCERN:

Enclosed is a copy of the Initial Decision of Administrative Law Judge George M. Kashi. This decision is being issued and mailed to all parties on the above specified date.

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Specifically, an original and nine (9) copies of your signed exceptions **MUST BE FILED WITH THE SECRETARY OF THE COMMISSION IN ROOM B-20, NORTH OFFICE BUILDING, NORTH STREET AND COMMONWEALTH AVENUE, HARRISBURG, PA OR MAILED TO P.O. BOX 3265, HARRISBURG, PA 17105-3265**, within seven (7) days of the issuance date of this letter. The signed exceptions will be deemed filed on the date actually received by the Secretary of the Commission or on the date deposited in the mail as shown on U.S. Postal Service Form 3817 certificate of mailing attached to the cover of the original document (52 Pa. Code §1.11(a)) or on the date deposited with an overnight express package delivery service (52 Pa. Code 1.11(a)(2), (b)). If your exceptions are sent by mail, please use the address shown at the top of this letter. A copy of your exceptions must also be served on each party of record. 52 Pa. Code §1.56(b) cannot be used to extend the prescribed period for the filing of exceptions/reply exceptions. A certificate of service shall be attached to the filed exceptions.

If you receive exceptions from other parties, you may submit written replies to those exceptions in the manner described above within five (5) days of the date that the exceptions are due.

Exceptions and reply exceptions shall obey 52 Pa. Code 5.533 and 5.535 particularly the 40-page limit for exceptions and the 25-page limit for replies to exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)".

If no exceptions are received within twenty (20) days, the decision of the Administrative Law Judge may become final without further Commission action. You will receive written notification if this occurs.

Very truly yours,

James J. McNulty

Acting Secretary

law

Encls.

Certified Mail

Receipt Requested

cc: ALJ KASHI/ OFFICE OF ALJ/ OSA/ OCA/ PIO/ CEEP/ AUDITS/ BFUS/ BFUS-TARIFF/ LAW/ OTS/ OUR FILE/ FILING & ASSIGNMENTS/ CHAIRMAN/ COMMISSIONERS

See attached list

for additional

parties of record.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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

**DOCKETED**  
SEP 17 1997

DOCUMENT  
FOLDER

INITIAL DECISION

Before  
George M. Kashi  
Administrative Law Judge

HISTORY OF THE PROCEEDINGS

On April 1, 1997, Pennsylvania Power and Light Company (PP&L) filed its restructuring plan (PP&L's Plan) pursuant to its provision of the Electricity Generator Customer Choice and Competition Act. A prehearing conference was held on April 18, 1997 at which time, inter alia, a schedule for the proceeding was adopted. The schedule allowed for three prehearing conferences, the third set for July 15, 1997. Answering testimony was to be filed by Interveners no later than July 2, 1997.

On April 29, 1997, Coradon Mideast Aluminum, a division of Coradon America Inc. (Coradon) and Metal Industries, Inc. (M.I.) filed petitions to intervene which were granted. On July 15, and July 28 1997, respectively, Quaker Oats and Mount Joy Wire Corporation, some 105 - 113 days after the filing, filed a petition to join the intervention of Coradon and M.I.

On August 11, 1997, Coradon and M. I. each filed petitions to withdraw with prejudice from the matter before us. On August 15, 1997, we granted the petitions to withdraw with prejudice.

On August 18, 1997, from the bench, we denied the petition to join on the basis that the Coradon and M.I. petitions were withdrawn with prejudice (N.T. 410-411).

On August 19, 1997, Quaker Oats and Mount Joy Wire Corporation filed a Motion To Reconsider (Motion) our denial of their petitions to intervene. On August 28, 1997 we denied the Motion and informed counsel of the denial.

This Decision memorializes our action.

#### DISCUSSION

In their Motion, Quaker Oats and Mount Joy specifically state "This is evident from the very basis of Quaker and MI's petition to intervene was to deal with the scenario of Caradon and M.I. resolving their dispute with PP&L (§ 15 Motion)". This is exactly the point. The application for restructuring is not a vehicle to pursue private complaints.

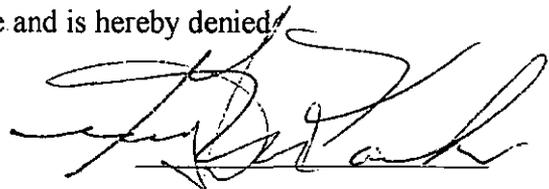
In considering a petition to intervene we look at whether the interest is of such a nature that intervention is necessary or appropriate to the administration of the statute under which the proceeding is brought ( 52 PA Code § 5.72). The parties concern that we will not look at the interruptible problem without them is unfounded. The parties that are concerned with interruptible power are well represented.

THEREFORE,

IT IS ORDERED: that the Motion filed in the above-captioned matter for reconsideration of our denial of intervention be and is hereby denied.

Dated

September 12, 1997



GEORGE M. KASHI

Administrative Law Judge

Application for approval of a Restructuring Plan

*RUSH*

*ID 20 to 7  
10 to 5*

✓  
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KJF

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

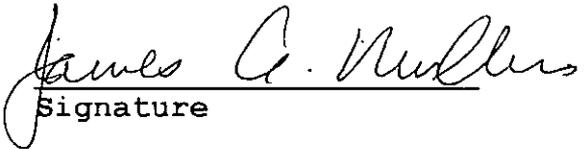
AND NOW, to wit, this 17 day of September, 1997,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of Recommended Decision an official Commission document entered, issued, or otherwise promulgated under date of September 16, 1997 at Docket No. R-00973954 on behalf of:

IRWIN A POPOWSKY ESQ

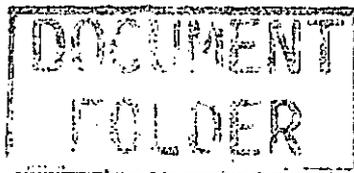
OFFICE OF CONSUMER ADVOCATE

1425 STRAWBERRY SQUARE

  
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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97 SEP 18 PM 3:53  
PA.P.U.C.  
PROTHONOTARY'S OFFICE

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 17th day of September, 1997,

KJR

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of Recommended Decision an official Commission document entered, issued, or otherwise promulgated under date of September 16, 1997 at Docket No. R-00973954 on behalf of:

JOHNNIE SIMMS ESQUIRE

PA PUC OFFICE OF TRIAL STAFF

3RD FLOOR PITNICK BLDG

**DOCKETED**  
SEP 17 1997

DOCUMENT  
FOLDER

Mari J. Rudy  
Signature

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008548

REC'D BY: [unclear]  
97 SEP 17 AM 11:07  
OFFICE OF TRIAL STAFF

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ , <sup>KJR</sup>

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of Recommended Decision an official Commission document entered, issued, or otherwise promulgated under date of September 16, 1997 at Docket No. R-00973954 on behalf of:

BERNAERD A RYAN JR ESQ

OFFICE OF SMALL BUSINESS ADVOCATE

300 NORTH SECOND STREET

OFFICE OF SMALL  
BUSINESS ADVOCATE

SEP 25 1997

C Updegraff  
Signature

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

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