



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

IN REPLY PLEASE
REFER TO OUR FILE

May 12, 2000

A-110550 F0147

THOMAS GADSDEN
& ANTHONY DECUSATIS ESQUIRE
MORGAN LEWIS & BOCKIUS LLP
1701 MARKET STREET
PHILADELPHIA PA 19103-2921

DOCUMENT
FOLDER

Re: Application of PECO Energy Company
Pursuant To Chapters 11, 19, 21, 22 and 28
of the Public Utility Code, for Approval of
(1) a Plan of Corporate Restructuring, including
the Creation of Holding Company, and
(2) the Merger of the Newly formed Holding
Company and Unicom Corporation.

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on May 11, 2000 has adopted an Order in the above entitled proceeding.

An Order has been enclosed for your records.

Very truly yours,

James J. McNulty
Secretary

DOCKETED
MAY 17 2000

law
encls
cert. mail

See attached list
for additional parties
of record.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265

Public Meeting held May 11, 2000

Commissioners Present:

John M. Quain, Chairman,
Robert K. Bloom, Vice Chairman
Nora Mead Brownell
Aaron Wilson, Jr.
Terrance J. Fitzpatrick

Re: Application of PECO Energy
Company Pursuant To Chapters 11, 19, 21,
22, and 28 of the Public Utility Code, for
Approval of (1) a Plan of Corporate
Restructuring, including the Creation of
Holding Company, and (2) the Merger of
the Newly Formed Holding Company and
Unicom Corporation.

Docket No. A-110550F0147

DOCUMENT
FOLDER

ORDER

DOCKETED
MAY 17 2000

BY THE COMMISSION:

Presently before the Commission for consideration is the petition of PECO Energy Company filed on May 3, 2000, for certification of the record in the above-captioned proceeding to the Commission for decision pursuant to 66 Pa. C.S. §335(a). Specifically, PECO requests that the Administrative Law Judge (ALJ) prepare the record in the proceeding for certification to the Commission for decision on the merits.

PROCEDURAL HISTORY

On November 22, 1999, PECO filed the above-captioned Application requesting that the Commission issue an order, *inter alia*, approving a plan of corporate restructuring, including the creation of a holding company, and the merger of the newly formed holding company and Unicom Corporation.

By the present Petition, PECO requests that the Commission exercise its discretion under §335(a) and require certification of the record to the Commission for a final decision on the merits. Using this procedure would eliminate the issuance of an initial decision by the Office of Administrative Law Judge (OALJ). This is PECO's second request for an expedited administrative procedure in this matter. PECO's original request, filed on January 25, 2000, was considered and denied by Commission Order entered on March 3, 2000.

DISCUSSION

Section 335(a) of the Public Utility Code, 66 Pa C. S. §335(a), provides that the Commission may, *at its discretion*, require in certain cases that the record in the proceeding be certified directly the Commission for determination. As we previously noted in our order denying PECO's original request to have the record certified to the Commission, "any departure from the standard process of an initial or recommended decision rendered by a hearing officer or ALJ requires a

determination by the Commission that the departure is warranted.” (Order entered March 3, 2000, p 3.) At that time, the Commission determined that there was no compelling reason for utilizing this alternative procedure. In a Statement accompanying the Order, however, Chairman John M. Quain noted his expectation that the ALJ and the parties would present the Commission with a complete record as expeditiously as possible.

PECO now reiterates its request for an abbreviated administrative procedure on the grounds that the “nature and procedural posture of this case has changed dramatically.” (PECO Petition ¶¶ 6 & 7). Specifically, PECO references the filing of a joint settlement agreement on March 23, 2000, to which two parties have expressed opposition.

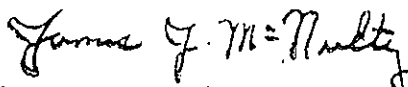
We recognize that the joint settlement petition represents progress toward resolution of this matter and reflects the diligence with which PECO and the other parties have sought to amicably resolve this matter. Nonetheless, particularly in view of the opposition to the joint settlement petition, we must address many important and complex issues in determining whether the proposed corporate restructuring and merger are in the public interest. Thus, we continue to believe that our adjudicatory process would be significantly facilitated by the issuance of an initial decision by the ALJ. As the Chairman noted in his Statement accompanying the March 3, 2000 Order, we encourage the ALJ and the parties to present us with a complete record as expeditiously as possible so as to enable a prompt review and decision by the Commission.

CONCLUSION

In accordance with the Commission's discretionary review of PECO's request for an expedited administrative procedure and finding no compelling reason to grant the requested relief, PECO's petition is denied; **THEREFORE, IT IS ORDERED:**

1. The application of PECO Energy Company for certification of the record in the above-captioned proceeding to the Commission for decision pursuant to 66 Pa. C.S. §335(a), is denied.
2. The above-captioned matter will proceed to initial determination by the Administrative Law Judge.

BY THE COMMISSION,


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: May 11, 2000

ORDER ENTERED: **MAY 12 2000**

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ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 12th day of May, 19~~9~~²⁰⁰⁰,

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 MAY 12, 2000 at Docket No. A-110550 F0147 on behalf of:

TANYA J MCCLOSKEY & STEPHEN J KEENE ESQUIRES

OFFICE OF CONSUMER ADVOCATE

555 WALNUT STREET

FORUM PLACE 5TH FLOOR

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SECRETARY'S BUREAU


Signature

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

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

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this 16th day of May, 2000, ~~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 MAY 12, 2000 at Docket No. A-110550 F0147 on behalf of:

K MICKENS & K MELILLO & C HOFFMAN ESQUIRES

OFFICE OF TRIAL STAFF

3RD FLOOR PITNICK BLDG

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MAY 17 2000

Elaine C. Meisinger
Signature

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To: →

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