

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Duquesne Light Company :
for a Certificate of Public Convenience under :
Section 1102(a)(3) of the Public Utility Code : A-110150F0035
approving the acquisition of Duquesne Light :
Holding, Inc. by Merger. :

And :

Application of DQE Communications Network :
Services, LLC, for a Certificate of Public :
Convenience under Section 1101(a)(3) of the : A-311233F0002
Public Utility Code approving the acquisition of :
Duquesne Light Holding, Inc. by Merger. :

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INTERIM ORDER #2

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

On February 9, 2007, the Joint Petition for Settlement of this proceeding was filed with the Secretary of the Commission. In the Settlement, the Joint Petitioners affirmatively addressed how the terms and conditions thereof met the standards of *City of York v. PA PUC*, 295 A.2d 825 (Pa. 1972) and *Application of Penn Estates Utilities, Inc.*, Docket No. A-210072F0003, entered October 2, 2006.

On February 20, 2007, the Commonwealth Court of Pennsylvania issued its decision in *Irwin A. Popowsky, Consumer Advocate v. Pennsylvania Public Utility Commission*, No. 255 C.D. 2006, 2007 Pa. Cmmw. LEXIS 63, in which that Court reversed the Commission's approval of the Verizon Communications, Inc., and MCI, Inc., merger, and remanded the proceeding to the Commission. Obviously, the Joint Petitioners did not have the opportunity to review and address that decision in the preparation and filing of the Settlement. In my opinion, the Joint Petitioners should be given the opportunity to provide a Joint Statement in Support of the Settlement in light of the Commonwealth Court's February 20, 2007 decision in the

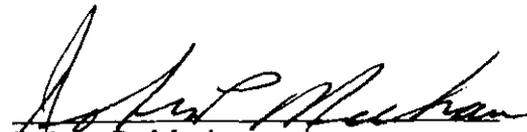
Verizon/MCI proceeding before the issuance of the Initial Decision and the entry of the Commission's Order in this case.

On February 12, 2007 an All Parties Stipulation for the Admission of Testimony and Exhibits into the Record was filed. The All Parties Stipulation for the Admission of Testimony, etc., was approved, and the record was closed by Interim Order issued February 21, 2007. To provide the Joint Petitioners the opportunity to provide a statement or supplemental statements in support of the Settlement, it will be necessary to reopen the record in this proceeding for a brief period of time.

THEREFORE,

IT IS ORDERED:

1. That the record at A-110150F0035 and A-311233F0002, is reopened.
2. That the Joint Petitioners may file a Joint Statement of Support for the Settlement in light of the Commonwealth Court's February 20, 2007 decision in *Irwin A. Popowsky, Consumer Advocate v. Pennsylvania Public Utility Commission*, No. 255 C.D. 2006, 2007 Pa. Cmmw. LEXIS 63.
3. That the Joint Statement of Support for the Settlement permitted by Paragraph 2 above, be filed with the Secretary of the Commission and served, electronically, upon myself and Citizen Power on or before Friday, March 9, 2007.


Robert P. Meehan
Administrative Law Judge

Date: February 27, 2007

A-110150F0035; Application of Duquesne Light Company
A-311233F0002; Application of DQE Communications Network Services, LLC
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