

**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 :  
approving the acquisition of Duquesne Light :  
Holding, Inc. by Merger :

A-110150F0035

And

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

A-311233F0002

**DOCUMENT  
FOLDER**

**INTERIM ORDER #3**

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. As the Joint Petitioners did not have the opportunity to review and address that decision in the preparation and filing of the Settlement, I issued Interim Order #2 on February 27, 2007, reopening the record in this matter to provide them the opportunity to provide a Joint Statement in Support of the Settlement in light of the Commonwealth Court's

decision in *Popowsky, supra*. As provided in Interim Order #2, any Joint Statement addressing the Commonwealth's Court's decision was to be filed on or before March 9, 2007.

On March 7, 2007, the Joint Petitioners, other than the OSBA, filed a Joint Statement in Support of the Settlement. The OSBA filed a separate Supplemental Statement in Support of the Settlement on March 8, 2007. All supplemental statements permitted by Interim Order #2 have been filed.

THEREFORE,

IT IS ORDERED:

1. That the record, at Docket Nos. A-110150F0035 and A-311233F0002, is closed.
2. That the Initial Decision shall be prepared and issued.

  
Robert P. Meehan  
Administrative Law Judge

Date: March 12, 2007

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