



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

IN REPLY PLEASE  
REFER TO OUR FILE

January 18, 2005

C-20027195, et al.

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OAKTON VA 22185

**DOCKETED**  
FEB 02 2005

AT&T Communications of Pennsylvania, LLC  
V.

C-20027195

Verizon North Inc. and Verizon Pennsylvania Inc.

**DOCUMENT  
FOLDER**

Petition of Verizon Pennsylvania Inc., Verizon North Inc.,  
Office of Small Business Advocate and Office of Consumer Advocate  
For Resolution of Litigation

Verizon Pennsylvania Inc.'s 2003 Price Change Opportunity P-00930715

Verizon Pennsylvania Inc.'s 2004 Price Change Opportunity

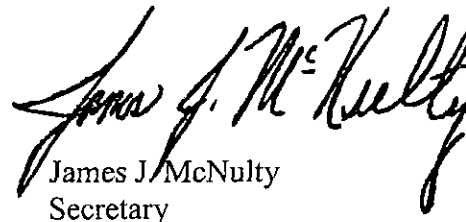
Verizon North Inc.'s 2004 Price Change Opportunity P-00001854

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on January 13, 2005, has adopted an Opinion and Order in the above entitled proceeding.

An Opinion and Order has been enclosed for your records.

Very truly yours,



James J. McNulty  
Secretary

mk  
encls  
cert. mail

See Attached List for Additional Parties of Record

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg PA 17105-3265**

Public Meeting held January 13, 2005

Commissioners Present:

Wendell F. Holland, Chairman  
Robert K. Bloom, Vice Chairman  
Glen R. Thomas, Recusing  
Kim Pizzingrilli

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Verizon Pennsylvania Inc.'s 2004 Price Change Opportunity

Verizon North Inc.'s 2004 Price Change Opportunity

P-00001854

**OPINION AND ORDER**

**BY THE COMMISSION:**

**Matter Before the Commission**

Before the Commission for consideration is a Joint Petition for Clarification (Joint Petition) filed on November 17, 2004, by AT&T Communications of Pennsylvania LLC (AT&T), MCI WorldCom Communications, Inc. (MCI) and Qwest Communications Corporation (Qwest) (collectively Joint Petitioners) with regard to the Commission's Opinion and Order entered July 28, 2004, in the above-captioned proceedings regarding the compliance obligations of Verizon Pennsylvania Inc. (Verizon PA) and Verizon North Inc. (Verizon North) (collectively Verizon). Answers to the Joint Petition were filed by Verizon on December 1, 2004, and the Office of Small Business Advocate (OSBA) and the Office of Consumer Advocate (OSA) on November 29, 2004, and November 30, 2004, respectively.

**Discussion**

**A. Introduction**

On July 28, 2004, this Commission entered an Opinion and Order (July 28<sup>th</sup> Order) that granted a Joint Petition for Resolution of Litigation, which was filed by Verizon PA, Verizon North, OSBA and OCA on February 26, 2004. The July 28<sup>th</sup> Order, *inter alia*, permitted Verizon to reduce and restructure its access charges by allowing them to file a revenue-neutral, rate rebalancing filing in which the net revenue reductions from access charge increases and decreases will be offset with revenue increases from increases in monthly dial tone line rates for residential and business local exchange customers. In accepting the terms of the Joint Petition for Resolution of Litigation, the Commission did not specify a date certain on which Verizon must complete the rate

rebalancing. The Commission did, however, require Verizon to provide notice to all customers “at least 30 days prior to the date of any rate change” and to “file revised tariffs or tariff supplements, to become effective on one day’s notice,” when it directed the following in Ordering Paragraph # 5 of the July 28<sup>th</sup> Order:

That upon entry of this Opinion and Order and after notice through bill insert, bill message or separately mailed notice to all customers at least 30 days prior to the date of any rate change, Verizon Pennsylvania Inc. and Verizon North Inc. shall file revised tariffs or tariff supplements, to become effective on one day’s notice, effecting the rates resulting from a financial calculation based on updated usage volumes, consistent with the terms of the Joint Petition for Resolution of Litigation that was filed on February 26, 2004.

(July 28<sup>th</sup> Order, Ordering Paragraph # 5).

Additionally, with regard to the remaining unresolved matters in this proceeding, the Commission remanded those matters to the Office of Administrative Law Judge when it directed the following in Ordering Paragraph # 6:

That the ALJ’s recommendation to close this case is reversed and that those policy issues and other access charge concerns that were raised by the IXCs in their Exceptions, but which were not specifically resolved by a recommendation from the ALJ in this instant proceeding, as delineated in the body of this Opinion and Order, shall be remanded to the ALJ for the further development of the record and the issuance of a recommended decision.

(July 28<sup>th</sup> Order, Ordering Paragraph # 6)

The topics contained in the instant Joint Petition concern the Commission’s directives in Ordering Paragraphs # 5 and # 6, quoted above, and which we shall address in this Opinion and Order.

## **B. The Joint Petition**

The Joint Petitioners are all interexchange carriers that pay switched access charges to Verizon for the origination and termination of toll calls made by the Joint Petitioners' customers. The Joint Petitioners state that the purpose of the instant Joint Petition is two-fold: (1) to ask the Commission to establish February 1, 2005 as the latest date by which Verizon must implement the access charge reductions addressed in the Commission's July 28<sup>th</sup> Order, and to make any access charge reductions retroactive to February 1, 2005, should Verizon fail to meet that date, and (2) to ask the Commission to complete the access reform process, either by commencing the remand contemplated in the July 28<sup>th</sup> Order or else, resolve the access problem once and for all by directing Verizon to reduce its access charges based on facts already present in this record and to implement offsetting increases in basic exchange rates. (Jt. Pet. at 1).

We shall address each of the Joint Petitioners' requests in the following sequence:

1. Joint Petitioners' request to establish February 1, 2005 as the compliance filing deadline date;
2. Joint Petitioners' request for retroactive rates to February 1, 2005;
3. Joint Petitioners' request for termination of Remand and further reduction of access charges based on facts already present in the record; and,
4. Joint Petitioners' request for commencement of the Remand contemplated in the July 28<sup>th</sup> Order on an expedited basis.

**C. Discussion**

**1. Joint Petitioners' Request to Establish February 1, 2005 as the Compliance Filing Deadline Date**

**a. Position of the Parties:**

The Joint Petitioners generally complain that Verizon has unnecessarily delayed implementing the access charge reductions mandated by the July 28<sup>th</sup> Order. They assert that, based on the requirements of the July 28<sup>th</sup> Order, the earliest date that Verizon could have implemented the rate changes was November 1, 2004. They allege that Verizon is unnecessarily delaying the filing of access charge reductions by taking advantage of the fact that the Commission has not specified an exact date on when those access charge reductions must be filed. (Jt. Pet., ¶ 15 at 7).

The Joint Petitioners cite to verbal and written communications that they had with Verizon in which Verizon originally indicated that it would file tariff filings in compliance with the July 28<sup>th</sup> Order by the end of 2004.<sup>1</sup> The Joint Petitioners point out that the compliance filing date was subsequently pushed back to January 1, 2005, and then again to February 1, 2005. (Jt. Pet., ¶10 at 5). They argue that they continue to incur financial harm for each month of delay in the implementation of lower access charges, which the Commission determined to be unreasonably high in July 2004. (Jt. Pet., ¶ 16 at 7). In light of the fact that six months will have passed from the date of the July 28<sup>th</sup> Order until February 1, 2005, the Joint Petitioners request that the Commission compel Verizon to avoid any further delay in making the required compliance filings beyond February 1, 2005.

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<sup>1</sup> See Joint Petition, ¶10 at 5. Also see Attachment A to Joint Petition that contains copies of letters between Qwest and Verizon concerning clarification of the compliance filing date.

Verizon responds that it does not object to implementing the rate changes on February 1, 2005. Verizon noted that it has already informed the Commission and Qwest that it intended to make such changes effective on that date. However, Verizon does object to the Joint Petitioners' implication that Verizon could have, or should have, implemented these changes earlier, as well as the Joint Petitioners' attempt to persuade the Commission to forego the remand proceeding and to reduce access charges further without the benefit of further record development. (VZ Answer at 2, 4).

With regard to the Joint Petitioners' opinion that Verizon should have implemented the required rate changes earlier, Verizon notes that, as the Joint Petitioners conceded, the July 28<sup>th</sup> Order did not contain a specific date for Verizon to make its compliance filing. Although Verizon conceded, and the Joint Petitioners agreed, that November was the earliest possible date that the changes could have been implemented consistent with the Commission's requirement that customer notice be required "at least 30 days prior to the date of any rate change," Verizon contends that the complexity of the required rate changes made even the November date impractical. In defense of this statement, Verizon offers the following explanation:

In any event, as Verizon has explained, implementation of the rate changes ordered by the Commission is more complicated than a simple rate rebalancing. Implementation requires a complete restructuring of Verizon North's transport rate elements, because Verizon North had never implemented the Local Transport Restructure (LTR) used in Verizon PA and in the interstate access world. In addition, new port rate elements from the interstate jurisdiction had to be established for both Verizon PA and Verizon North. These activities took time and resources, and in particular programming resources to implement complex billing changes. In addition, the impact of the rate changes themselves had to be recalculated. Updating this information is not a simple matter because Verizon had to determine the impact of updated volumes based on a rate structure that is not currently in place. All of these rate impacts had to be calculated before

Verizon could prepare customer notification and tariff changes.

(VZ Answer at 5).

The OCA submits that it does not oppose requiring the access reductions, and related local rate increases, taking place on February 1, 2005, provided that the Commission also rules on the use of the \$4.7 million in Verizon's related PCO filing to offset the resulting local rate increases by that date.<sup>2</sup>

**b. Disposition**

We are of the opinion that the Joint Petitioners' request that the Commission establish February 1, 2005 as the date certain by which Verizon must file its compliance filings is a reasonable request. At the same time we find that this issue may be moot in light of the fact that Verizon has already committed to making its compliance filing in sufficient time to become effective no later than February 1, 2005. We take administrative notice that Verizon recently notified all of its customers in December 2004 informing them of the proposed rate changes that will become effective February 1, 2005. We also note that Verizon has committed in its PCO filing that was filed with the Commission on November 1, 2004, that Verizon would file associated tariff changes on January 31, 2005, to become effective on February 1, 2005. In this regard, Verizon must adhere to its proposed and committed effective date of February 1, 2005, notwithstanding any regulatory delays that may occur in the compliance filing review process.

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<sup>2</sup> Verizon's PCO filing was filed on November 1, 2004. Consistent with the requirements of the July 28<sup>th</sup> Order, Verizon proposes to reduce the required local rate increases necessary to offset access reductions by \$4.7 million or from \$0.92 to \$0.80 per line per month. This instant Opinion and Order does not address the merit of Verizon's proposed PCO filing.

**2. Joint Petitioners' Request for Retroactive Rates to February 1, 2005**

**a. Position of the Parties**

For the same reasons stated above in Issue # 1, the Joint Petitioners request that the Commission order Verizon to compensate the IXCs for the reductions in access rates that should have been in effect on February 1, 2005, in the instance that Verizon fails to meet its committed February 1, 2005 compliance filing date. (Jt. Pet., ¶ 17 at 8).

Verizon notes in its Answer that, as described in its PCO filing, it has already committed to file the compliance tariff changes on January 31, 2005, to be effective on February 1, 2005. (Verizon Answer at 5, Note 6). As such, although not explicitly stated, it appears that Verizon is of the opinion that retroactive rates will not be an issue.

**b. Disposition**

This issue is the second part of the Joint Petitioners' request in the first issue above, in which the Joint Petitioners request that the Commission order Verizon to compensate the IXCs for the reduction in rates that should have been effective if Verizon fails to meet the February 1, 2005 date. We are of the opinion that granting such a request would establish poor public policy in light of the fact that unknown variables may exist which could, for good cause shown, further delay the access charge decreases and local rate increases. We further note that retroactive access charge reductions would also entail retroactive local rate increases, which could potentially have a negative impact on end-user customers' rates depending upon the length of the delay until the new rates become effective. Therefore, we shall deny the Joint Petitioners' request on this matter.

**3. Joint Petitioners' Request for Termination of Remand and Further Reduction of Access Charges Based on Facts Already Present in the Record**

**a. Position of the Parties**

The Joint Petitioners also request that the Commission issue a final decision on further access charge reform without remanding the case to the OALJ for additional proceedings “due to the urgent need for immediate access charge reform and the fact that the record has already been fully developed in this proceeding.” The Joint Petitioners repeat their same claim they made throughout this proceeding that the record contains sufficient evidence to support eliminating Verizon’s access charge problem in two years, at a cost of two monthly local rate increases of less than 80 cents each. (Jt. Pet., ¶ 18 at 8).

Verizon, the OSBA and the OCA all object to the Joint Petitioners’ request that the Commission “resolve the access problem once and for all by directing Verizon to reduce its access charges based on facts already present in the record and to implement offsetting increases in basic exchange rates.”

Verizon argues that the Commission on two occasions ordered that this matter be remanded for further proceedings. The first occasion was in the Commission’s July 28<sup>th</sup> Order, which remanded this case to the ALJ “for the further development of the record and the issuance of a recommended decision concerning those policy issues and other access charge concerns that were raised by the IXC’s in their Exceptions.” The second occasion involved the Commission Order entered November 23, 2004, which denied Verizon’s Petition to reconsider remanding this case to the ALJ, based on the

finding that the *Duick* standards were not met.<sup>3</sup> (Verizon Answer at 6). In light of that Commission decision, Verizon submits that the Joint Petitioners have provided no reason why the Commission should now abandon its recently reaffirmed decision to remand this proceeding.

The OSBA rejoins that the Commission should deny the Joint Petitioners' request to issue a final decision on further access charge reform based upon the current record in this proceeding. In support of this position, the OSBA notes that the Joint Petitioners in their Petition on page 2, styled their Petition as a “**clarification**, pursuant to Sections 5.41 and **5.572(a)**” (emphasis by OSBA) of the Commission’s regulations when, in fact, they are actually requesting the Commission to **reconsider** its decision to remand the proceeding for further development of the record. The OSBA asserts that whether the Joint Petition is one of clarification or of reconsideration, the Joint Petitioners waived their right to file such a Petition in light of the fact that they waited 112 days after the entry date of the Order to file the Joint Petition for “clarification” which is well beyond the 15 days permitted under 52 Pa. Code 5.572(a). As such, the OSBA is of the opinion that the July 28<sup>th</sup> Order stands, and the Joint Petitioners request “to issue a final decision on further access charge reform” should not be granted. (OSBA Answer at 2-3).

The OCA also objects to the Joint Petitioners' request for the Commission to issue a final decision on further access charge reform by directing Verizon to reduce its access charges based on the facts already presented in the record and to implement offsetting increases in basic exchange rates. The OCA asserts that the Joint Petition must be rejected to the extent it requests further basic local rate increases without hearing. The OCA is of the opinion that any consideration of further access rate reductions and basic rate increases should occur only after the specific issues to be addressed are clearly

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<sup>3</sup> See *Duick v. PG&W*, 56 Pa. P.U.C. 553, 51 P.U.R. 4<sup>th</sup> 284 (1982) (*Duick*), citing *Pa. Railroad Co. v. Pa. P.S.C.*, 179 A. 850 (Pa. Super. ct. 1935).

defined and a further evidentiary record on those specific issues is developed. (OCA Answer at 3-4).

Furthermore, the OCA notes that additional significant developments at the federal level are occurring that may impact the intrastate access issues that are the subject of the remanded proceeding. The OCA cites in details its concerns regarding the fact that a group of telecommunications providers identified as the Intercarrier Compensation Forum (ICF), of which AT&T and MCI are members, recently submitted a proposed ICF Plan that would eliminate the same intrastate access issues that are the subject of this proceeding.<sup>4</sup> The OCA is especially concerned because the ICF Plan specifically states that “the [FCC] may lawfully raise the [Subscriber Line Charge (SLC)] to cover a portion of the costs formerly covered by intrastate access charges as an exercise of plenary authority to ensure a sustainable and explicit universal service system.”<sup>5</sup> As such, the OCA submits that the FCC, upon urging of the ICF, is considering the assumption of authority over the same intrastate access charges that the instant proceeding is intended to address.

The OCA is of the opinion that the same reform of intrastate access charges cannot take place both at the PUC and the FCC. The OCA is especially concerned because the ICF proposes a potential increase of \$4.00 to the federal SLC and higher USF charges whereas the existing record contains an IXC proposal that may eliminate the Verizon access charge problem in two years at a cost of two monthly local rate increases of less than 80 cents each. In light of the fact that the Joint Petition makes no reference to

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<sup>4</sup> See Letter from Gary M. Epstein, Counsel for the Intercarrier Compensation Forum to Marlene H. Dortch, Secretary, Federal Communications Commission, dated October 5, 2004. (ICF Plan). In addition to AT&T and MCI, the ICF members also include: Global Crossing North America Inc., General Communications, Inc., Iowa Telecom., Level 3 Communications, LLC, SBC Communications Inc., Sprint Corporation and Valor Telecommunications.

<sup>5</sup> *Id.* at 44.

the ICF proposal submitted to the FCC, the OCA asserts that no further intrastate access charge reductions should be ordered by this Commission without a clear consideration of the ICF proposal submitted to the FCC, and how this may affect any further intrastate reductions in Pennsylvania. For these reasons, the OCA urges the Commission to reject the Joint Petitioners' request to implement further access charge reductions and basic rate increases without any further hearings. (OCA Answer at 4-7).

**b. Disposition**

We are of the opinion that the Joint Petitioners' request "to resolve the access problem once and for all by directing Verizon to reduce its access charges based on facts already present in this record and to implement offsetting increases in basic exchange rates" is without merit. First, as Verizon appropriately indicated in its Answer, we have already acted on two occasions to order that this matter be remanded for further proceedings. Based on our review of the Joint Petition, we conclude that, as noted by the OSBA in its Answer, the Joint Petitioners request on this issue is actually a Petition for Reconsideration. Even though the Joint Petitioners' request was not timely filed consistent with the standard 15-day requirement for such a Petition pursuant to 52 Pa. Code § 5.572(a), we nevertheless conclude that the request does not meet the standards of *Duick* in light of the fact that no new evidence was raised by the Joint Petitioners, and we have already rejected their same argument in our July 28<sup>th</sup> Order. Furthermore, as we will discuss later in this Opinion and Order, the OCA noted that activity occurring on the federal level may impact state access charges, and it may be necessary for the Parties in this proceeding to consider that federal activity in the remand proceeding. Finally, now that the PCO has been filed and Verizon has committed to making its compliance filing to become effective February 1, 2005, the Parties will have a better understanding of the actual level of Verizon's remaining access charges so that they could proceed in a manner that best addresses whether the newly restructured access charges should be reduced to

cost or eliminated. Therefore, for all of the above reasons, we shall deny the Joint Petitioners' request on this issue.

**4. Joint Petitioners' Request for Commencement of the Remand Contemplated in the July 28<sup>th</sup> Order on an Expedited Basis**

**a. Position of the Parties**

In the instance that the Commission maintains its position to remand the unresolved access charge matters to the Office of Administrative Law in Issue # 3, above, the Joint Petitioners request that the Commission expedite the remand proceeding due to the urgent need for immediate access charge relief. (Jt. Pet., ¶ 19 at 9).

In response, Verizon argues that the Commission should deny the Joint Petitioners' request because no statutory or other external deadlines exist that would support an expeditious resolution of the remand proceeding. Furthermore, Verizon notes that the Joint Petitioners provided no rationale why the issues need to be addressed expeditiously, and no other rationale as to why this issue deserves more expeditious treatment than the many other issues being considered by the Commission. (VZ Answer at 7).

The OSBA is also of the opinion that the Commission should deny the Joint Petitioners' request to conduct the remanded proceeding on an expedited basis. In support of its position, the OSBA notes that nothing in the Commission's July 28<sup>th</sup> Order mentioned or required that the remanded proceeding be conducted in an "expedited" manner. The OSBA avers that the Joint Petitioners' request is actually a request for an **amendment** to the Commission's July 28<sup>th</sup> Order, rather than a request for **clarification**. However, regardless of whether the Petition is one of clarification or of an amendment, the OSBA again asserts that the Joint Petitioners request for "expedited consideration"

should not be granted because this request is well beyond the 15 days permitted under 52 Pa. Code 5.572(a). (OSBA Answer at 3).

**b. Disposition**

With regard to the Joint Petitioners' request that we commence the remand contemplated in the July 28<sup>th</sup> Order, we hesitate to mandate that the OALJ conclude this proceeding on an expedited basis. However, to the extent possible, we strongly encourage the ALJ assigned to this matter to endeavor to issue a Recommended Decision on Remand as expeditiously as possible.

**5. New Matter**

As noted by the OCA, there have been significant developments in the federal arena that may impact the remand proceeding. We are especially concerned about any impact that the proposed ICF proposal; if it is ultimately approved by the FCC, may have jurisdictionally on access charge regulation in Pennsylvania, our ability to further reduce or restructure intrastate access charges, and whether any FCC action may lead to a double recovery by the LECs in Pennsylvania in light of the remanded proceeding, and if the FCC permits intrastate access charges to be offset by increases to the federal SLC. Therefore, to the extent that any determination is made by the FCC that ultimately adopts the ICF proposal, or any other FCC action that is concluded prior to this remand proceeding that would assume authority over the intrastate access charges addressed in this proceeding, we shall direct the ALJ to expand the scope of this proceeding for the purpose of addressing the impact the FCC action may have on our jurisdictional responsibilities, as well as its relationship to the final recommended decision on access rates arising from this remand proceeding.

## Conclusion

We shall grant the Joint Petition, in part, and deny it in part, consistent with the discussion in the body of this Opinion and Order. Specifically, we shall grant the Joint Petitioners' request that establishes February 1, 2005 as the compliance filing deadline date, notwithstanding any regulatory delays that may occur in the compliance review process. We shall also grant the Joint Petitioners' request that the Remand proceeding be conducted in an expedited manner only to the extent that the Office of Administrative Law Judge is able to do so. However, we shall deny the Joint Petitioners' request for (1) retroactive rates to February 1, 2005, if Verizon fails to comply by that date, and (2) termination of the Remand proceeding. Finally, we shall direct the presiding Administrative Law Judge assigned to this case to expand the scope of this proceeding with regard to any FCC activity concerning the proposal submitted by the Intercarrier Compensation Forum on October 5, 2004, and to address the impact that any FCC action may have on our jurisdictional responsibilities, as well as its relationship to the final recommended decision on access rates arising from this remand proceeding, to the extent that the FCC issues a decision prior to the issuance of the Recommended Decision on Remand in this proceeding;

**THEREFORE,**

### **IT IS ORDERED:**

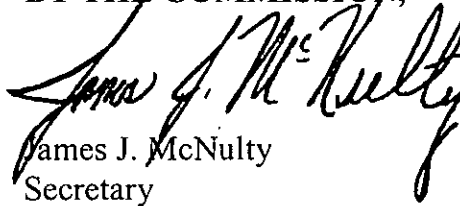
1. That the Joint Petition of AT&T Communications of Pennsylvania, LLC, MCI WorldCom Communications, Inc., and Qwest Communications Corporation, which was filed on November 22, 2004, is granted, in part, and denied, in part, consistent with the discussion delineated in the body of this Opinion and Order.

2. That the ALJ assigned to this remand proceeding is directed to expand the scope of this proceeding with regard to any activity before the Federal Communications Commission concerning the proposal submitted by the Intercarrier

Compensation Forum on October 5, 2004, and to address the impact that any FCC action may have on our jurisdictional responsibilities, as well as its relationship to the final recommended decision on access rates arising from this remand proceeding, to the extent that the FCC issues a decision prior to the issuance of the Recommended Decision on Remand in this proceeding.

3. That a copy of this Opinion and Order be served on all Parties to the above-captioned dockets.

BY THE COMMISSION,

  
James J. McNulty  
Secretary

(SEAL)

ORDER ADOPTED: January 13, 2005

ORDER ENTERED: **JAN 18 2005**

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1301 K STREET, N.W.  
SUITE 1100 - EAST TOWER  
WASHINGTON DC 20005

ACKNOWLEDGEMENT OF RECEIPT & ACCEPTANCE OF SERVICE

AND NOW, to wit, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of an Opinion and Order, an official Commission document entered, issued, or otherwise promulgated under date of January 18, 2005, at Docket No. C-20027195, et al., on behalf of:

RONALD F WEIGEL DIRECTOR GOVT RELATIONS  
STRAWBERRY SQUARE FLOOR 4  
HARRISBURG PA 17101

\_\_\_\_\_  
Signature

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

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AND NOW, to wit, this 19<sup>th</sup> day of January, 2005

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of an Opinion and Order, an official Commission document entered, issued, or otherwise promulgated under date of January 18, 2005, at Docket No. C-20027195, et al., on behalf of:

K MICKENS C HOFFMAN J SIMMS ~~K MELILLO~~  
PENNSYLVANIA PUBLIC UTILITY COMMISSIO  
PO BOX 3265  
HARRISBURG PA 17105-3265

Cathy Rieger  
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AND NOW, to wit, this 19<sup>th</sup> day of January, 2005,

the undersigned, as evidenced by execution hereof, acknowledges receipt, and accepts service of an Opinion and Order, an official Commission document entered, issued, or otherwise promulgated under date of January 18, 2005, at Docket No. C-20027195, et al., on behalf of:

LOIS BURNS  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
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Harrisburg, PA 17105-3265

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LARRY DETESTA  
SEN PORTERFIELD'S OFFICE  
186 MAIN CAPITOL BUILDING  
HARRISBURG PA 17120

\_\_\_\_\_  
Signature

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

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