

File in R-943271

Received in Supreme Court

DEC 26 1997

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

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KJR

FEB 2 1998

PENNSYLVANIA PUBLIC UTILITY
COMMISSION,

Petitioner

v.

No. _____ M.D.
Allocatur Docket 1995

SIERRA CLUB, THE COMMISSION ON
ECONOMIC OPPORTUNITY OF
LUZERNE COUNTY, AND ERIC JOSEPH
EPSTEIN,

Respondents

DOCUMENT

CROSS-PETITION FOR ALLOWANCE OF APPEAL OF
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition for Allowance of Appeal from the Order of the Commonwealth Court of Pennsylvania entered November 12, 1997, at No. 1826 C.D. 1995, affirming the Pennsylvania Public Utility Commission's June 22, 1995 denial of Respondent's Right-to-Know Act request.

Kevin J. Moody
Assistant Counsel
Attorney I.D.# 34367

Lee E. Morrison
Assistant Counsel

Bohdan R. Pankiw
First Deputy Chief Counsel

John F. Povilaitis
Chief Counsel

Counsel for the Pennsylvania
Public Utility Commission

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JAN 07 1998

Room 203, North Office Building
P.O. Box 3265
Harrisburg, PA 17120
(717) 783-3190
Dated: December 26, 1997

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JAN 01 1998

OFFICE OF SMALL BUSINESS ADVOCATE

Suite 1102, Commerce Building
300 North Second Street
Harrisburg, Pennsylvania 17101
December 29, 1997

Bernard A. Ryan, Jr.
Small Business Advocate

Hand Deliver

Office of Prothonotary
Pennsylvania Public Utility Commission
Room B-20, North Office Building
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission v.
Pennsylvania Power & Light Company
Dockets R-943271 & R-973954

Dear Secretary:

I write to respond on behalf of the Office of Small Business Advocate to the Commission's Tentative Form Opinion and Order entered December 24, 1997 in these proceedings. The OSBA has no objection to the proposal of PP&L that is described in the Tentative Form Opinion and Order with regard to the manner in which a refund of \$745,000 resulting from the Commonwealth Court's decision at 695 A 2d 448 (Pa. Commonwealth 1997) shall be implemented.

Sincerely yours,

Bernard A. Ryan, Jr.
Bernard A. Ryan, Jr.
Small Business Advocate

cc: Per Service List in R-973954

KJR

(717) 783-2525
(717) 783-2831 (FAX)

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PROTHONOTARY'S OFFICE
P.A.P.U.C.

97 DEC 30 PM 2:48

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ORIGINAL

OFFICE OF CONSUMER ADVOCATE
1425 Strawberry Square
Harrisburg, Pennsylvania 17120

KJR

KJR

January 5, 1998

(717) 783-5048

IRWIN A. POPOWSKY
Consumer Advocate

James J. McNulty, Secretary
Secretary's Bureau
Pennsylvania Public Utility Commission
Room B-20, North Office Building
P. O. Box 3265
Harrisburg, PA 17105-3265

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58 JAN -5 PM 3:44
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PROTHONOTARY'S OFFICE

Re: Pennsylvania Public Utility Commission
v.
Pennsylvania Power & Light Company
Docket Nos. R-00943271, R-00953954
and R-00973954

Dear Secretary McNulty:

The Office of Consumer Advocate ("OCA") responds to the Commission's December 24, 1997 Tentative Form Opinion and Order in the above-captioned matter in which the Commission presented the opportunity for parties to comment upon, or object to, the proposal of PP&L to implement that portion of the Commonwealth Court's opinion in Popowsky v. Pennsylvania Public Utility Commission, 695 A.2d 448 (Pa.Cmwlt. 1997) concerning the collection of gross receipts taxes.

The OCA as a general matter does not object to the proposal of PP&L as it is described in the Tentative Form Opinion and Order concerning how the refund and ongoing rate impact of the dollars in question will be structured. However, since the details of PP&L's proposal to the Commission Staff is sketchy as presented by PP&L and in the Tentative Form Opinion and Order, the OCA's non-opposition is based upon its interpretation that "retail" customer rates refers to the regulated transmission and distribution charge that will be implemented on January 1, 1999. It is only through the mechanism of regulated rates that ratepayers will be assured of receiving the complete benefits of both the refund and the going-forward rate reduction.

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January 5, 1998

Page 2

The OCA, therefore, reserves the right to review and respond to any proposal the Company actually reflects in the restructuring docket that differs from the above assumption.

Sincerely

A handwritten signature in cursive script that reads "Craig R. Burgraff".

Craig R. Burgraff
Senior Assistant Consumer Advocate

cc: All parties of record
45167

Paul E. Russell
Associate General Counsel
Tel. 610.774-4254 Fax 610.774.6726
E-mail: perussell@papl.com

ORIGINAL
PP&L, Inc.
Two North Ninth Street
Allentown, PA 18101-1179
Tel. 610.774.5151
http://www.papl.com/



January 5, 1998

FEDERAL EXPRESS

James J. McNulty, Esquire
Prothonotary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265

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PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

**Re: Pennsylvania Public Utility Commission
v.
Pennsylvania Power & Light Company
Docket No. R-00943271**

Dear Mr. McNulty:

Enclosed for filing on behalf of PP&L, Inc. ("PP&L" or the "Company") are an original and two (2) copies of PP&L's comments to the Tentative Form Opinion and Order entered on December 24, 1997 in this proceeding.

As indicated on the enclosed Certificate of Service, PP&L has served a copy of its comments on all active parties in the Company's retail base rate proceeding at Docket No. R 00943271.

Pursuant to 52 Pa. Code § 1.11, the enclosed document is to be deemed filed on January 5, 1998, which is the date it was deposited with an overnight express delivery service as shown on the delivery receipt attached to the mailing envelope.

In addition, please date and time-stamp the enclosed extra copy of this letter and return it to me in the envelope provided.

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79

James J. McNulty, Esquire

- 2 -

January 5, 1998

If you have any questions regarding this letter or the enclosed comments, please call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul E. Russell". The signature is written in a cursive style with a large initial "P" and "R".

Paul E. Russell

Enclosures

cc: Alphonso Arnold, Esquire
Certificate of Service

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :

v. :

Pennsylvania Power & Light Company :

Docket No. R-00943271

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COMMENTS OF PP&L, INC.

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

On December 15, 1997, PP&L, Inc. ("PP&L" or the "Company") filed its preferred approach for adjusting retail rates to reflect the result of the Commonwealth Court's reversal of a portion of the Pennsylvania Public Utility Commission's ("PUC" or "Commission") order in the Company's base rate proceeding at Docket No. R-00943271.

The Court's action reversed the Commission's rejection of a proposed adjustment associated with the recovery of state Gross Receipts Tax on uncollectible revenue and remanded the issue for further PUC action. Because the annual rate impact of this adjustment is only \$745,000, the amount is de minimis in comparison to PP&L total annual retail revenues of approximately \$2.4 billion. Adjusting current retail customer rates by this amount would be extremely difficult and potentially

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would be confusing to customers. Accordingly, PP&L did not propose to make an immediate retail rate adjustment to reflect the Commonwealth Court's decision.

Rather, PP&L proposed to reflect both a one-time adjustment and the going-forward rate impact of this issue in the retail customer rates that will be set at the conclusion of its Restructuring Plan proceeding at Docket No. R-00973954. As indicated in its December 15, 1997 filing, PP&L proposed to:

1. Establish a regulatory liability for amounts, which are associated with the remanded issue, recovered through existing retail customer rate charges from September 28, 1995 through December 31, 1998.
2. Offset this regulatory liability against the regulatory asset arising from implementation of the Company's retail access pilot program (Docket No. P-00971183) and reflect the net amount in a one-time adjustment to retail customer rates beginning January 1, 1999. The filing was in response to a Secretarial Letter requesting the Company to submit a plan for Commission review.
3. Reduce the total retail rate charges approved by the Commission in PP&L's Restructuring Plan proceeding by \$745,000 so that going-forward customer rates reflect the full effect of the remanded issue.

The Company's filing was in response to a Secretarial Letter requesting it to submit a plan for Commission review.

On December 24, 1997, the Commission entered a tentative form Opinion and Order to reopen the record in PP&L's Restructuring Plan proceeding (Docket No. R-00973954) for the limited purpose of receiving evidence on the Company's proposal to implement the retail rate impacts of the Commonwealth Court's remand in the matter of Popowsky v. Pennsylvania Public Utility Commission, 695 A.2d 448 (Pa. Cmwlth. 1997), appeal denied, No. 449 M.D. Allocated Docket 1997 (September 30, 1997). Interested parties were given ten (10) days from the entry date of the Opinion and Order to either comment to or object to PP&L's proposal.

PP&L's comments to the Opinion and Order are provided only to clarify the Company's proposal regarding the one-time adjustment to retail customer rates associated with the remanded issue. Specifically, as indicated above, PP&L's proposal would offset the regulatory liability associated with the remanded issue for the period September 28, 1995 through December 31, 1998 against the regulatory asset arising from implementation of the Company's retail access pilot program. The net amount of this regulatory asset and liability will be reflected as a one-time adjustment to retail customer rates beginning January 1, 1999. In restating PP&L's proposal, the Opinion and Order inadvertently omitted the full text of the Company's proposal regarding the netting of the regulatory liability resulting from the remanded issue with the regulatory asset associated with the Company's pilot program.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul E. Russell". The signature is written in a cursive style with a large initial "P".

Paul E. Russell
Associate General Counsel
PP&L, Inc.
Two North Ninth Street
Allentown, PA 18101
(610) 774-4254

Dated: January 5, 1998

ORIGINAL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Re: Docket No. R-00943271

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing documents upon the active participants listed below, in accordance with the requirements of § 1.54 (relating to service by a participant):

FIRST CLASS MAIL

Irwin A. Popowsky, Esquire
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, Pennsylvania 17120

Bernard A. Ryan, Jr., Esquire
Office of Small Business Advocate
Suite 1102, Commerce Building
300 North Second Street
Harrisburg, Pennsylvania 17101

Johnnie E. Simms, Esquire
Office of Trial Staff
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265

David M. Kleppinger, Esquire
McNees, Wallace & Nurick
P. O. Box 1166
100 Pine Street
Harrisburg, Pennsylvania 17108

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PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

D. Jane Drennan, Esquire
Sarah E. Tomalty, Esquire
Drennan & Associates
1216 16th Street, N.W.
Washington, DC 20036

David A. McCormick, Esquire
Department of the Army
Office of the Judge Advocate General
901 North Stuart Street
Arlington, Virginia 22203-1837

James Melia, Esquire
Kirkpatrick & Lockhart
The Payne Shoemaker Building
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Harrisburg, Pennsylvania 17101-1507

Joan O. Brandeis, Esquire
Schnader, Harrison, Segal & Lewis
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1600 Market Street
Philadelphia, Pennsylvania 19103-4252

Wayne M. Thomas, Esquire
Kohn, Nast & Graff, P.C.
1101 Market Street, 24th Floor
Philadelphia, Pennsylvania 19107

Mr. Craig R. Kuennen
Energy Services Manager
Commission on Economic Opportunity
211 South Main Street
Wilkes-Barre, Pennsylvania 18701-1596

Alan J. Barak, Esquire
Mid-Atlantic Energy Project
3700 Vartan Way
Harrisburg, Pennsylvania 17110

Robert P. Haynes, III, Esquire
Mette, Evans & Woodside
3401 North Front Street
Harrisburg, Pennsylvania 17110-0950

Stephen J. Selden, Esquire
Assistant General Counsel
Bethlehem Steel Corporation
Eighth & Eaton Avenues
Bethlehem, Pennsylvania 18016

Kenneth Zielonis, Esquire
Stevens & Lee
208 North Third Street, Suite 310
Harrisburg, Pennsylvania 17101

Mr. Eric J. Epstein
2308 Brandywine Drive
Harrisburg, Pennsylvania 17110


Paul E. Russell

Dated: January 5, 1998
at Allentown, Pennsylvania



Supreme Court of Pennsylvania
Middle District

B-953572 RE
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JUN 25 1999
DEPT. OF JUDICIAL
ADMINISTRATION
LAW BUREAU

RE: 943271

SHIRLEY BAILEY
CHIEF CLERK

June 24, 1999

434 MAIN CAPITOL BUILDING
P.O. BOX 624
HARRISBURG, PENNSYLVANIA 17108
(717) 787-6181
<http://www.courts.state.pa.us>

Alan J. Barak, Esquire
1417 Blue Mountain Parkway
Harrisburg, PA 17112

John F. Povilaitis, Chief Counsel
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Harrisburg, PA 17120

Bohdan R. Pankiew, 1st Dep. Chief Co
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Harrisburg, PA 17120

Kevin J. Moody, Assistant Counsel
P.O. Box 3265
Harrisburg, PA 17120

Anthony Foschi, Esq.
PO Box 88
Harrisburg, PA 17108

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JUL 14 1999

mtz

Re: SIERRA CLUB, THE COMMISSION ON ECONOMIC OPPORTUNITY OF LUZERNE COUNTY, AND
ERIC JOSEPH EPSTEIN

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Nos. 0077 & 0078 M.D. Appeal Dockets 1998

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Dear Counsel:

Enclosed please find Per Curiam Order/Judgment for the above-captioned matters.

Sincerely yours,
Prothonotary's Office
Supreme Court of Pennsylvania

SPB/sjp
Enc.

c: Colins, PJ, McGinley, Smith, Pellegrini, Kelley, Flaherty, LEADBETTER, JJ
1826CD95
PUC

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[J-247-1998]

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

SIERRA CLUB, THE COMMISSION ON : Nos. 77 & 78 M.D. Appeal Docket 1998
ECONOMIC OPPORTUNITY OF :
LUZERNE COUNTY, AND ERIC JOSEPH :
EPSTEIN, : Appeal from the Order of the
: Commonwealth Court Entered November
Appellants : 12, 1997, at No. 1826 CD 1995, Affirming
: the Public Utility Commission's Denial of
: Respondent's Right-to-Know Act Request,
v. : Dated June 22, 1995
:

PENNSYLVANIA PUBLIC UTILITY
COMMISSION,

ARGUED: NOVEMBER 18, 1998

Appellees

ORDER

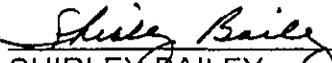
PER CURIAM:

DECIDED: JUNE 24, 1999

The order of the Commonwealth Court is hereby affirmed on the basis of Judge Leadbetter's opinion.

JUDGMENT ENTERED:
June 24, 1999

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SHIRLEY BAILEY,
CHIEF CLERK

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I N T E R
O F F I C E

MEMO

February 25 2002

Subject: R-00943271; PUC v. Pennsylvania Power & Light Company

To: James McNulty
Secretary

From: Cheryl Walker Davis, Director
Office of Special Assistants



OSA is shown as having an outstanding assignment at the above-referenced docket. Please be advised that this proceeding was appealed to both Commonwealth Court and the Supreme Court. On July 15, 1999, this proceeding was marked closed at docket no. B-00953572. Due to the lengthy appeal process, OSA's earlier assignment has been deemed moot and no further action is required at this time.

If you have any questions concerning the information provided, please feel free to contact me.

*ok to Cheryl
3/1*

PA PUC
SECRETARY'S BUREAU

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COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Docket No. B-00953572

SIERRA CLUB, THE COMMISSION ON : IN THE SUPREME COURT OF
ECONOMIC OPPORTUNITY OF LUZERNE : PENNSYLVANIA - MIDDLE DISTRICT
COUNTY, AND ERIC JOSEPH EPSTEIN, :
Petitioner :
v. : No. 077 & 078 M.D. 1998
PENNSYLVANIA PUBLIC UTILITY :
COMMISSION, : Appeal from the order of the Commission
Respondent : entered June 22, 1995 at R-00943271.

PUC COUNSEL: Ramona C. Cataldi, Assistant Counsel
Robert J. Longwell, Deputy Chief Counsel
Bohdan R. Pankiw, Chief Counsel

RESPONDENT'S COUNSEL: Alan J. Barak, Esquire
Mid-Atlantic Energy Project
Widener Energy Law Clinic
3700 Vartan Way
Harrisburg, PA 17110-9450
(717) 541-1967

INTERVENOR'S COUNSEL: Tanya J. McCloskey, Esquire
Assistant Consumer Advocate
Office of Consumer Advocate
1425 Strawberry Square
Harrisburg, PA 17120
(717) 783-5048

Thomas P. Gadsden, Esquire
Morgan Lewis & Bockius
2000 One Logan Square
Philadelphia, PA 19103-6993
(PP&L)

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Docket No. B-00953572

INTERVENOR'S COUNSEL:

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Docket No. B-00953572

-
- Jul 26, 1995: Rec'd Petition for Review.
- Jul 26, 1995: ORDER:
NOW, July 24, 1995, because the above petition for review is in the nature of an appeal from the Pennsylvania Public Utility Commission, and is addressed to this court's appellate jurisdiction, the notice to plead endorsed on the petition for review is hereby stricken. See Pa. R.A.P. 1513(d).
- Jul 28, 1995: Notice of Filing Petition for Review. Filed Date: 7/21/95.
- Aug 01, 1995: Notice of Intervention of PP&L.
- Aug 02, 1995: Notice of Intervention of OCA.
- Aug 24, 1995: PUC counsel entered appearance.
- Aug 25, 1995: PUC filed Motion to Quash and Application to Extend the Briefing Schedule.
- Aug 30, 1995: ORDER:
NOW, August 28, 1995, upon consideration of respondent's application to extend the briefing schedule, the application is granted and respondent shall certify the record to this court within 30 days of this court's disposition of respondent's motion to quash, if the motion is denied.
- Sep 14, 1995: Rec'd Petitioner's Table of Authorities to Petitioners' Brief Opposing Respondent's Motion to Quash and Certificate of Service which was inadvertently omitted from the brief.
- Sep 14, 1995: ORDER:
NOW, September 13, 1995, it is hereby ordered:
1. This court's order dated August 28, 1995 is vacated.
 2. Upon consideration of respondent's motion to quash, the chief clerk is directed to list the motion for argument along with the merits on the December 1995 argument list in Harrisburg.
 3. The Pennsylvania Public Utility Commission is directed to certify the record (to the extent relevant under this Right to Know Act matter) by October 13, 1995.
 4. Briefs (15 copies) in support of the motion to quash and in support of the petition for review shall be filed and served on or before November 3, 1995. Briefs (15 copies) in opposition to the motion to quash and in opposition to the petition for review shall be filed and served on or before November 20, 1995.

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Docket No. B-00953572

-
- Oct 13, 1995: PUC filed Certified List of Documents.
- Oct 27, 1995: Notice of Argument, set for Tuesday, December 5, 1995 at 1:00 p.m., Court Room #2, Harrisburg.
- Oct 30, 1995: Petitioners' Motion to Quash Respondent Commission's Certified List of Documents and For a Stay.
- Nov 01, 1995: Petitioners' Request for 30-day Extension of time
- Nov 02, 1995: Petitioners' First Motion for 30 Day Extension of Time and Certificate of Service (errata of above).
- Nov 02, 1995: PUC filed Answer to Motion to Quash Certified List of Documents.
- Nov 02, 1995: PUC filed brief.
- Nov 07, 1995: ORDER:
NOW, November 3, 1995, upon consideration of petitioners' motion for extension of time, the motion is granted and petitioners' brief (15 copies) shall be filed and served on or before December 4, 1995.
Argument in this matter, previously scheduled for December 5, 1995, is continued to the February 1996 argument list in Philadelphia.
- Nov 09, 1995: ORDER:
NOW, November 6, 1995, upon consideration of petitioner's motion to quash respondent's certified list of documents and answer thereto, argument thereon is fixed for November 20, 1995 at 1:30 p.m., in Courtroom Number One, Fifth Floor, South Office Building, Harrisburg, Pa.
- Nov 20, 1995: Mid-Atlantic Energy Project Letter re Motion to Quash.
- Nov 21, 1995: ORDER:
NOW, November 20, 1995, upon oral request of petitioners, the argument in the above matter, currently November 20, 1995 at 1:30 p.m., is rescheduled to December 13, 1995 at 10:00 a.m., in Courtroom Number One, Fifth Floor, South Office Building, Harrisburg, Pa.
- Dec 05, 1995: Petitioner's Brief.

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Docket No. B-00953572

-
- Dec 15, 1995: ORDER:
AND NOW, this 13th day of December, 1995, upon consideration of Petitioners' motion to quash Respondent's certified list of documents and Respondent's answer thereto, and upon consideration that the parties have agreed to stipulate that:
Pursuant to 1952(b) of the Pa.R.A.P., the Petitioners and Respondent of record in the above captioned appeal have authorized the Pennsylvania Public Utility Commission to file this Joint Stipulation of the Certified Record. The Petitioners and Respondent are in agreement that neither the record below nor a certified list thereof need be filed with this Court, and that the filing date of this Joint Stipulation shall be deemed the date on which the record is filed.
As a result of the Joint Stipulation, the physical record, which is voluminous, will be retained by Respondent, Pennsylvania Public Utility Commission. Notwithstanding this Joint Stipulation, however, upon request of the Court or the request of any party, the record or any part thereof thus retained shall be transmitted to the Court.
- Dec 26, 1995: Notice of argument fixed for: Tuesday, February 6, 1996, 1:00 p.m., Room 456, Supreme Court, 4th Floor, City Hall, Philadelphia, Pa.
- Jan 10, 1996: Filing of Respondent's Brief.
- Jan 25, 1996: Rec'd Petitioners' Reply Brief and Certificate of Service.
- Jul 22, 1996: Opinion by Judge Smith/ ORDER:
AND NOW, this 22nd day of July, 1996, the motion of the Pennsylvania Public Utility Commission to quash the petition for review is denied. The adjudication of the Pennsylvania Public Utility Commission denying the request of Petitioners for copies of hearing transcripts is hereby reversed. The regulation at 52 Pa. Code §5.254 (a) is declared to be invalid as contrary to Section 3 of the Right-to-Know Act, 65 P.S. §66.3. This case is remanded to the PUC for it to conduct any proceedings necessary to comply with this order.
Jurisdiction relinquished.
- Aug 05, 1996: Filed Application for Reargument of Order of Commonwealth Court.

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Docket No. B-00953572

- Aug 15, 1996: ORDER:
NOW, August 13, 1996, upon consideration of the application of the Commonwealth Reporting Company, Inc. for intervention or alternatively, participation by amicus curiae and of the memorandum of law in support thereof, the application for intervention is denied and the application for participation by amicus curiae is granted.
The application for reargument submitted by amicus curiae Commonwealth Reporting Company, Inc. shall be submitted to the Court.
- Aug 16, 1996: Rec'd Application for alternatively, Participation by Amicus Curiae and Memorandum of Law in Support therein filed by Commonwealth Reporting Co., Inc.
- Aug 22, 1996: Rec'd Petitioner's answer in opposition to Respondent's Application for Reargument.
- Sep 18, 1996: ORDER:
NOW, September 16, 1996, having considered the applications for reargument and answer in opposition, the applications are granted and our Opinion and Order filed July 22, 1996, are withdrawn.
The Chief Clerk is directed to list the above case for reargument before the Court en banc on Wednesday, November 20, 1996, at Pittsburgh.
- Sep 20, 1996: Rec'd notice from court: Pursuant to this court's order of 9/16/96 granting reargument and Pa. R.A.P. 2140(c), briefs in support of Petitioner's position on reargument (15 copies) shall be filed with this court on or before October 11, 1996.
- Sep 26, 1996: Rec'd notice of argument: Wednesday, Nov. 20, 1996 at 9:30 a.m., Supreme Court Room, 8th Floor, City-County Bldg., Pittsburgh, PA
- Sep 30, 1996: Rec'd Petitioner's Motion for Re-Scheduling Reargument En Banc.
- Oct 01, 1996: Clarification from Comm. Ct. that Respondent brief is due 10/11/96.
- Oct 04, 1996: ORDER:
AND NOW, this 3rd day of October, 1996, petitioners' motion for re-scheduling reargument en banc is denied.
- Oct 10, 1996: Rec'd Application for Ext to file Amicus Brief by Pa. Court Reporters Assoc.

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Docket No. B-00953572

- Oct 11, 1996: ORDER:
NOW, October 9, 1996, upon consideration of the unopposed Application for a one week extension of time filed by the Pa. Court Reporters Assoc., said Application is hereby granted. The brief amicus curiae of the PCRA shall be filed on or before October 18, 1996. Respondent on reargument, the Sierra Club, shall file any response to said brief amicus curiae on or before November 8, 1996.
- Oct 11, 1996: Filed Brief on Reargument.
- Oct 11, 1996: Rec'd Amicus Curiae Brief for reargument of Commonwealth Reporting Co., Inc.
- Oct 11, 1996: Rec'd Application to Present Oral Argument by Commonwealth Reporting Co.
- Oct 21, 1996: Filed Praecipe for Appearance - Lee E. Morrison
- Oct 21, 1996: Rec'd Brief on Reargument Amicus Curiae Pa. Court Reporters Assoc.
- Nov 04, 1996: Rec'd Motion for 4 day extension to file brief - Sierra Club.
- Nov 07, 1996: ORDER:
Now, November 7, 1996, upon consideration of Petitioner's request for extension of time to file briefs on reargument, and it appearing that said request is not opposed, said request is granted and Petitioner's briefs on reargument shall be filed on or before November 8, 1996.
- Nov 07, 1996: ORDER:
AND NOW, this 6th day of November, 1996, the application to present oral argument filed by the Commonwealth Reporting Company, Inc. is GRANTED. The Commonwealth Reporting Company, Inc. shall share the time for argument allotted to the Pennsylvania Public Utility Commission.
- Nov 12, 1996: Rec'd Petitioner's Brief on Reargument with attachments.
- Nov 18, 1996: Filed Reply Brief on Reargument for PUC.
- Nov 13, 1997: Opinion by Judge Leadbetter; ORDER:
AND NOW, this 12th day of November, 1997, the motion of the Pennsylvania Public Utility Commission to quash the petition for review is denied. The adjudication of the Pennsylvania Public Utility Commission is hereby affirmed.

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Docket No. B-00953572

-
- Dec 16, 1997: Rec'd Petition for Allowance of Appeal and Court notice that Petition has been filed.
- Dec 26, 1997: Filed Cross-Petition for Allowance of Appeal of the Pennsylvania Public Utility Commission.
- Dec 29, 1997: Filed Pennsylvania Public Utility Commission Brief in Opposition to Petition for Allowance of Appeal of Sierra Club, The Commission on Economic Opportunity of Luzerne County, and Eric Joseph Epstein.
- Dec 31, 1997: Rec'd notice that a Cross-Petition for Allowance of Appeal has been filed and docketed in this case.
- Jan 13, 1998 Rec'd letter from counsel for Sierra Club, et al. informing court that they will not be filing a brief in opposition to the Cross Petition, even though they do oppose the petition.
- Feb 06, 1998: Rec'd letter from Anthony Foschi requesting that we send him a copy of the Petition and Brief filed by the Sierra Club .
- Jun 02, 1998: ORDER: PER CURIAM
AND NOW, this 29th day of May, 1998, the Petition for Allowance of Appeal is granted.
- Jul 06, 1998: Rec'd Supreme Court Notice of briefing schedule: Appellant's brief due 8/8/98.
- Aug 05, 1998: Rec'd Appellants' Motion for Extension of Time for filing their brief.
- Aug 06, 1998: ORDER:
AND NOW, this 5th day of August, 1998, Appellants' Motion For Extension of Time To File Brief is granted. Appellants' brief and reproduced record are due to be filed on or before September 8, 1998.
- Sep 03, 1998: Rec'd Court Notice of Oral Argument Schedule: Wednesday, November 18, 1998 at 9:30 a.m., Supreme Court Courtroom, Main Capitol Bldg, Harrisburg, PA.
- Sep 08, 1998: Rec'd Main Brief of Appellants, Appendix to Main Brief of Appellants and Appellants' Notice of No Record to Reproduce.
- Oct 08, 1998: Filed PUC's Main Brief and Response to Appellant's Brief.

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Docket No. B-00953572

- Oct 09, 1998: Rec'd Amicus Curiae Brief of Commonwealth Reporting Company, Inc.
- Oct 27, 1998: Rec'd Main Brief of Appellants and Certificate of Service.
- Jun 25, 1999: ORDER:
The order of the Commonwealth Court is hereby affirmed on the basis of Judge Leadbetter's opinion.
- Jul 15, 1999: Rec'd Certificate of Remand of Record from Supreme Court for Commonwealth 1826 C.D. 1999.