

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
et al.	:	R-00049255
	:	R-00049255C0001
v.	:	through
	:	R-00049255C0020
PPL Electric Utilities Corporation	:	

SCHEDULING ORDER ON REMAND

On August 4, 2006, the Commonwealth Court of Pennsylvania issued its decision in the appeal of several of the issues in the above-captioned case, *Lloyd v. Pa. Publ. Util. Comm'n*, 904 A.2d 1010 (Pa. Cmwlth. 2006). The *Lloyd* decision reversed in part, vacated in part and affirmed in part the Commission's December 22, 2004 decision. The Supreme Court of Pennsylvania declined to review the Commonwealth Court's decision.

On February 8, 2007, the Pennsylvania Public Utility Commission entered its Order which remanded the above-captioned proceeding to the Office of Administrative Law Judge for proceedings consistent with the *Lloyd* decision, specifically:

2. That the issue of distribution and transmission rates is returned to the Office of Administrative Law Judge for findings and a recommended decision consistent with the opinion of Commonwealth Court.

Commission Order entered February 8, 2007, ¶ 2.

A prehearing conference in this case was held on Wednesday, March 7, 2007 and the following parties attended: for PPL Electric Utilities Corporation, David B. MacGregor, Esq., Michael W. Hassell, Esq., and Paul E. Russell, Esq.; for OCA, Aron J. Beatty, Esq.; for OSBA, Steven C. Gray; for OTS, Richard A. Kanaskie, Esq.; for Consumer Interest of the U.S.

Department of Defense and other affected Federal Executive Agencies, David A. McCormick, Esq.; for PPL Industrial Customer Alliance, Pamela Polacek, Esq., and Vicki Karandrikas, Esq.; and on his own behalf, Eric Epstein. Each party filed a Prehearing Memo.

Service List

The following notice appeared in the Prehearing Conference Order:

You are receiving notice of this prehearing conference because you are listed as a party to the case before it was appealed. Proceedings on remand will be limited to that listed in Ordering Paragraph 2 of the Commission's February 8, 2007 Order.

As a party to the prior proceeding, you are entitled to participate in the remanded proceeding. You are not required to participate, but you may signify your intent to participate by attending the prehearing conference and complying with the requirements for participating parties. If you do not attend the prehearing conference or indicate your intent to participate in writing prior to the prehearing conference, copies to all parties on the service list, you will be removed from the service list and will not be served with documents, filings, orders, or submittals in the remanded proceeding.

The following parties indicated through regular or electronic mail that they would not be participating in the remanded proceeding: Duquesne Light, The Sustainable Energy Fund, PennFuture, UGI, Jim Melia, Commission on Economic Opportunity, PLUG, Retail Energy Supply Association (formerly MAPSA), Strategic Energy, LLC, FirstEnergy, and the wife of Mr. Curvin Snyder (deceased).

With the exception of the legislative representatives, all other named persons who have not indicated an interest in the proceeding on remand shall be removed from the active service list and shall not be served with submittals, testimony, motions, discovery or briefs until issuance of the recommended decision.

Schedule

PPL has agreed to submit a proposal for compliance with the Commonwealth Court's directions which will then be addressed by the other parties. The parties have agreed to the following schedule:

April 13 th	PPL Proposal due
May 11 th	Responses of other parties
June 1 st	Rebuttal of all parties
June 11-12	Evidentiary hearings
June 29 th	Initial Briefs
July 13 th	Reply Briefs

Discovery

Discovery rules were modified for this proceeding in the original prehearing order and are affirmed here.

THEREFORE,

IT IS ORDERED:

1. That the service list attached to this Order shall be the service list for the development of the record on remand, and it will be modified as necessary throughout the proceeding. The original service list shall be used for service of the Recommended Decision.

2. That the following schedule is adopted:

April 13 th	PPL Proposal due
May 11 th	Responses of other parties due
June 1 st	Rebuttal of all parties due
June 11-12	Evidentiary hearings
June 29 th	Initial Briefs due
July 13 th	Reply Briefs due

3. Due dates herein are in-hand dates. Service may be by electronic means on the due date if transmission occurs before 5:00 pm and hard copies are sent the same day. Oversize exhibits or photographs or attachments may be served by hard copy only but must be sent by overnight mail if the accompanying testimony is sent electronically on the due date. Service by hard copy only is due in-hand on the due date.

3. A pleading, interrogatory or other document with a timed response period that is filed on a Friday shall be deemed to be filed on the following Monday for the purposes of calculating response due date. Submittals under Ordering Paragraph 2, herein, do not fall within this modification.

4. The Commission's rules of discovery are modified as follows, with the understanding that parties shall make their best efforts to meet the modified deadlines, and shall inform the discovering party when the deadline will not be met:

(a) Answers to written interrogatories shall be served in-hand within ten (10) calendar days of service of the interrogatories.

(b) Objections to interrogatories shall be communicated orally within three (3) days of service; unresolved objections shall be served on the ALJ in writing within five (5) days of service of interrogatories.

(c) Motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) days of service of written objections.

(d) Answers to motions to dismiss objections and/or direct the answering of interrogatories shall be filed within three (3) days of service of such motions.

(e) Rulings over such motions shall be issued, if possible, within seven (7) days of filing of the motion.

(f) Responses to requests for document production, entry for inspection, or other purposes shall be served in-hand within ten (10) calendar days.

(g) Requests for admissions shall be admitted unless answered within ten (10) days or objected to within five (5) days of service.


(h) Answers to on-the-record requests shall be served in-hand within seven (7) calendars days of the request.

5. Parties to a discovery dispute are encouraged to attempt to resolve their differences before objections are issued and a motion to compel is filed. Parties may seek an informal resolution from me by conference call prior to filing a formal objection and motion to compel.

6. Parties must submit to me **directly** a copy of any document that is filed or submitted in this proceeding. The correct address is: Administrative Law Judge Susan D. Colwell, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg PA 17105-3265. Overnight mail address: Commonwealth Keystone Building, 400 North Street, Harrisburg PA 17120. Electronic mailing address: scolwell@state.pa.us.

6. Counsel for the Company is directed to provide a chart with the order of presentation of witnesses and testimony and order of cross-examination to the administrative law judge prior to the beginning of the evidentiary hearings.

Dated: March 9, 2007


Susan D. Colwell
Administrative Law Judge

R-00049255, R-00049255C0001 through R-00049255C0020 Pennsylvania Public
Utility Commission, et al. v. PPL Electric Utilities Corporation

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