

# Morgan Lewis

**Anthony C. DeCusatis**

Of Counsel

+1.215.963.5034

anthony.decusatis@morganlewis.com

May 9, 2016

**VIA eFILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17105-3265

**Re: Petition of Pennsylvania Electric Company for Approval To Establish and Implement A Distribution System Improvement Charge  
Docket No. P-2015-2508936**

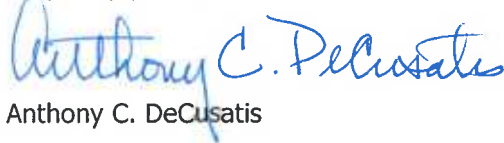
---

Dear Secretary Chiavetta:

Enclosed for filing is the **Answer of Pennsylvania Electric Company to the Motion for Leave to Amend the Answer of the Penelec Industrial Customer Alliance** (the "Answer") in the above-captioned matter.

As evidenced by the enclosed Certificate of Service, copies of the Answer have been served on all parties to this proceeding.

Very truly yours,



Anthony C. DeCusatis

ACD/tp

Enclosures

c: Per Certificate of Service (w/encls.)

**Morgan, Lewis & Bockius LLP**

1701 Market Street  
Philadelphia, PA 19103-2921  
United States

📞 +1.215.963.5000  
📠 +1.215.963.5001

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF PENNSYLVANIA** :  
**ELECTRIC COMPANY FOR** :  
**APPROVAL TO ESTABLISH AND** : Docket No. P-2015-2508936  
**IMPLEMENT A DISTRIBUTION** :  
**SYSTEM IMPROVEMENT CHARGE** :

**PENNSYLVANIA ELECTRIC COMPANY’S ANSWER TO  
THE MOTION FOR LEAVE TO AMEND THE  
ANSWER OF THE PENELEC INDUSTRIAL CUSTOMER ALLIANCE**

NOW COMES the Respondent, Pennsylvania Electric Company (“Penelec” or the “Company”), pursuant to 52 Pa. Code § 5.103(c), and submits this Answer to the Motion for Leave to Amend the Answer of the Penelec Industrial Customer Alliance (“PICA”), as follows:

On March 7, 2016, PICA filed, as a single document, a Petition to Intervene and Answer to the above-captioned Petition of Penelec (“DSIC Petition”). On March 24, 2016, Penelec filed an Answer to PICA’s Petition to Intervene and a Reply to New Matter in Paragraph Nos. 11, 12 and 13 of PICA’s Answer, which appear under the subheading “Argument.”<sup>1</sup>

On April 19, 2016, PICA filed its Motion for Leave to Amend the Answer to the DSIC Petition it filed on March 7, 2016 and offered its proposed Amended Answer for acceptance by the Commission. The Amended Answer offered by PICA in large part expands on the “Argument” portion of its original Answer as set forth in Paragraph Nos. 11 and 12.

Penelec would not oppose PICA’s Motion on the condition that, if the Motion is granted and the Commission accepts PICA’s Answer, Penelec will have the right, pursuant to 52 Pa. Code §§ 5.62 and 5.63, to file a Reply to the additional New Matter set forth in the Amended Answer if Penelec determines that such a Reply might be needed.

Penelec’s answers to the numbered paragraphs of PICA’s Motion are set forth below.

---

<sup>1</sup> The regulations of the Pennsylvania Public Utility Commission (“PUC” or the “Commission”) at 52 Pa. Code §§ 5.62 and 5.63 provide the authority to Reply to New Matter in an Answer.

1. Admitted.
2. Admitted.
3. Admitted.
4. The principal averments of Paragraph No. 4 constitute a prayer for relief to which an answer is not required.
5. The principal averments of Paragraph No. 5 consist of legal argument, citations to law or regulations that speak for themselves and/or requests for relief to which an answer is not required.
6. The principal averments of Paragraph No. 6 consist of legal argument, citations to law or regulations that speak for themselves and/or requests for relief to which an answer is not required.
7. The principal averments of Paragraph No. 7 consist of legal argument, citations to law or regulations that speak for themselves and/or requests for relief to which an answer is not required. It is admitted that this case has not been assigned to the Office of Administrative Law Judge and no hearing has been scheduled.
8. The principal averments of Paragraph No. 8 consist of legal argument, citations to law or regulations that speak for themselves and/or requests for relief to which an answer is not required.
9. The principal averments of Paragraph No. 9 consist of legal argument, citations to law or regulations that speak for themselves and/or requests for relief to which an answer is not required.
10. The principal averments of Paragraph No. 10 consist of legal argument, citations to law or regulations that speak for themselves and/or requests for relief to which an answer is not required.

11. The principal averments of Paragraph No. 11 consist of legal argument, citations to law or regulations that speak for themselves and/or requests for relief to which an answer is not required.

12. It is denied that the amendments proposed by PICA constitute “probative facts” that “are necessary for the Commission to resolve the Company’s Petition.” It is admitted that PICA is proposing to amend its Answer “at an early stage of the proceeding.” The Company does not assert that the proposed amendment would prejudice it at this stage of the proceeding.

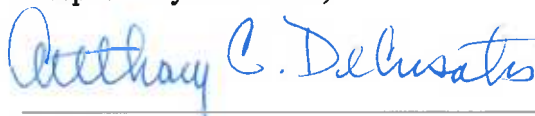
13. The principal averments of Paragraph No. 13 consist of legal argument, citations to law or regulations that speak for themselves and/or requests for relief to which an answer is not required.

14. Paragraph No. 14 is a prayer for relief to which an answer is not required.

WHEREFORE, Penelec would not oppose PICA’s Motion to Amend its Answer on the condition that, if the Motion is granted and the Commission accepts PICA’s Answer, Penelec

will have the right, pursuant to 52 Pa. Code §§ 5.62 and 5.63, to file a Reply to the additional New Matter set forth in the Amended Answer if Penelec determines that such a Reply might be needed.

Respectfully submitted,



---

John L. Munsch (PA No. 31489)  
Pennsylvania Electric Company  
800 Cabin Hill Drive  
Greensburg, PA 15601  
(724) 838-6210  
[jmunsch@firstenergycorp.com](mailto:jmunsch@firstenergycorp.com)

Anthony C. DeCusatis (PA No. 25700)  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
(215) 963-5034  
[anthony.decusatis@morganlewis.com](mailto:anthony.decusatis@morganlewis.com)

*Attorneys for Pennsylvania Electric  
Company*

Dated: May 9, 2016

DB1/ 87585205.1

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PETITION OF METROPOLITAN  
EDISON COMPANY FOR APPROVAL  
TO ESTABLISH AND IMPLEMENT A  
DISTRIBUTION SYSTEM  
IMPROVEMENT CHARGE** : **Docket No. P-2015-2508942**  
:  
:  
:  
:  
:

**PETITION OF PENNSYLVANIA  
ELECTRIC COMPANY FOR  
APPROVAL TO ESTABLISH AND  
IMPLEMENT A DISTRIBUTION  
SYSTEM IMPROVEMENT CHARGE** : **Docket No. P-2015-2508936**  
:  
:  
:  
:  
:

**PETITION OF PENNSYLVANIA  
POWER COMPANY FOR APPROVAL  
TO ESTABLISH AND IMPLEMENT A  
DISTRIBUTION SYSTEM  
IMPROVEMENT CHARGE** : **Docket No. P-2015-2508931**  
:  
:  
:  
:  
:

**PETITION OF WEST PENN POWER  
COMPANY FOR APPROVAL TO  
ESTABLISH AND IMPLEMENT A  
DISTRIBUTION SYSTEM  
IMPROVEMENT CHARGE** : **Docket No. P-2015-2508948**  
:  
:  
:  
:  
:

**CERTIFICATE OF SERVICE**

I hereby certify and affirm that I have this day served a copies of the **Answers of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company** to the **Motions for Leave to Amend the Answers of the Met-Ed Industrial Users Group, the Penelec Industrial Customer Alliance, the Penn Power Users Group and the West Penn Power Industrial Intervenors** on the following persons in the manner specified in accordance with the requirements of 52 Pa. Code § 1.54:

VIA ELECTRONIC MAIL & FIRST CLASS MAIL

Johnnie E. Simms  
Bureau of Investigation & Enforcement  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
[josimms@pa.gov](mailto:josimms@pa.gov)

Erin L. Gannon  
Darryl Lawrence  
Office of Consumer Advocate  
555 Walnut Street  
Fifth Floor, Forum Place  
Harrisburg, PA 17101-1923  
[egannon@paoca.org](mailto:egannon@paoca.org)  
[dlawrence@paoca.org](mailto:dlawrence@paoca.org)

Daniel G. Asmus  
Office of Small Business Advocate  
Commerce Tower, Suite 202  
300 North Second Street  
Harrisburg, PA 17101  
[dasmus@pa.gov](mailto:dasmus@pa.gov)

John Finnigan  
Environmental Defense Fund  
128 Winding Brook Lane  
Terrace Park, OH 45174  
[jfinnigan@edf.org](mailto:jfinnigan@edf.org)  
*Counsel for Environmental Defense Fund*

Charis Mincavage  
Teresa K. Schmittberger  
Alessandra L. Hylander  
McNees Wallace & Nurick LLC  
P.O. Box 1166  
100 Pine Street  
Harrisburg, PA 17108-1166  
[cmincavage@mwn.com](mailto:cmincavage@mwn.com)  
[tschmittberger@mwn.com](mailto:tschmittberger@mwn.com)  
[ahylander@mwn.com](mailto:ahylander@mwn.com)  
*Counsel for Met-Ed Industrial Users Group,  
Penelec Industrial Customer Alliance, and  
Penn Power Users Group*

Thomas J. Sniscak  
Christopher M. Arfaa  
William E. Lehman  
Hawke, McKeon & Sniscak LLP  
P.O. Box 1778  
100 North Tenth Street  
Harrisburg, PA 17105-1778  
[tjsniscak@hmslegal.com](mailto:tjsniscak@hmslegal.com)  
[cmarfaa@hmslegal.com](mailto:cmarfaa@hmslegal.com)  
[welehman@hmslegal.com](mailto:welehman@hmslegal.com)  
*Counsel for Pennsylvania State University  
(For the West Penn Power proceeding  
only)*

Susan Bruce  
Teresa K. Schmittberger  
Alessandra L. Hylander  
McNees Wallace & Nurick LLC  
P.O. Box 1166  
100 Pine Street  
Harrisburg, PA 17108-1166  
[sbruce@mwn.com](mailto:sbruce@mwn.com)  
[tschmittberger@mwn.com](mailto:tschmittberger@mwn.com)  
[ahylander@mwn.com](mailto:ahylander@mwn.com)  
*Counsel for West Penn Power Company*

David F. Boehm  
Michael L. Kurtz  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202  
[dboehm@BKLLawfirm.com](mailto:dboehm@BKLLawfirm.com)  
[mkurtz@BKLLawfirm.com](mailto:mkurtz@BKLLawfirm.com)  
*Counsel for AK Steel Corporation  
(For the West Penn Power proceeding  
only)*

George Jugovic, Jr.  
200 First Avenue, Suite 200  
Pittsburgh, PA 15222  
[gjugovic@pennfuture.org](mailto:gjugovic@pennfuture.org)  
*Counsel for PennFuture*

VIA FIRST CLASS MAIL

E. McCauley  
2550 State Route 49 E  
Westfield, PA 16950  
**(For the Pennsylvania Electric Company  
proceeding only)**

Michele Perry  
1037 VanKirk Road  
Newfield, NY 14867  
**(For the Pennsylvania Electric  
Company proceeding only)**

Respectfully submitted,



---

John L. Munsch  
FirstEnergy Service Company  
800 Cabin Hill Drive  
Greensburg, PA 15601  
[jmunsch@firstenergycorp.com](mailto:jmunsch@firstenergycorp.com)

Anthony C. DeCusatis  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
[anthony.decusatis@morganlewis.com](mailto:anthony.decusatis@morganlewis.com)

*Attorneys for Metropolitan Edison  
Company, Pennsylvania Electric Company,  
Pennsylvania Power Company and West  
Penn Power Company*

Dated: May 9, 2016