

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Joseph & Lisa DeGennaro

v.

Pennsylvania Electric Company

:
:
:
:
:

C-20066055

DOCUMENT
FOLDER

ORDER ADMITTING LATE-FILED EXHIBIT
AND CLOSING THE RECORD

On October 4, 2006, I issued an Order Establishing A Briefing Schedule in this matter, which provided for the filing of Main Briefs by October 25, 2006, and the filing of Reply Briefs by November 8, 2006. I received a timely-filed Main Brief from the Respondent Pennsylvania Electric Company (Penelec or Respondent), but did not receive a Main Brief from the Complainants.

I inquired as to whether a Main Brief had been filed by the Complainants, and received an e-mail indicating that they had not filed a Main Brief.

BTL

The Order Establishing A Briefing Schedule required the parties to comply with 52 Pa. Code §§5.501 and 5.502, with respect to briefs. Commission regulations at 52 Pa. Code §5.501(a)(3) require the party with the burden of proof, in this case the Complainants, to address every issue raised by the relief sought and the evidence adduced at hearing in the Main Brief. Since the Complainants did not timely file a Main Brief and did not request an extension prior to the deadline, the Complainants may not file a Main Brief at a later time. Furthermore, Complainants may not address any issues in a Reply Brief, because they failed to comply with 52 Pa. Code §5.501(a)(3) and address all issues in a Main Brief. Since Complainants did not file a Main Brief, the Respondent would have no need to file a Reply Brief, and accordingly, no further briefs will be considered.

DOCKETED
DEC 21 2006

Respondent attached a copy a tariff to its Main Brief (Electric Pa. P.U.C. No. 77, Original Pages 40-42), which had not previously been offered into evidence, pursuant to 52 Pa. Code §5.406. I inquired as to whether the Respondent wanted that document to be a part of the record, and held the record open until October 31, 2006 for Respondent to file a motion to admit that document.

On October 31, 2006, Respondent filed a Motion to Admit A Late-Filed Public Document (Motion) with respect to the tariff that it had attached to its Main Brief (identified as Penelec Exhibit 15). I provided the Complainants until November 2, 2006, to register any objections to admission of the tariff. I note that service of the Motion upon the Complainants was made by electronic and overnight mail on October 31, 2006. I shortened the normal ten (10) day time for responding to motions due to the perceived lack of controversy concerning the admission of a publicly-filed tariff. I received no objections to the admission of the tariff.

In its Motion, Penelec has established that Penelec Exhibit 15 contains relevant and material information that could be of assistance to the presiding officer and the Commission in rendering a decision.

THEREFORE,

IT IS ORDERED:

1. That the Motion of Pennsylvania Electric Company to Admit A Late-Filed Public Document (Penelec Exhibit 15) is hereby granted.
2. That the attached public document, identified as Penelec Exhibit 15, is admitted into the record of this proceeding.

3. That the record of this proceeding is now closed.

Date: November 3, 2006

Kandace F. Melillo
Kandace F. Melillo
Administrative Law Judge

GENERAL RULES AND REGULATIONS

Rule 9 - Insulation Requirements (continued)

Compliance certification copy - The part of the "notice of intent to construct" form returned to the builder or owner by the Pennsylvania Department of Community Affairs or municipality after receipt and processing of the notice of intent to construct, and which bears the identification number assigned to the notice of intent to construct by the Pennsylvania Department of Community Affairs or municipality.

Municipality - Any city, borough, incorporated town, township or home rule municipality.

Renovation - The rehabilitation of an existing building which requires more than twenty-five percent (25%) of the gross floor area or volume of the entire building to be rebuilt. Cosmetic work such as painting, wall covering, wall paneling, floor coverings, and suspended ceiling work shall not be included. 52 Pa. Code, §§ 69.101-69.107 (relating to building energy conservation standards for receipt of utility service) shall only apply to the portion of the building being renovated and not the entire building.

Residential building - Any building defined in the Conservation Act, 35 P.S. § 7201.103, and renovations and additions thereto, the actual construction of which commenced after March 19, 1986, and which is arranged for the use of one or two family dwelling units, and all townhouses and garden apartment construction not exceeding three stories in height used for residential purposes, whenever each unit has its own individual and self-supporting heating, ventilating or air conditioning system.

CHARACTERISTICS OF SERVICE

10. Wiring, Apparatus and Inspection

Company Obligations

The Company shall furnish, install and maintain the meters, unless otherwise allowed by the Commission. In addition, the Company shall install and maintain the transformers and service lines it deems necessary to provide Secondary Service, unless specified otherwise in

GENERAL RULES AND REGULATIONS

Rule 10 - Wiring, Apparatus and Inspection (continued)

an applicable, valid and binding agreement. All equipment / facilities supplied by the Company shall remain its exclusive property and may be removed, in the Company's sole discretion, after termination of service for whatever cause.

The Company shall extend only one service lateral to a Customer's premises and install one (1) meter except where, in the Company's sole judgment, special conditions warrant the installation of additional facilities. Any type of service supplied by the Company to the same Customer at other points of delivery shall be metered and billed separately.

The Company shall repair and maintain any facilities / property it has installed on a Customer's premises. However, the Customer shall pay the full cost of inspection, repairs and/or replacement of all such facilities / property that may be damaged due to a Customer's negligence. No one shall break any seals or perform any work on any Company facilities including, but not limited to, meters without first receiving the Company's consent and approval.

Applicant / Customer

Electric service installations shall be in accordance with the National Electrical Code, and all applicable local, state and federal codes, statutes and regulations, except as modified by the Company's then-applicable handbooks, booklets or other documents covering such installations, as they may be amended by the Company from time to time. A copy of the Company's requirements for electric service installations shall be provided to an Applicant / Customer upon request.

In the event that the Company is required by any state, federal or local governmental or public authority to place or relocate all or any portion of its facilities (including, but not limited to,) mains, wires or services, poles or underground feeders, the Applicant / Customer shall, without cost or expense to the Company, change the location of the Applicant's / Customer's point of delivery to a point specified by the Company.

Upon the Company designating a point of delivery at which its service line will terminate, the Applicant / Customer shall provide, at its sole cost and expense, a place suitable to the

GENERAL RULES AND REGULATIONS

Rule 10 - Wiring, Apparatus and Inspection (continued)

Company for the installation of metering and all other electric facilities needed for the supply of electric energy by the Company or an EGS. Meters shall be located on the outside of a building as near as possible to the service entrance or under certain circumstances, when approved by the Company, inside of a building.

The Company may refuse to connect with any Applicant's / Customer's installation or to make additions or alterations to the Company's service connection when such installation is not in accordance with the National Electrical Code, and all applicable local, state and federal codes, statutes and regulations, and where a certificate approving such installations, additions or alterations has not been issued by (i) an electrical inspection authority contained on a list of such authorities maintained by the Company and updated from time to time or (ii) any city or county inspection entity having exclusive authority to make electrical inspections in that area.

When a Customer's use of equipment having operating characteristics which impose high instantaneous demand such as, but not limited to, welders, hoists, electric furnaces and x-ray equipment, adversely affects or has the potential to adversely affect, in the Company's sole judgment, the Company's electric system, the Customer shall install at its sole expense such corrective equipment as may be directed by the Company. The Company shall not serve or continue to serve Customer loads where, in the Company's sole judgment, such loads have or may have voltage and phase characteristics that result (or may result) in intolerable harmonic distortions.

Each Applicant / Customer shall provide to the Company such service information described in Rule 4. of this Tariff. The Applicant / Customer shall be responsible and liable to the Company for any damages resulting from the Customer's failure to provide such service information.

The Company shall have the right to require Customers to provide, at their sole expense, Power Factor corrective equipment which will maintain their average Power Factor at no less than eighty-five percent (85%) lagging. Unless corrective equipment is installed, the Company is under no obligation to serve or to continue to serve such Customers.

LAW OFFICES
RYAN, RUSSELL, OGDEN & SELTZER LLP

SUITE 101
800 NORTH THIRD STREET
HARRISBURG, PENNSYLVANIA 17102-2025

TELEPHONE: (717) 236-7714
FACSIMILE: (717) 236-7816
WWW.RYANRUSSELL.COM

November 29, 2006

WYOMISSING OFFICE

SUITE 210
1150 BERKSHIRE BOULEVARD
WYOMISSING, PENNSYLVANIA
19610-1208
TELEPHONE: (610) 372-4761
FACSIMILE: (610) 372-4177

Via Hand Delivery

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

ORIGINAL

Re: Joseph and Lisa DeGennaro v. Pennsylvania Electric Company
Docket No. C-20066055

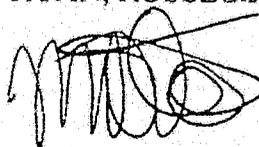
Dear Secretary McNulty:

Enclosed please find an original and three (3) copies of my Notice of Appearance on behalf of Pennsylvania Electric Company in the above-referenced matter. This document has also been served on the parties of record as shown in the Certificate of Service.

If you have any questions, please contact me.

Very truly yours,

RYAN, RUSSELL, OGDEN & SELTZER LLP



Matthew A. Totino

DOCUMENT
FOLDER

Enclosures
MAT:jab

c: As per Certificate of Service

KJR

SECRETARY'S OFFICE

NOV 29 2006 11:56

410

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

2006 Nov 25 11:56
Electric Utility Juris AB

JOSEPH & LISA DEGENNANO

v.

Docket No. C-20066055

PENNSYLVANIA ELECTRIC COMPANY:

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the Notice of Appearance of Pennsylvania Electric Company upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

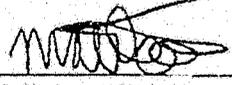
Service by First Class Mail, postage prepaid, addressed as follows:

Carl Weyandt
City of Altoona
Department of Public Works
1301 12th Street, Suite 300
Altoona, PA 16601

Joseph and Lisa DeGennaro
1909 N. 11th Avenue
Altoona, PA 16601

John C. Peters, Esquire
1216 Eleventh Avenue
Altoona, PA 16601-3482

Dated: November 29, 2006



Alan Michael Seltzer
Bridgid M. Good
Matthew A. Totino
RYAN, RUSSELL, OGDEN & SELTZER LLP
800 North Third Street, Suite 101
Harrisburg, Pennsylvania 17102-2025

Attorneys for
Pennsylvania Electric Company

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOSEPH & LISA DEGENNANO

v.

PENNSYLVANIA ELECTRIC COMPANY:

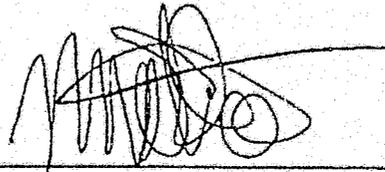
Docket No. C-20066055

2006-11-29 11:35
STANDARD BUREAU

NOTICE OF APPEARANCE

Please enter my appearance on behalf of Pennsylvania Electric Company. I am authorized to accept service on behalf of said party in this matter. On the basis of this Notice, I hereby request a copy of each document hereinafter issued by the Commission in this matter.

Date: November 29, 2006



Matthew A. Totino
RYAN, RUSSELL, OGDEN & SELTZER LLP
800 North Third Street, Suite 101
Harrisburg, Pennsylvania 17102-2025
(717) 236-7714

Attorneys for
Pennsylvania Electric Company

DOCUMENT
FOLDER

DOCKETED
NOV 30 2006