

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00 :
- 2. BUREAU: ALJ :
- 3. SECTION(S): :
- 5. APPROVED BY: :
- DIRECTOR: :
- SUPERVISOR: :
- 6. PERSON IN CHARGE: :
- 8. DOCKET NO: C-20066028 :
- 4. PUBLIC MEETING DATE: 00/00/00 :
- 7. DATE FILED: 03/21/06 :
- 9. EFFECTIVE DATE: 00/00/00 :

PARTY/COMPLAINANT: DEMALDERIS, JOSEPH

RESPONDENT/APPLICANT: PIKE COUNTY LIGHT & POWER CO.

COMP/APP COUNTY: PIKE

UTILITY CODE: 110650

ALLEGATION OR SUBJECT

COMPLAINANT STATES THE COMPANY HAS FAILED TO PROVIDE HIM WITH A CHOICE OF ELECTRICITY GENERATING COMPANY AS IS HIS RIGHT AS PER THE PA PUC. HE STATES THAT ON 1/1/06 HIS RATE CHARGED FOR ELECTRICITY WAS INCREASED BY 78%. HE STATES THAT THE PUC SHOULD COMPENSATE HIM FOR THE INCREASED COST DUE TO ITS FAILURE TO PROTECT AND ENFORCE HIS RIGHTS AS PUBLISHED ON THE PUC WEBSITE. COMPLAINT IS BEING FILED IN RELATION TO CASE DOCKET NUMBER P-00052168.

DOCUMENT  
DOCUMENT  
FOLDER

**DOCKETED**  
MAR 23 2006

**ORIGINAL**

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

RECEIVED

2006 MAR 21 AM 9:27

PA P.U.C.  
SECRETARY'S BUREAU

Please print or type.

C-20066078

1. CUSTOMER NAME (COMPLAINANT)

Your name, mailing address, county, telephone number, utility account number and service address:

Name JOSEPH DEMALDERIS

Street/P.O. Box 100 LAUREL ACRES RD (Apt # \_\_\_\_\_)

City MILFORD State PA Zip 18337

County PIKE

Area Code/HOME Phone 570 296 6919

Area Code/WORK Phone 570 296 6919

Utility Account Number 82801-21000  
(from your bill)

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2006 MAR 13 AM 10:11  
PA P.U.C.  
SECRETARY'S BUREAU

If your complaint involves utility service provided to a different address than your mailing address, please list this information below.

Name \_\_\_\_\_

Street/P.O. Box \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

2. UTILITY NAME (RESPONDENT)

Name of utility company your complaint concerns: PIKE COUNTY LIGHT & POWER

3. TYPE OF UTILITY (check one)

- ELECTRIC
- GAS
- WATER
- TELEPHONE  
(local, long distance)
- STEAM HEAT
- WASTE WATER
- MOTOR CARRIER  
(taxi, moving company, limousine)

27  
4

4. COMPLAINT (check one)

A. In general, what is your complaint?

I want to oppose the company's proposed rate increase.

There are incorrect charges on my bill.

There is a reliability, safety or quality problem with my utility service.

I received a notice that my utility service is being terminated.

I would like a payment agreement.

Other THE COMPANY HAS FAILED TO PROVIDE ME (explain) WITH A CHOICE OF ELECTRICITY GENERATING COMPANY AS IS MY RIGHT AS PER THE PA PUC

B. State the facts of your complaint.

Include any specific dates, times or places that are important. If the complaint is about a bill, tell us about any charges that you believe are not correct. Use additional paper if you need more space. Provide copies of all relevant documents you believe will support your complaint.

ON 1-1-06 MY RATE CHARGED FOR ELECTRICITY WERE INCREASED BY 78%.

ON 3-1-06 I WENT TO THE PUC WEBSITE TO FIND INFO. REGARDING CONSUMER CHOICE. THE PUC WEB SITE STATES THAT IT IS MY RIGHT TO CHOOSE MY ELECTRIC SUPPLIER.

5. I WENT TO PIKE COUNTY LIGHT + POWER / DANBEE + ROCKLAND RELIEF WEBSITE TO SELECT A NEW ELECTRIC COMPANY. THEIR WEBSITE SAYS THERE IS NONE AVAILABLE.

What do you want the Public Utility Commission to do about your complaint? Use additional paper if you need more space.

THE PUC SHOULD COMPENSATE ME FOR THE INCREASED COST OF MY ELECTRICITY DUE TO ITS FAILURE TO PROTECT AND ENFORCE MY RIGHTS AS PUBLISHED ON THE PUC WEBSITE.

6. PROTECTION FROM ABUSE

Answer the following question if your complaint is against a natural gas distribution company, an electric distribution company or a water company AND your complaint is about a billing problem, an application for service problem, a termination of service problem or a request for a payment agreement.

Has a court granted a "Protection from Abuse" order for your personal safety?

YES

NO

7. PRIOR UTILITY CONTACT

Answer the following question only if you are a residential customer and your complaint is against an electric distribution utility, natural gas distribution utility or a water distribution utility.

Have you spoken to a utility company representative about this complaint?

YES   
(includes appeals of BCS determinations)

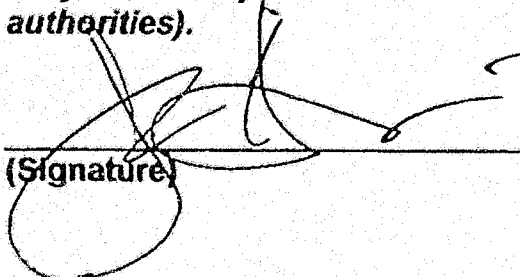
NO

If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

8. VERIFICATION AND SIGNATURE

You must print or type your name below on the line provided for the verification paragraph, and you must sign and date (in ink) this form on the lines provided.

Verification: I JOSEPH DEMALDERIS, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

  
(Signature)

3/10/06  
(Date)

**9. LEGAL REPRESENTATION (IF ANY)**

If you are represented by a lawyer in this matter you must provide your lawyer's name, address and telephone number.

Lawyer's Name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Area Code/Phone Number \_\_\_\_\_

**10. FILING**

**Please return the completed form to one of the addresses listed below:**

If using U.S. Postal Service:

If using overnight delivery service:

Secretary Pennsylvania Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105	Secretary Pennsylvania Public Utility Commission 400 North Street Commonwealth Keystone Building, 2 <sup>nd</sup> Floor Harrisburg, Pennsylvania 17120
--	--

**Facsimiles and/or electronic filings of the complaint form will not be accepted.**

**If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.**

**Keep a copy of your complaint for your records.**

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: MARCH 24, 2006

JOSEPH DEMALDERIS  
Complainant

v.

PIKE COUNTY LIGHT & POWER CO.  
Respondent

Complaint Docket  
No: C-20066028

DOCUMENT  
FOLDER

DOCKETED  
MAR 27 2006

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FORMAL COMPLAINT NOTICE TO RESPONDENT TO ANSWER OR SATISFY

---

TO: PIKE COUNTY LIGHT & POWER CO.

TAKE NOTICE:

That a complaint in the above entitled matter, of which the attached is a true and correct copy, has been presented and filed of record with the Pennsylvania Public Utility Commission. Section 702 of the Public Utility Code, 66 Pa. C.S. Section 702, requires the Commission to serve on each party named in a complaint a copy of the complaint and notice calling upon each party to satisfy the complaint, or to answer the same in writing within a specified time; THEREFORE,

1. You have twenty (20) days from the date on which this complaint is served to either satisfy this complaint or to file with the **Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265**, an answer (original and three copies), in writing, under oath, which, as required by Section 5.61 of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 5.61, either affirms or specifically denies the allegations in this complaint. You must also serve a copy of the answer upon the complainant. The date of service is the mailing date as indicated by the date at the top of this Notice. Section 1.56(a) of the Commission's Rules of Practice and Procedure, 52 Pa. Code Section 1.56(a).

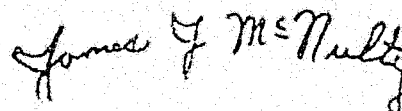
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code Section 5.61. In that event, the Commission may, without hearing, enter an order which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C.S. Section 101, et seq.; and, if

you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

3. If you elect to satisfy this complaint you must file, within twenty (20) days from the date on which this complaint is served, affidavits executed by each complainant that this complaint has been satisfied. Such affidavits must describe the basis on which this complaint was satisfied; any settlement agreement between the parties must be reduced to writing and attached to the affidavit. Such affidavits are to be filed with the Secretary of the Commission at the address set forth in paragraph 1. Upon receipt of affidavits of satisfaction from all complainants, this complaint may be dismissed by the Commission in accordance with Section 703(a) of the Public Utility Code, 66 Pa. C.S. Section 703(a), unless the Commission determines that such dismissal would be contrary to the public interest, in which event the Commission may direct that hearings be held upon the complaint.

4. If you file an answer which admits the allegations in this complaint, or which fails to specifically deny the allegations in this complaint, the Commission may, without hearing, enter an order which either revokes or suspends any certificate held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. The Commission is not limited to the relief sought by the complainant in paragraph 4 of the attached complaint.

5. If you file a timely answer which specifically denies the allegations in this complaint, or which raises material questions of law or fact, this matter shall be referred to the Office of Administrative Law Judge for hearing and decision. If, after hearing on the issues raised by that answer, you are found to have committed any of the violations alleged in the complaint, the Administrative Law Judge may render a decision which either revokes or suspends any certificate or permit held by you or which imposes a fine or any other appropriate penalty or remedy authorized by the Public Utility Code, 66 Pa. C. S. Section 101, et seq.; and, if you are a customer of a utility, an order may be entered which prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



James J. McNulty  
Secretary

(SEAL)

Certified Mail  
Return Receipt Requested



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

IN REPLY PLEASE  
REFER TO OUR FILE

DATE SERVED: MARCH 24, 2006

C-20066028

PIKE COUNTY LIGHT & POWER CO.  
C/O ORANGE & ROCKLAND UTILITIES, INC.  
4 IRVING PLACE  
NEW YORK NY 10003

DOCUMENT  
FOLDER

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by JOSEPH DEMALDERIS. To defend yourself against the claims stated in the following pages, you must act within twenty (20) days by filing in writing with the Commission, either personally or through your attorney, your defenses or objections to the claims stated against you. Or, you may satisfy the complaint by settling the matter with the Complainant and submitting proof of settlement to the Commission within twenty (20) days.

IF YOU FAIL TO RESPOND WITHIN TWENTY (20) DAYS, THE CASE MAY GO FORWARD IN YOUR ABSENCE AND A JUDGEMENT MAY BE ENTERED AGAINST YOU BY THE COMMISSION WITHOUT FURTHER NOTICE.

**CUSTOMER OF A UTILITY**

A payment schedule may be prescribed or a termination of utility services may be authorized. You may lose money or property or other rights important to you.

**COMPANY/UTILITY**

An Administrative Law Judge may revoke or suspend any certificate or permit held by you, or impose a fine, or any other appropriate penalty or remedy authorized by the Public Utility Code. You may lose money or property or other rights important to you.

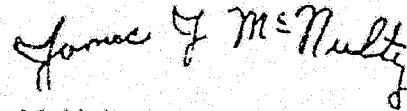
Detailed instructions on how to proceed are contained in the attached pages. You are advised to read them carefully.

MARCH 24, 2006

Unless you are a corporation or other organization, you may proceed without a lawyer. However, if you want a lawyer and do not have one or cannot afford one, the office listed below can tell you where you can get legal help:

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

Very truly yours,

A handwritten signature in cursive script that reads "James J. McNulty".

James J. McNulty  
Secretary

JJH



COMMONWEALTH OF PENNSYLVANIA  
Office of Administrative Law Judge  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265  
March 28, 2006

IN REPLY PLEASE  
REFER TO OUR FILE

In Re: C-20066028

(See attached list)

Joseph Demalderis v. Pike County Light & Power Company

Rate/Billing Dispute

**DOCUMENT  
FOLDER**

NOTICE

This is to inform you that an Initial Prehearing Conference on the above-captioned case will be held as follows:

Date: Wednesday, May 24, 2006

Time: 10:00 a.m.

Location: Room 318  
Scranton State Office Building  
100 Lackawanna Avenue  
Scranton, PA 18503

Presiding: Administrative Law Judge Ember S. Jandebaur  
Room 317, Scranton State Office Building  
100 Lackawanna Avenue  
Scranton, PA 18503  
Telephone: 570.963.4818  
Fax: 570.963.3310

**DOCKETED**  
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***Attention:*** You may lose your case if you do not take part in this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the presiding officer. A copy must also be provided to each party of record.

The Commission's rules require that all parties, except for those individuals appearing on their own behalf, be represented by counsel. Therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission at least (2) two business days prior to your hearing:

- Scheduling Office: 717.787.1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1.800.654.5988

pc: Judge Jandebaur  
Susan Licon  
Beth Plantz  
Docket Section  
Calendar File



Law Department

Consolidated Edison Company  
of New York, Inc.  
4 Irving Place  
New York NY 10003-0987  
www.conEd.com

ORIGINAL

John L. Carley  
Assistant General Counsel  
(212) 460-2097  
FAX: (212) 677-5850  
Email: carleyj@coned.com

March 30, 2006

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Honorable James J. McNulty  
Secretary  
Commonwealth of Pennsylvania  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, Pennsylvania 17105-3265

RECEIVED

MAR 30 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Re: Complaint of Joseph Demalderis  
Complaint No. C-20066028

Dear Secretary McNulty:

I enclose an original and three copies of the Answer of Pike County Light & Power Company ("Pike") to the Complaint filed by Mr. Joseph Demalderis against Pike. As noted in the enclosed Answer, the Commission should dismiss this Complaint without hearing.

If you have any questions regarding this matter, please contact me at the telephone number or address listed above.

Very truly yours,

John L. Carley  
Assistant General Counsel

c: Mr. Joseph Demalderis  
100 Laurel Acres Road  
Milford, PA 18337

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RECEIVED

MAR 30 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JOSEPH DEMALDERIS, Complainant

v.

PIKE COUNTY LIGHT & POWER  
COMPANY, Respondent

Complaint Docket No. C - 20066028

DOCUMENT  
FOLDER

ANSWER OF PIKE COUNTY LIGHT & POWER COMPANY

INTRODUCTION

On March 24, 2006, Pike County Light & Power Company ("Pike" or the "Company") was served with a copy of a complaint ("Complaint") filed by its customer, Mr. Joseph Demalderis ("Complainant"). In his complaint, Complainant states that, "the Company has failed to provide me with a choice of electricity generating company as is my right per the PA PUC." He also states that the Pennsylvania Public Utility Commission ("Commission"), "should compensate me for the increased cost of my electricity due to its failure to enforce my rights as published on the PUC website."

As a preliminary matter, Pike would note that the Restructuring Act only allows for retail competition relating to energy supply. Pike remains the monopoly provider of the delivery function. As set forth in greater detail below, Pike has taken various actions to interest electric generation suppliers ("EGSs") in offering their services in Pike's service territory. Historically, EGSs have been unwilling to serve Pike's customers primarily due to the nature of Pike's service territory and since the Commission approved

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rate caps applicable to Pike's service territory made it uneconomic for EGSs to offer such services. Pike is engaged in substantial efforts to overcome these barriers and encourage retail competition in Pike's service territory. The Complaint is completely without merit and should be dismissed summarily by the Commission.

In response to the Complaint, Pike states as follows:

DISCUSSION

1. In 1999, Pike filed and the Commission approved a retail access tariff that would allow Pike's customers to purchase its energy supply from EGSs. At various times in 2000 and 2001, Pike attempted to interest EGSs to offer their services in Pike's service territory. However, Pike's capped default service rates, which were in effect from 1999 through 2005, discouraged the efforts of EGSs to serve Pike's customers. Since Pike's default service rates were set below market over the price cap period, the price cap made it impractical for EGSs, with access to market-priced energy supplies, to compete to sell energy in Pike's service territory.

2. On May 31, 2005, Pike filed a plan to establish default service rates for the period beginning January 1, 2006. Default service rates are those rates charged to customers, such as the Complainant, who do not take service from EGSs. To increase its ability to achieve the goal of providing default service coverage in an economic fashion, Pike proposed to utilize commodity swap transactions rather than physical purchases.

3. On September 23, 2005, the Commission issued an Order ("September 23 Order") approving Pike's auction proposal with certain modifications. One such modification was the Commission's directive to increase, from one to three days, the

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amount of time for the Commission to review the auction results and notify Pike of its recommendation.

4. Pike conducted the auction on October 25, 2005. Copies of the auction results and impacts on customers' bills were provided electronically to counsel for the Office of Consumer Advocate ("OCA"), Office of Small Business Advocate ("OSBA"), as well as to the Commission Staff on October 25, 2005. These bids provided Pike's default service customers with fixed prices for energy and capacity for a two-year period (i.e., 2006-2007). In setting default service rates, Pike does not mark up the auction prices.

5. No comments or complaints were received from OCA or OSBA during the three-day Commission review period. Commission Staff requested, and was provided by Pike, certain additional information during this three-day Commission review period.

6. In a letter to Pike dated October 28, 2005, a copy of which is attached hereto as Exhibit A, Commission Secretary James McNulty stated that "the auction appears to have been conducted in accordance with RFP Guidelines" and that "[F]urther investigation does not appear warranted". Accordingly, the Commission approved the auction results and directed Pike to file a supplement to its Tariff incorporating the default service rates resulting from the auction.

7. On January 1, 2006, Pike's new default service rates became effective. These default service rates reflect market prices at the time of the auction.

8. This increase in default service rates presents a new and significant opportunity for EGSs to enter the Pike County marketplace. Pike is engaging in various efforts, including seeking Commission approval, to implement a program to offer at least

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a two-month, introductory discount program for customers who sign up with an EGS. This proposed program is similar to the very successful PowerSwitch program offered by Pike's parent, Orange and Rockland Utilities, Inc. ("Orange and Rockland"), in New York State. The PowerSwitch program has a proven track record, having been in existence since 2000, experiencing substantial growth and continuing customer support. Currently, 31% of Orange and Rockland's electric customers and 37% of Orange and Rockland's gas customers participate in retail choice. These healthy participation levels are due directly to the PowerSwitch program.

9. In an attempt to interest EGSs in serving Pike's customers and participate in a PowerSwitch type program, Pike has reached out to EGSs in writing, in telephone conferences and in individual telephone calls. Pike has provided EGSs with average load profile information. Pike has e-mailed EGSs the Commission website link to licensing requirements in order to assist those EGSs that are not already licensed in Pennsylvania. Pike has referred EGSs to Commission Staff regarding licensing and electronic data interchange ("EDI") issues.

10. Pike has reached out to the Commission Staff responsible for EDI requirements and sought advice on how to handle EDI compliance issues. EDI compliance presents certain issues because an EGS serving on Pike's system must comply with EDI protocols of New York, which differ in certain respects from the EDI protocols that Pennsylvania established based upon PJM protocols. Based upon this advice, Pike is preparing to file for an EDI waiver. Pike also is reviewing the Commission's regulations to determine if any further waivers are required beyond EDI compliance.

11. Pike has prepared a billing agreement for use by EGSs. Pike is reviewing its Electric Generation Supplier Coordination Tariff to determine if any revisions should be proposed to further customer choice. Pike has asked EGSs if they would agree to be listed on its website as active participants (none has yet agreed). To date, seven EGSs have indicated some interest in participating in retail access in Pike's service territory. Of those interested: (a) one is licensed in Pennsylvania, but is only serving commercial and industrial ("C&I") customers; (b) three would serve residential and C&I, but are not yet licensed in Pennsylvania (two of those have indicated that they will not file to obtain a license unless financial security requirements are waived), (c) two are not active yet in Orange and Rockland's service territory (i.e., have not fully EDI tested), but are licensed in Pennsylvania and will serve both residential and C&I customers; and (d) one is essentially ready to go, but is developing a price proposal.

12. Prior to 2006, the electric rate caps that existed in Pike's service territory as a result of the Restructuring Act made it impractical for EGSs to attempt to serve retail customers. Pike's capped rates made it uneconomic for EGSs to compete. More important, EGSs had difficulty predicting how these capped rates would compare with future market prices. The uncertainty, and its corresponding risk, stifled EGSs' interest in marketing to Pike's customers. With the implementation of new default service rates on January 1, 2006, this barrier has been removed.

13. Other challenges to the implementation of retail competition in Pike's service territory remain. The size (i.e., only 4,500 electric customers), location vis-a-vis transmission access, and load characteristics of Pike's service territory (i.e., residential and small C&I) present fundamental difficulties in implementing retail competition. The

fact that Pike is not interconnected with PJM may make implementing retail competition more challenging for EGSs accustomed to doing business in other areas of Pennsylvania since it requires EGSs to access the NYISO market. For their part, some EGSs accustomed to operating in the NYISO have indicated that Pennsylvania licensing, EDI, and consumer protection requirements may serve as barriers to their participation in retail access in Pike's service territory. Pike will continue to work with such EGSs to encourage them to request appropriate waivers and to take other appropriate steps to allow retail access feasible in the Pike area.

14. At its open session on January 27, 2006, the Commission unanimously adopted a motion of Commissioner Shane directing the Commission's Law Bureau "to initiate a fact finding investigation into the competitive electric market in Pike County Power's service territory." On February 14, 2006, the Commission in Docket No. P-00052168 initiated a fact-finding investigation in the competitive electric market in Pike's service territory ("Fact-Finding Investigation"). The Fact-Finding Investigation is ongoing.

15. Complainant has provided no valid basis for the Commission to conclude that Pike is responsible for the fact that EGSs have so far declined to offer their services in Pike's service territory. Similarly, Complainant has provided no valid basis for its claim that Pike or the Commission should compensate Complainant for any increased cost due to such failure. Complainant also has failed to allege how such compensation should be calculated.

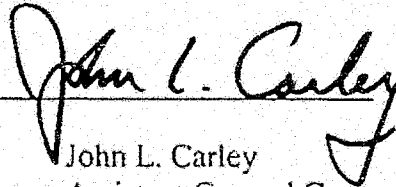
## CONCLUSION

The Complainant complains that the Company has failed to provide him with a choice of electricity suppliers. As discussed above, this lack of providers is not due to Pike's lack of effort in attempting to attract them. Prior to January 1, 2006, this lack of competitive suppliers was due to Pike's Commission-approved capped rates that made it uneconomic for EGSs to serve Pike's customers. Pike continues its efforts to attract EGSs to serve Pike's customers. Complainant certainly has provided no valid basis for being awarded compensation for the lack of participation by EGSs in Pike's service territory.

As noted above, the Commission has instituted the Fact-Finding Investigation into the competitive electric market in Pike County Power's service territory. In that proceeding, the Commission is investigating Pike's efforts to implement retail competition in its service territory. Any investigation into the status of retail choice in Pike's service territory should be performed in that proceeding rather than in a complaint proceeding.

For all the reasons set forth above, the Commission should dismiss this  
Complaint, without hearing.

Respectfully submitted,

A handwritten signature in black ink that reads "John L. Carley". The signature is written in a cursive style and is positioned above a horizontal line.

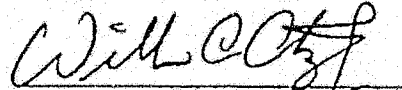
John L. Carley  
Assistant General Counsel  
Pike County Light &  
Power Company  
4 Irving Place  
Room 1815-S  
New York, NY 10003  
(212) 460-2097 (Phone)  
(212) 677-5850 (Fax)  
carleyj@coned.com

AFFIDAVIT

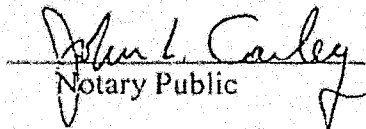
STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF NEW YORK        )

WILLIAM A. ATZL, JR., being duly sworn, according to law, upon his oath  
deposes and says:

1. I am a Director in the Rate Engineering Department of Consolidated Edison Company of New York, Inc. ("Con Edison"), an affiliate of Pike County Light & Power Company ("Pike"), and in that capacity I make this Affidavit. I am familiar with Pike's gas tariff, as well as its rates and charges for gas service.
2. I have read the attached Answer, and the same is true to the best of my knowledge, information and belief.

  
William A. Atzl, Jr.

Sworn to and subscribed  
before me this 30th day  
of March, 2006.

  
Notary Public

JOHN L. CARLEY  
Notary Public, State of New York  
No. 4906281  
Qualified in Rockland County  
Commission Expires August 31, 2009

**EXHIBIT A**



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

October 28, 2005

P-00052168

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OCT 31 2005

JOHN L CARLEY  
ASSISTANT GENERAL COUNSEL  
CONSOLIDATED EDISON COMPANY OF NEW YORK, INC  
4 IRVING PLACE  
NEW YORK NY 10003

CON EDISON LAW DEPT

Re: Pike County Light & Power Company – Results of Auction for Financial Swap Transactions, including the impact on Retail Rates for Default Service to Residential, General, Municipal Street Lighting and Private Lighting Customers

Dear Mr. Carley:

On October 25, 2005, Pike County Light & Power Company (“Pike”) submitted electronically the results of its Request for Proposals (“RFP”) auction process, including the impact on retail rates for residential, general, municipal street lighting and private lighting customers receiving default service effective January 1, 2006, at Docket No. P-00052168. On October 27, 2005, Pike filed the results with the Commission’s Secretary.

This filing is submitted pursuant to the RFP process and Default Service Implementation Plan (“Plan”) filed May 31, 2005 and approved by the Commission in its Order, entered September 23, 2005, at Docket No. P-00052168, as modified by the Order.

Pike requests that the Commission approve the results of the auction by 11:59 p.m. October 28, 2005.

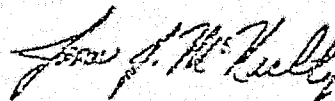
Further investigation does not appear to be warranted at this time and the auction appears to have been conducted in accordance with the RFP Guidelines.

Therefore, we approve the results of the auction and direct Pike to file a supplement to its Tariff Electric - Pa. P.U.C No. 8, no later than 60 days prior to an effective date of January 1, 2006, incorporating the proposed tariff language changes approved in the Commission’s Order, entered September 23, 2005, at Docket No. P-00052168, as modified by the Order and the default service rates resulting from the auction.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §5 44, file a petition with the Commission within 10 days of the date of this letter.

Please direct any questions to H. Edwin Rodrock, Energy Supervisor, Bureau of Fixed Utility Services at (717) 783-6185.

Sincerely,



James J. McNulty  
Secretary

cc: John L. Carley, Consolidated Edison Company of New York, Inc. (electronic)  
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