

CAPTION SHEET

CASE MANAGEMENT SYSTEM

1. REPORT DATE: 00/00/00	:	
2. BUREAU: ALJ	:	
3. SECTION(S):	:	
5. APPROVED BY:	:	4. PUBLIC MEETING DATE:
DIRECTOR:	:	00/00/00
SUPERVISOR:	:	
6. PERSON IN CHARGE:	:	7. DATE FILED: 03/02/06
8. DOCKET NO: C-20065943	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: L'HOTE, JEFF

RESPONDENT/APPLICANT: PIKE COUNTY LIGHT & POWER CO.

COMP/APP COUNTY: PIKE

UTILITY CODE: 110650

ALLEGATION OR SUBJECT

COMPLAINT IS BEING FILED IN RELATION TO CASE DOCKET NUMBER P-00052168.

DOCKETED

MAR 03 2006

JULIEN
FOLDER

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)

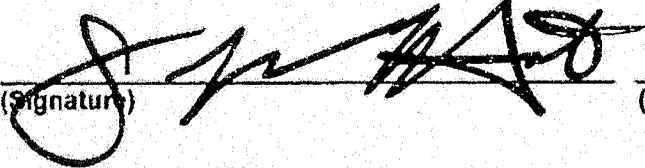
NO

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, JEFF L'HOTE, 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).

 2/26/06
(Signature) (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 nd 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 3, 2006

DOCKETED

MAR 03 2006

JEFF L'HOTE

Complainant

v.

PIKE COUNTY LIGHT & POWER CO

Respondent

Complaint Docket

No: C-20065943

FC: 05R

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 3, 2006

C-20065943

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

Dear Sir/Madam:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by JEFF L'HOTE. 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.

DOCUMENT
FOLDER

March 3, 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,

James J. McNulty
Secretary

ddi



conEdison
a conEdison inc. company

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 13, 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 15 2006

PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Complaint of Jeff L'Hote
Complaint No. C-20065943

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. Jeff L'Hote 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
John L. Carley
Assistant General Counsel

DOCUMENT
FOLDER

c. Mr. Jeff L'Hote
108 Mill Creek Court
Milford, PA 18337

bb

ORIGINAL

MAR 15 2006

PENNSYLVANIA PUBLIC UTILITY COMMISSION
REGULATORY DIVISION

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

JEFF L'HOTE, Complainant
V.
PIKE COUNTY LIGHT & POWER
COMPANY, Respondent

Complaint Docket No. C - 20065943

DOCUMENT
FOLDER

ANSWER OF PIKE COUNTY LIGHT & POWER COMPANY

INTRODUCTION

On March 3, 2006, Pike County Light & Power Company ("Pike" or the "Company") was served with a copy of a complaint ("Complaint") filed by its customer, Mr. Jeff L'Hote ("Complainant"). In his complaint, Complainant states that the increase in Pike's default service rates is unconscionable, that there was no legitimate notice period for the increase, and that no local option for another service provider exists. He asks that the Pennsylvania Public Utility Commission ("Commission") investigate the legitimacy of this price increase and "alternative possibilities."

As set forth in greater detail below, the rate increase that Complainant objects to and requests the Commission to investigate has been reviewed and approved by the Commission. Accordingly, the conduct that the Complainant objects to is simply Pike billing its customers according to the filed rates contained in Pike's Commission approved electric tariff. The Complaint is completely without merit and should be dismissed summarily by the Commission.

DOCKETED
MAR 28 2006

In response to the Complaint, Pike states as follows:

DISCUSSION

1. 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 electric generation suppliers. 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.

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

3. 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.

4. 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.

5. 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 unanimously approved the auction results and directed Pike to file a supplement to its Tariff incorporating the default service rates resulting from the auction. Such approval supports Pike's contention that it complied with all notice requirements.

6. On January 1, 2006, Pike's new default service rates became effective. The Commission-approved rates are the subject of the Complaint.

7. At its open session on January 27, 2006, the PAPUC unanimously adopted a motion of Commissioner Shane directing the PAPUC'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.

8. The basis of the Complaint is that Pike's default service rates filed with and approved by the Commission are somehow unconscionable. The fact that these rates increased as of January 1, 2006 does not detract from their validity. Pike denies Complainant's allegation that its default service rates are unconscionable since the Commission has reviewed and approved these very rates. Pursuant to the long established filed rate doctrine, Pike could not charge the Complainant any rate other than the Commission-approved rate of which he complains. *Cheltenham & Abington*

Sewerage Co. v. Pennsylvania Public Utility Commission, 344 Pa. 366, 25 A 2d 334 (Pa. 1942).

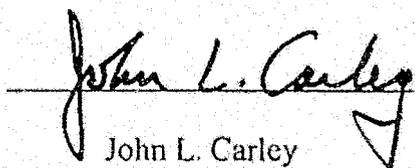
9. Pursuant to the filed rate doctrine, Pike is required to bill its default service customers in accordance with its existing Commission-approved default service rates until the Commission approves new default service rates. Any such new rates would apply on a prospective basis only.

10. Complainant also asks that the Commission investigate whether other local service provider options exist in Pike's service territory. If the Commission wishes to pursue such an investigation, it should not be conducted within the narrow confines of this complaint proceeding. Rather such an investigation should be conducted, within the confines of the Commission's ongoing Fact Finding Investigation.

CONCLUSION

The Complainant complains that Pike's default service rates are unconscionable. The very default service rates at issue in the Complaint, however, have been reviewed and approved by the Commission. Under the filed rate doctrine, Pike can only bill the Complainant these default service rates. Accordingly, the Commission should dismiss this Complaint, without hearing. Finally, any investigation into Pike's default service rates, as well as whether other local service provider options exist in Pike's service territory, should be performed in the context of the Commission's ongoing Fact-Finding Investigation.

Respectfully submitted,



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

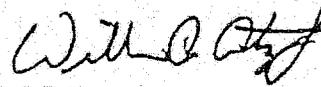
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STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

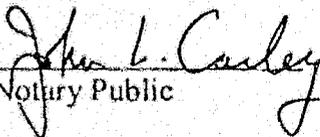
WILLIAM A. ATZL, JR., being duly sworn, according to law, upon his oath
deposes and says:

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 13th 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

MAR - 15 2006

EXHIBIT A

RECEIVED

MAR 15 2006

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



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

October 28, 2005

P-00052168

RECEIVED

OCT 31 2005

CON EDISON LAW DEPT.

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

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.

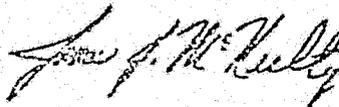
Further investigation does not appear to be warranted at this time and the auction appears to have been conducted in accordance with the RFP Guidelines.

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)
William Atzl, Consolidated Edison Company of New York, Inc. (electronic and first class mail)
Michael Hassell, Esq., Morgan Lewis & Bockius LLP (electronic and first class mail)
Tanya McCloskey, OCA (electronic and first class mail)
Aron Beatty, OCA (electronic and first class mail)
William Lloyd, OSBA (electronic and first class mail)
Robert Eckenrod, OTS (electronic and first class mail)
Kerry Klinefelter, Bureau of Fixed Utility Services
Kathy Aunkst, Secretary's Bureau



COMMONWEALTH OF PENNSYLVANIA
Office of Administrative Law Judge
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265
March 22, 2006

IN REPLY PLEASE
REFER TO OUR FILE

In Re: C-20065943

(SEE ATTACHED LIST)

Jeff L'Hote v. Pike County Light & Power Company
Rate/Billing Dispute

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
APR 04 2006

**DOCUMENT
FOLDER**

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 Jandebour
Linda Salome
Beth Plantz
Docket Section
Calendar File



17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
717-731-1970 Main
717-731-1985 Fax
www.postschell.com

Anthony D. Kanagy

akanagy@postschell.com
717-612-6034 Direct
File # 2269-126878

May 2, 2006

VIA HAND DELIVERY

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor North
PO Box 3265
Harrisburg, PA 17105-3265

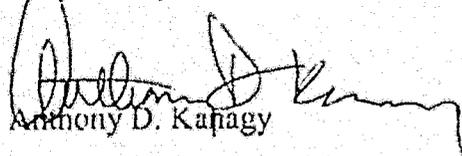
ORIGINAL

RE: Jeff L'Hote v. Pike County Light & Power Company
Docket No. C-20065943

Dear Secretary McNulty:

Enclosed, for filing, are an original and three (3) copies of the Notice of Appearance of Michael W. Hassell, Esquire and Anthony D. Kanagy, Esquire in the above-referenced proceeding.

Respectfully submitted,


Anthony D. Kanagy

DOCUMENT
FOLDER

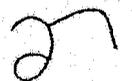
ADK/jl

Enclosures

cc: Honorable Ember S. Jandebaur
Certificate of Service

SECRETARY'S BUREAU

2006 MAY -2 2:11:53



BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

Jeff L'Hote

v.

Pike County Light & Power Company

:
:
:
:
:

Docket No C-20065943

NOTICE OF APPEARANCE

Please enter the appearance of Michael W. Hassell and Anthony D. Kanagy on behalf of
Pike County Light & Power Company in the above-captioned proceeding.

All service on and communications in this proceeding should be addressed as follows:

Michael W. Hassell
Anthony D. Kanagy
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: mhassell@postschell.com
E-mail: akanagy@postschell.com

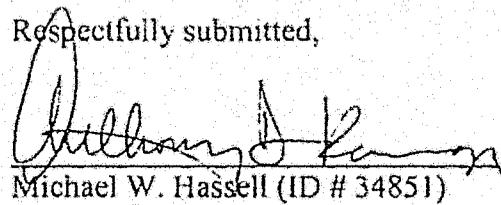
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SECRETARY'S BUREAU

MAY 11 2 11:35

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MAY 08 2006

Respectfully submitted,



Michael W. Hassell (ID # 34851)
Anthony D. Kanagy (ID # 85522)
Post & Schell, P.C.
17 North Second Street
12th Floor
Harrisburg, PA 17101-1601
Phone: 717-731-1970
Fax: 717-731-1985
E-mail: mhassell@postschell.com
E-mail: akanagy@postschell.com

Of Counsel:

Post & Schell, P.C.

Date: May 2, 2006

Counsel for Pike County Light & Power Company

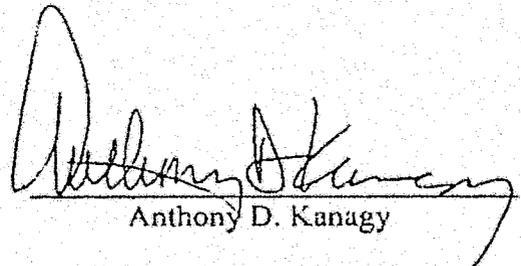
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Appearance has been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

VIA FIRST CLASS MAIL

Jeff L'Hote
108 Mill Creek Court
Milford, PA 18337

Date: May 2, 2006



Anthony D. Kanagy

2006 MAY -2 PM 11:35
SECRETARY'S BUREAU