

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKETED

MAR 23 2001

Penn Color, Inc. :
 :
 v. : Docket No. C-00014966
 :
 PPL Electric Utilities :
 Corporation :

INTERIM ORDER
SETTING SETTLEMENT CONFERENCE

DOCUMENT
FOLDER

On or about February 22, 2001, Penn Color, Inc. ("Complainant") filed a complaint against PPL Electric Utilities Corporation ("Respondent"), at the above-captioned Docket Number. On or about March 15, 2001, Respondent filed an answer to the complaint.

Based upon a review of the pleadings, the parties are hereby directed to attempt to settle this matter. Respondent shall contact Complainant, on or before April 5, 2001, concerning a time, date and place for Respondent and Complainant to hold a conference. The conference shall take place on or before April 19, 2001, unless this is not possible.

Within ten (10) days following the conference, Respondent shall file a short report with Bruce Bigelow, Mediator ("Mediator"), setting forth:

- (a) The time, date and place of the settlement conference;
- (b) Who participated for each party;
- (c) A statement whether a full settlement, including withdrawal of complaint, was achieved, and, if not, whether the

parties consent to have this case set for mediation by the mediation staff of the Commission; and

(d) A statement of any issues which have been resolved, if a full settlement was not achieved.

If an agreement has not been reached, and the parties do not consent to mediate, the parties are entitled to have a hearing. A hearing is a formal procedure in which an administrative law judge will make a decision to resolve the case. Mediation is an informal procedure in which the parties themselves attempt to resolve the case through a voluntary agreement. The mediator is a neutral person who helps the parties in their efforts to come to an agreement. The Commission encourages mediation.

If it is not possible to have the conference by the date set for that purpose, Respondent shall file a report with the Mediator, on or before ten (10) days following the conference due date, giving the reason(s) why the due date could not be met.

In either situation, a report must be filed with the Mediator by the applicable due date set forth above.

If you have any questions, you should contact the Mediator. His address and phone number are:

Mediator Bruce Bigelow
P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 783-5413
Email: bigelow@puc.state.pa.us

Robert A. Christianson

ROBERT A. CHRISTIANSON
Chief Administrative Law Judge

Date: 3/22/01

LAW OFFICES
POWELL, TRACHTMAN, LOGAN, CARRLE,
BOWMAN & LOMBARDO

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ORIGINAL

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- MICHAEL G. TRACHTMAN
- PAUL A. LOGAN**
- GUNTHER O. CARRLE*
- C. GRAINGER BOWMAN
- BRUCE D. LOMBARDO
- JONATHAN K. HOLLIM
- LAWRENCE A. BURDA*
- NEL P. CLAIN, JR.*
- MICHAEL J. CURRY*
- ETHAN N. HALBERSTADT*
- DAVID T. BOLGER
- RICHARD J. DAVIES*
- DAVID W. FRANCIS*
- KEVIN B. WATSON
- CHARLES V. CURLEY**
- STEVEN G. BARDELLY*
- THOMAS J. BOGAK*
- MICHAEL F. CONTE*
- DANIEL A. MCGUWAN
- PAUL V. SHEHADI*
- ANTHONY S. PETER
- GEORGE T. REYNOLDS*
- MARY J. PEDGREN*
- SEAN G. DUFFY*
- FREDERICK M. BRUSH*
- GEORGE B. KEAHEY*
- JAMES S. BAINBRIDGE*
- KELLY H. DECKER*
- SHANNON M. REILLY

*ALSO ADMITTED IN NJ
**ALSO ADMITTED IN MD
*ALSO ADMITTED IN DE

January 9, 2002

DOCUMENT
FOUNDED

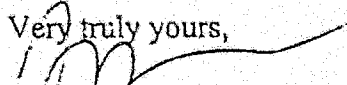
SECRETARY'S BUREAU
HARRISBURG
JAN 10 10:00 AM '02
RECEIVED

James J. McNulty, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Berwick Industries, Inc. v. Pennsylvania Power & Light Company
Docket No. C-00992485
C&D Technologies, Inc. v. Pennsylvania Power & Light Company
Docket No. C-00992119
Penn Color, Inc. v. Pennsylvania Power & Light Company
Docket No. C-00014966

Dear Secretary McNulty:

Enclosed for filing are an original and four copies of *Complainants' Joint Petition to Withdraw Certain Counts of Their Complaints with Prejudice*. Please time stamp the extra copy and return in the envelope provided. Please call me if you have any questions.

Very truly yours,

David W. Francis

DWF:jan
Enclosures
cc: Anthony D. DeCusatis, Esq.
Paul E. Russell, Esq.



BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

BERWICK INDUSTRIES, INC.

v.

PENNSYLVANIA POWER & LIGHT
COMPANY

C&D TECHNOLOGIES, INC.

v.

PENNSYLVANIA POWER & LIGHT
COMPANY

PENN COLOR, INC.

v.

PENNSYLVANIA POWER & LIGHT
COMPANY

Docket No. C-00992485

DOCKETED
JAN 22 2002

Docket No. C-00992119

Docket No. C-00014966

SECRETARY'S BUREAU

2002 JAN 19 11:10:00

RECEIVED

DOCUMENT
FOLDER

**COMPLAINANTS' JOINT PETITION TO WITHDRAW CERTAIN
COUNTS OF THEIR COMPLAINTS WITH PREJUDICE**

Complainants, Berwick Industries LLC, successor-in-interest to Berwick Industries, Inc., C&D Technologies, Inc. and Penn Color, Inc. respectfully petition as follows:

Berwick Industries, Inc.

1. Berwick Industries LLC, successor-in-interest to Berwick Industries, Inc. ("Berwick"), petitions to withdraw with prejudice Count I of its six count Complaint which was filed with the Pennsylvania Public Utility Commission ("PUC") on or about May 27, 1999 and styled Berwick Industries, Inc. v Pennsylvania Power & Light, Docket No. C-00992485.

2. Berwick intends to continue to pursue the claims set forth in Counts II - VI of its Complaint before the PUC.

C&D Technologies, Inc.

3. C&D Technologies, Inc. Inc. ("C&D") petitions to withdraw with prejudice Count I of its six count Complaint which was filed with the PUC on or about February 5, 1999 and styled C&D Technologies, Inc. v. Pennsylvania Power & Light Company, Docket No. C-00992119.

4. C&D intends to continue to pursue the claims set forth in Counts II - VI of its Complaint before the PUC.

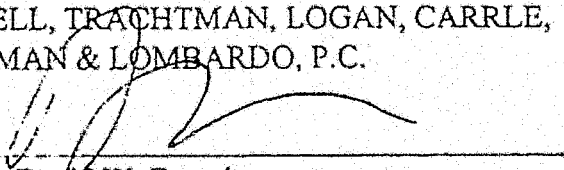
Penn Color, Inc.

5. Penn Color, Inc. petitions to withdraw with prejudice its entire Complaint which was filed with the PUC on or about February 22, 2001 and styled Penn Color, Inc. v. Pennsylvania Power & Light Company, Docket No. C-00014966.

WHEREFORE, Complainants Berwick Industries, I.L.C, C&D Technologies, Inc. and Penn Color, Inc. respectfully request that the Public Utility Commission issue an order allowing them to withdraw with prejudice as set forth above. Respondent Pennsylvania Power and Light Company concurs in these Petitions.

POWELL, TRACHTMAN, LOGAN, CARRLE,
BOWMAN & LOMBARDO, P.C.

By



David W. Francis
I.D. #53718
114 N. Second Street
Harrisburg, PA 17101
(717) 238-9300

Date:

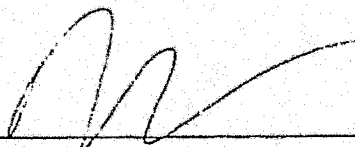
Feb 9 2002

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2002, a true and correct copy of the within-Complainants
Joint Petition to Withdraw Certain Counts of Their Complaints with Prejudice was served upon
the following person(s) by first class U.S. Mail, postage prepaid.

Anthony C. DeCusatis, Esq.
Morgan, Lewis & Bockius LLP
2000 One Logan Square
Philadelphia, PA 19103-6993

Paul E. Russell, Esq.
PP&L, Inc.
Two North Ninth Street
Allentown, PA 18101



David W. Francis

RECEIVED
2002 JAN 10 PM 10:00
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DOCUMENT
FOLDER

DATE: January 15, 2002

SUBJECT: Penn Color Inc. v. PPL Electric Utilities Corporation;
C-00014966

TO: Commission Document Folder

FROM: Bruce Bigelow
Mediator

RECEIVED
JAN 16 2002

The above-captioned case is still undergoing mediation-process review and progress reports are being made.

pc: OALJ file

COMMONWEALTH OF PENNSYLVANIA

DATE: January 22, 2002
SUBJECT: C-00992485, C-00992119, C-00014966
TO: Office of Administrative Law Judge
FROM: James J. McNulty, Secretary

DOCKETED
JAN 22 2002

C-00992485 - Berwick Industries, Inc.
C-00992119 - C&D Technologies, Inc.
C-00014966 - Penn Color, Inc.
v.
Pennsylvania Power & Light Company

DOCUMENT
FILED

Attached is a copy of a Joint Petition filed by the Complainant's to withdraw certain counts of their complaints in connection with the above docketed proceedings.

This matter is assigned to your Office for appropriate action.

Attachment

cc: OTS - w/copy of petition

JEP

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION

DATE: February 25, 2002

SUBJECT: Petition for Leave to Withdraw Filed
C-00014966 Penn Color, Inc. v. PPL Utilities

TO: Wanda Zeiders
Docket Management

FROM: Susan Licon, Scheduling Officer
Office of Administrative Law Judge

On January 10, 2002, a Petition for Leave to Withdraw was filed in the above-captioned proceeding by David W. Francis, Esquire. If no objection is filed to this certificate within 10 days of service, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ (None Assigned)
Beth Plantz
Case File

DOCUMENT
FOLDER

DOCKETED
FEB 26 2002