



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

C - 00014966

ISSUED: June 12, 2002

IN REPLY PLEASE
 REFER TO OUR FILE

C-00992485; C-00992119; C-00014966

DAVID W FRANCIS ESQ
 KELLY H DECKER ESQ
 POWELL TRACHTMAN LOGAN
 CARRLE BOWMAN & LOMBARDO PC
 114 NORTH SECOND ST
 HARRISBURG PA 17101

DOCUMENT
 FOLDER

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

TO WHOM IT MAY CONCERN:

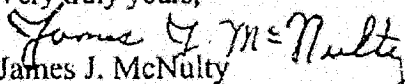
Enclosed is a copy of the Initial Decision of Administrative Law Judge Herbert S. Cohen. This decision is being issued and mailed to all parties on the above specified date.

If you do not agree with any part of this decision, you may send written comments (called Exceptions) to the Commission. Specifically, an original and nine (9) copies of your signed exceptions MUST BE FILED WITH THE SECRETARY OF THE COMMISSION 2ND FLOOR, KEYSTONE BUILDING, 400 NORTH STREET, HARRISBURG, PA OR MAILED TO P.O. BOX 3265, HARRISBURG, PA 17105-3265, within twenty (20) days of the issuance date of this letter. The signed exceptions will be deemed filed on the date actually received by the Secretary of the Commission or on the date deposited in the mail as shown on U.S. Postal Service Form 3817 certificate of mailing attached to the cover of the original document (52 Pa. Code §1.11(a)) or on the date deposited with an overnight express package delivery service (52 Pa. Code 1.11(a)(2), (b)). If your exceptions are sent by mail, please use the address shown at the top of this letter. A copy of your exceptions must also be served on each party of record. 52 Pa. Code §1.56(b) cannot be used to extend the prescribed period for the filing of exceptions/reply exceptions. A certificate of service shall be attached to the filed exceptions.

If you receive exceptions from other parties, you may submit written replies to those exceptions in the manner described above within ten (10) days of the date that the exceptions are due.

Exceptions and reply exceptions shall obey 52 Pa. Code 5.533 and 5.535 particularly the 40-page limit for exceptions and the 25-page limit for replies to exceptions. Exceptions should clearly be labeled as "EXCEPTIONS OF (name of party) - (protestant, complainant, staff, etc.)".

If no exceptions are received within twenty (20) days, the decision of the Administrative Law Judge may become final without further Commission action. You will receive written notification if this occurs.

Very truly yours,

 James J. McNulty
 Secretary

Encls.
 Certified Mail
 Receipt Requested
 TAB
 See Attached List for Additional Parties

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CARRLE BOWMAN & LOMBARDO PC
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BERWICK INDUSTRIES INC
BOMBAY LANE AND NINTH ST
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BERWICK PA 18603

ANTHONY C DECUSATIS
DAVID B MACGREGOR
MORGAN LEWIS & BROCKIUS LLP
1701 MARKET ST
PHILADELPHIA PA 19103-2921

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

Docket No. C-00992119

Docket No. C-00014966

INITIAL DECISION GRANTING COMPLAINANTS' JOINT PETITION TO
WITHDRAW CERTAIN COUNTS OF THEIR COMPLAINTS WITH PREJUDICE

DOCUMENT
FOLDER

Before
HERBERT S. COHEN
Administrative Law Judge

FILED
JUN 15 2002

HISTORY OF THE PROCEEDING

This matter involves the filing of 13 separate complaints against respondent Pennsylvania Power & Light Company. Apart from the complaints of captioned parties, complaints were also filed by Jet Plastica at C-992120; Shop-Vac Corporation at C-

992121; Berk-Tek, a division of Alcatel NA Cable Systems, Inc. at C-992156; Quaker Oats Company at C-992157; Avco Corporation, trading as Textron Lycoming at C-992204; Quebecor Printing Atglen, Inc. at C-992205; White Cap, Inc. at C-992212; Hanover Foods, trading as Consumers Packing Company at C-992375; Keystone Cement Company at C-992421; GNB Technologies, Inc. at C-992901, and The Buck Company at C-992904.

On January 10, 2002, Complainants, Berwick Industries, LLC, successor-in-interest to Berwick Industries, Inc., C&D Technologies, Inc. and Penn Color, Inc. filed Complainant's Joint Petition to Withdraw Certain Counts of their Complaints With Prejudice. Respondent Pennsylvania Power & Light Company concurred in the Petitions

On March 26, 2002 James McNulty, Secretary of the Public Utility Commission, signed an Order marking the Penn Color, Inc. v. PPL Electric Utilities Corp. proceeding closed.

ORDER

THEREFORE, IT IS HEREBY ORDERED;

1. That the Joint Petition of Berwick Industries LLC, successor-in-interest to Berwick Industries, Inc. to withdraw with prejudice Count I of its six count Complaint filed with this Commission on or about May 27, 1999 and as captioned in the above manner at Docket No. C-00992485 is hereby granted. That Berwick shall be free to pursue the remaining claims set forth in Counts II-VI of the referenced Complaint.

2. That the Joint Petition of C&D Technologies, Inc. to withdraw with prejudice Count I of its six count Complaint filed with this Commission on or about February 5, 1999 and as captioned in the above manner at Docket No. C-00992119 is

hereby granted. That C&D shall be free to pursue the remaining claims set forth in Counts II-VI of the referenced Complaint.

3. That with respect to all the other Complaints noted above, the record is to remain open.

Dated: 6-3-02

Herbert S. Cohen

HERBERT S. COHEN
Administrative Law Judge

DATE: July 9, 2002

SUBJECT: C-00992485; C-00992119; C-00014966

TO: Office of Administrative Law Judge
Susan Hoffner

FROM: James J. McNulty
Secretary
nvl

DOCKETED
JUL 10 2002

DOCUMENT

BERWICK INDUSTRIES, INC. (C-00992485)
C & D TECHNOLOGIES, INC. (C-00992119)
PENN COLOR, INC. (C-00014966)
VS
PENNSYLVANIA POWER & LIGHT COMPANY

The Initial Decision has been served upon all parties of interest.

Neither exceptions nor requests for review from the Commissioners have been received by the Commission. This matter is referred to your office for whatever action you deem necessary.

cc: Office of Special Assistants

P.S. Please note that exceptions or reply exceptions may come in timely with certificates of mailings. A second memo will not be released for these exceptions.