

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: 03/01/06
8. DOCKET NO: C-20065942	:	9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: PIKE, COUNTY OF

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

DOCUMENT  
FOLDER

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Formal Complaint Form

Please print or type.

C-20065942

2006 MAR -1 AM 9:22  
SECRETARY'S BUREAU

1. CUSTOMER NAME (COMPLAINANT)

110650

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

Name County of Pike

Street/P.O. Box 506 Broad St Apt # \_\_\_\_\_

City MILFORD State PA Zip 18337

County Pike

Area Code/HOME Phone \_\_\_\_\_

Area Code/WORK Phone 570-206-7613

Utility Account Number 41431-19004 (See Attch List)  
(from your bill) 41641-19004

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

STEAM HEAT

GAS

WASTE WATER

WATER

MOTOR CARRIER  
(taxi, moving company, limousine)

TELEPHONE  
(local, long distance)

**DOCKETED**

MAR 03 2006

DOCUMENT  
FOLDER

9

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  
(explain)

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

73% to 129% RATE INCREASE - UNFAIR BURDEN  
TO BUDGETS ALREADY IN PLACE PRIOR TO INCREASE  
TAKING EFFECT

5. RELIEF

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

ROLLBACK

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

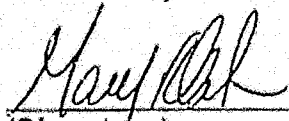
If you tried to, but could not speak to a utility company representative about your complaint, please explain why.

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 GARY R ORTSEN, 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).

 CHIEF CLERK 2-24-06  
(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 County Solicitor Jay Rose

Street 506 Broad St

City Milford State Pa Zip 18337

Area Code/Phone Number 570-296-7613

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.**

# COUNTY OF PIKE

## BUILDING

Administration Building, 506 Broad St.  
Sheriff's, 500 Broad St.  
Sheen House, 514 Broad St.  
District Magistrate, 103 West High St.  
Public Defender, 105 West High St.  
Auditors/Human Development, 107 West High St.  
Courthouse, 412 Broad St.  
Courthouse Annex, 410 Broad St.  
Well House (Pike County Park)  
Comm. Center (Orange & Rockland)  
110 Broad Street, Milford  
110 Broad Street, Milford

## ACCOUNT NUMBER

PCL&P Acct #41431-19004  
PCL&P Acct #41641-19004  
PCL&P Acct #41221-19004  
PCL&P Acct #72511-23008  
PCL&P Acct #72721-23008  
PCL&P Acct #72931-23008  
PCL&P Acct #41851-19004  
PCL&P Acct #42061-19006  
PCL&P Acct #67891-25002  
O&R Acct #30342-97001  
PCL&P Acct#51301-19028  
PCL&P Acct#51721-19037

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: MARCH 3, 2006

**DOCKETED**

MAR 03 2006

COUNTY OF PIKE  
Complainant

v.

PIKE COUNTY LIGHT & POWER CO,  
Respondent

Complaint Docket  
No: C-20065942

ORIGINAL  
FOLDER

---

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-20065942

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 COUNTY OF PIKE. 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.

20060303  
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



Law Department

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

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

ORIGINAL

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

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE

Re: Complaint of the County of Pike  
Complaint No. C-20065942

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 the County of Pike 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

c. County of Pike  
506 Broad Street  
Milford, PA 18337

DOCUMENT  
FOLDER

68

ORIGINAL

RECEIVED

MAR 1 5 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY OF STATE

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

COUNTY OF PIKE, Complainant

v.

PIKE COUNTY LIGHT & POWER  
COMPANY, Respondent

Complaint Docket No. C - 20065942

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, the County of Pike ("Complainant"). In its complaint, Complainant states that the increase in Pike's default service rates represents an unfair burden on the Complainant. Complainant asks that the Pennsylvania Public Utility Commission ("Commission") "rollback" the rate increase.

As set forth in greater detail below, the rate increase that Complainant objects to 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.

In response to the Complaint, Pike states as follows:

DOCUMENT  
FOLDER

DOCKETED  
MAR 2 8 2006

## 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, objections 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.

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 unfair. 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 unfair 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 it complains. *Cheltenham & Abington Sewerage Co. v. Pennsylvania Public Utility Commission*, 344 Pa. 366, 25 A.2d 334 (Pa. 1942).

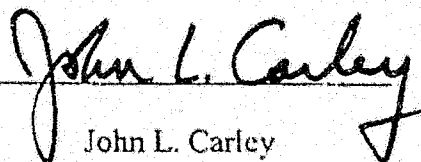
9. Pursuant to the filed rate doctrine, Pike is required to bill its default service customers in accordance with its existing Commission-approved default service rates until the Commission approves new default service rates. Any such new rates would apply on a prospective basis only.

10. Complainant also asks that the Commission "rollback" the increase in Pike's default service rates. The possible modification of Pike's default service rates, with all its potential complexities and repercussions, should not be conducted within the narrow confines of this complaint proceeding. If the Commission decides to investigate Pike's default service rates, it should do so in a formal rate proceeding in which all interested parties can participate. Finally, Pike would note that any "rollback" of Pike's default service rates must be done on a prospective basis only.

CONCLUSION

The Complainant complains that the increase in Pike's default service rates is unfair. The increase in Pike's default service rates at issue in the Complaint, however, has 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 by the Commission into Pike's default service rates should be performed in the context of a formal rate proceeding in which all interested parties can participate.

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

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.*

William A. Atzl, Jr.

Sworn to and subscribed  
before me this 13<sup>th</sup> day  
of March, 2006.

*John L. Carley*  
Notary Public

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

RECEIVED

MAR 16 2006

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

ORIGINAL

**EXHIBIT A**

ORIGINAL

RECEIVED

MAR 1 6 2005

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S OFFICE



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.

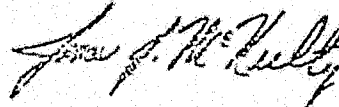
Further investigation does not appear to be warranted at this time and the auction appears to have been conducted in accordance with the RFP Guidelines.

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-20065942

(SEE ATTACHED LIST)

County of Pike v. Pike County Light & Power Company

Rate/Billing Dispute

NOTICE

DOCUMENT  
FOLDER

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. Jandebour  
Room 317, Scranton State Office Building  
100 Lackawanna Avenue  
Scranton, PA 18503  
Telephone: 570.963.4818  
Fax: 570.963.3310

**DOCKETED**  
APR 03 2006

*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  
Linda Salome  
Beth Plantz  
Docket Section  
Calendar File



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560 (in PA only)

IRWINA. POPOWSKY  
Consumer Advocate

FAX (717) 783-7152  
consumer@paoca.org

April 5, 2006

ORIGINAL

PA PUC  
SECRETARY'S BUREAU

2006 APR -5 PM 3:56

RECEIVED

James J. McNulty  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
P.O. Box 3265  
Harrisburg, PA 17105-3265

DOCUMENT  
FOLDER

RE: County of Pike  
v.  
Pike County Light & Power Company  
Docket No. C-20065942

Dear Secretary McNulty:

Enclosed for filing, are an original and three (3) copies of the Notice of Intervention and Public Statement of the Office of Consumer Advocate, in the above-referenced proceeding.

Copies have been served on the parties of record as indicated on the enclosed Certificate of Service.

Sincerely,

Aron J. Beatty  
Assistant Consumer Advocate

Enclosures

- cc: Parties of Record
- Harry Forbes, Pike County Commissioner
- Richard A. Caridi, Pike County Commissioner
- Karl A. Wagner, Jr., Pike County Commissioner
- Honorable Ember S. Jandebaur

00088242 DOC

53

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

County of Pike  
v.  
Pike County Light & Power Co.

Docket No. C-20065942

DOCUMENT  
FOLDER

NOTICE OF INTERVENTION

SECRETARY'S BUREAU  
PA P.U.C.

2006 APR -5 PM 3:56

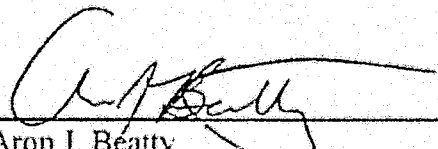
RECEIVED

Pursuant to 52 Pa. Code Sections 5.71-74, the Office of Consumer Advocate hereby gives Notice of Intervention in the above-captioned proceeding. A copy of all correspondence and notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

Aron J. Beatty  
Assistant Consumer Advocate  
Office of Attorney General  
Office of Consumer Advocate  
555 Walnut Street 5th Floor, Forum Place  
Harrisburg, PA 17101-1923

Respectfully submitted,

**DOCKETED**  
APR 7 2006

  
Aron J. Beatty  
Assistant Consumer Advocate

DATED: April 05, 2006  
00088234 DOC

PUBLIC STATEMENT OF THE  
OFFICE OF CONSUMER ADVOCATE  
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the Pennsylvania General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate determined to file a Notice of Intervention in the Formal Complaint filed by the County of Pike against Pike County Light & Power Company (Company) at Docket No. C-20065942.

On March 1, 2006, the County of Pike filed a Formal Complaint alleging that the Company's recent 129% rate increase presented an unfair burden to the County's budget. The Company's rate increase is currently under investigation by the Commission at Docket No. P-0052168. In addition, the Commission is reviewing a Petition to provide retail rate relief to the Company's customers at Docket No. P-00062205. The Office of Consumer Advocate is involved in both of these proceedings designed to address the concerns raised in the County of Pike's Complaint.

The OCA is intervening in order to ensure that the recent rate increase is thoroughly examined, that all relevant pending proceedings are properly coordinated, and to otherwise help ensure that the interests of the Company's ratepayers are adequately represented before the Commission.

DOCUMENT  
FOLDER

**DOCKETED**  
APR 7 2006

2006 APR -5 PM 3:56  
PA PUC  
SECRETARY'S BUREAU

RECEIVED

ORIGINAL

CERTIFICATE OF SERVICE

County of Pike :  
v. : Docket No C-20065942  
Pike County Light & Power Company :

I hereby certify that I have this day served a true copy of the foregoing document, Notice of Intervention and Public Statement of the Office of Consumer Advocate, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

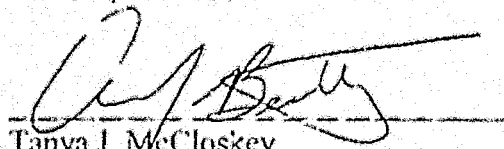
Dated this 5<sup>th</sup> day of April 2006.

SERVICE BY E-MAIL

Johnnie E. Simms, Esquire  
Robert V. Eckenrod, Esquire  
Office of Trial Staff  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, P.O. Box 3265  
Harrisburg, PA 17105-3265

Michael Hassell, Esquire  
Post & Schell, PC  
17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601

County of Pike  
506 Broad Street  
Millford, PA 18337



Tanya J. McCloskey  
Senior Assistant Consumer Advocate  
Aron J. Beatty  
Assistant Consumer Advocate

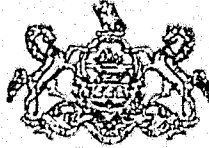
Counsel for  
Office of Consumer Advocate  
555 Walnut Street 5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
(717) 783-5048  
00087924.DOC

William R. Lloyd, Jr.  
Small Business Advocate  
Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

Mark A. Baird, Director  
Reliant Energy, Inc.  
7642 W. 450N  
Sharpsville, IN 46068

John L. Carley  
Assistant General Counsel  
4 Irving Place  
New York, NY 10003-0987

RECEIVED  
2006 APR -5 PM 3:56  
PA PUC  
SECRETARY'S BUREAU



ORIGINAL

OFFICE OF SMALL BUSINESS ADVOCATE  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, Pennsylvania 17101

William R. Lloyd, Jr.  
Small Business Advocate

(717) 783-2525  
(717) 783-2831 (FAX)

April 24, 2006

HAND DELIVERED

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

DOCUMENT  
FOLDER

RECEIVED  
2006 APR 24 PM 4:07  
F.A.P.U.C.  
SECRETARY'S BUREAU

Re: County of Pike  
v.  
Pike County Light & Power Company  
Docket No. C-20065942

Dear Secretary McNulty:

I am delivering for filing today the original plus three copies of the Notice of Intervention on behalf of the Office of Small Business Advocate ("OSBA") in the above captioned matter.

Copies have been served today on all known parties in this proceeding. A Certificate of Service to that effect is enclosed.

Sincerely,

Daniel G. Asmus  
Assistant Small Business Advocate  
Attorney ID # 83789

Enclosures  
cc: Parties of Record

85

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

COUNTY OF PIKE

v.

PIKE COUNTY LIGHT & POWER CO.

DOCKET NO. C-20065942

RECEIVED  
2006 APR 24 PM 4:07  
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I certify that I am serving two copies of the Notice of Intervention and Public Statement, on behalf of the Office of Small Business Advocate, by e-mail and first class mail (unless otherwise noted) upon the persons addressed below:

Hon. Ember S. Jandebeur  
Administrative Law Judge  
Pa. Public Utility Commission  
Room 317, Scranton State Office Building  
100 Lackawanna Avenue  
Scranton, PA 18503  
(570) 963-4818  
(570) 963-3310 (fax)  
[ejandebeur@state.pa.us](mailto:ejandebeur@state.pa.us)

Michael Hassell, Esquire  
Post & Schell, PC  
17 North Second Street - 12<sup>th</sup> floor  
Harrisburg, PA 17101-1601  
(717) 731-1970  
(717) 731-1985 (fax)  
[mhassell@postschell.com](mailto:mhassell@postschell.com)

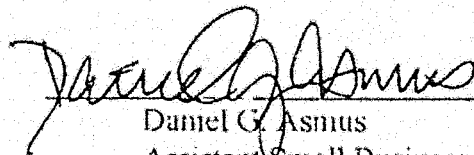
County of Pike  
506 Broad Street  
Millford, PA 18337

Mark A. Baird, Director  
Reliant Energy, Inc.  
7642 West 450N  
Sharpsville, IN 46068

John I. Carley, Esquire  
Assistant General Counsel  
4 Irving Place  
New York, NY 10003-0987

Tanya J. McCloskey, Esquire  
Aron J. Beatty, Esquire  
Office of Consumer Advocate  
555 Walnut Street 5th FL Forum Place  
Harrisburg, PA 17101-1923  
(717) 783-5048  
(717) 783-7152 (fax)  
[tmccloskey@paoca.org](mailto:tmccloskey@paoca.org)  
[abeatty@paoca.org](mailto:abeatty@paoca.org)  
(Hand delivery)

Johnnie E. Simms, Esquire  
Robert V. Eckenrod, Esquire  
Office of Trial Staff  
Pa. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105  
(717) 787-1976  
(717) 772-2677 (fax)  
[josimms@state.pa.us](mailto:josimms@state.pa.us)  
[roeckenrod@state.pa.us](mailto:roeckenrod@state.pa.us)  
(Hand delivery)

  
Daniel G. Asmus  
Assistant Small Business Advocate

Date: April 24, 2006

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

County of Pike :  
v. : Docket No. C-20065942  
Pike County Light & Power Company :

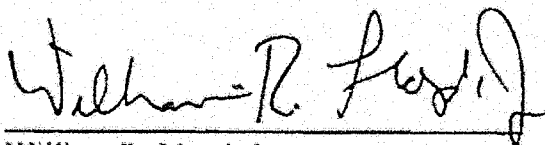
Office of  
Small Business Advocate  
Notice of Intervention

The Office of Small Business Advocate, an agency of the Commonwealth authorized by the Small Business Advocate Act (Act 181 of 1988, 73 P.S. §§399.41 - 399.50) to represent the interest of small business consumers as a party in proceedings before the Pennsylvania Public Utility Commission, files this Notice of Intervention in this proceeding pursuant to the provisions of 52 Pa. Code §5 71(a)(1)

Representing the Office of Small Business Advocate in this proceeding is:

Daniel G. Asmus, Esquire  
Office of Small Business Advocate  
Suite 1102, Commerce Building  
300 North Second Street  
Harrisburg, Pennsylvania 17101  
(717) 783-2525  
(717) 783-2831 (fax)  
dasmus@state.pa.us

DOCUMENT  
FOLDER



William R. Lloyd, Jr.  
Small Business Advocate

Date: April 24, 2006

**DOCKETED**  
APR 27 2006

PUBLIC STATEMENT OF  
THE SMALL BUSINESS ADVOCATE  
CONCERNING THE INTEREST  
OF SMALL BUSINESS CONSUMERS  
TO BE PROTECTED BY THE FILING OF A  
NOTICE OF INTERVENTION  
IN THE PROCEEDING INVOLVING  
THE COUNTY OF PIKE  
V.  
PIKE COUNTY LIGHT & POWER COMPANY

RECEIVED  
2006 APR 24 PM 4:07  
PA PUC BUREAU  
SECRETARY'S BUREAU

The Small Business Advocate is authorized and directed to represent the interest of small business consumers of utility services in Pennsylvania under the provisions of the Small Business Advocate Act, Act 181 of 1988, 73 P.S. §§399.41 - 399.50 (the "Act"). The Act further provides that the Small Business Advocate is to issue publicly a written statement setting forth the specific interest of small business consumers to be protected by the intervention in any proceeding involving those interests before the Public Utility Commission ("PUC" or "Commission"). This public statement relates to the filing today by the Small Business Advocate of a Notice of Intervention in the proceeding involving County of Pike ("County") v. Pike County Light & Power Company ("Pike" or the "Company") which was filed with the Commission on or about March 21, 2006, at Docket No. C-20065942.

The Office of Small Business Advocate ("OSBA") has intervened in this case to assure that the interests of the small business customers served by Pike are adequately represented and protected.

The OSBA will participate in this proceeding to the extent necessary to identify and advance any issues that are important to small business consumers.

Date: April 24, 2006

**DOCKETED**  
APR 27 2006

DOCUMENT  
FOLDER



17 North Second Street  
12th Floor  
Harrisburg, PA \*7101-1601  
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

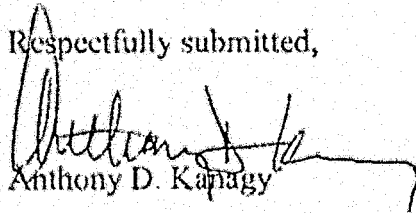
ORIGINAL

RE: County of Pike v. Pike County Light & Power Company  
Docket No. C-20065942

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. Jandebour  
Certificate of Service

2006 MAY -2 11:11:33  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

ORIGINAL

County of Pike :  
 :  
 v. : Docket No. C-20065942  
 :  
 Pike County Light & Power Company :

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:

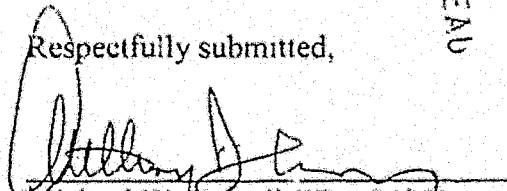
Michael W. Hassell  
Anthony D. Kanagy  
Post & Schell, P.C.  
17 North Second Street  
12<sup>th</sup> Floor  
Harrisburg, PA 17101  
Phone: 717-731-1970  
Fax: 717-731-1985  
E-mail: [mhassell@postschell.com](mailto:mhassell@postschell.com)  
E-mail: [akanagy@postschell.com](mailto:akanagy@postschell.com)

DOCUMENT  
FOLDER

SECRETARY'S BUREAU

2006 MAY 1 - 2 11:33

Respectfully submitted,



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

DOCKETED  
MAY 08 2006

Of Counsel:

Post & Schell, P.C.

Date: May 2, 2006

Counsel for Pike County Light & Power Company

**CERTIFICATE OF SERVICE**

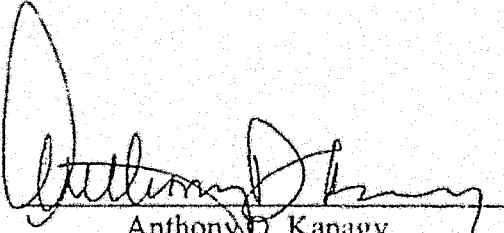
I hereby certify that a true and correct copy of the foregoing Notice of Appearance has been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1 54 (relating to service by a participant).

**VIA FIRST CLASS MAIL**

County of Pike  
506 Broad Street  
Milford, PA 18337

Jay Rose  
County Solicitor  
County of Pike  
506 Broad Street  
Milford, PA 18337

Date: May 2, 2006



Anthony D. Kanagy

2006 MAY -2 PM 11:33  
SECRETARY'S BUREAU



ORIGINAL

OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560 (in PA only)

IRWINA, POPOWSKY  
Consumer Advocate

FAX (717) 783-7152  
consumer@paoca.org

May 5, 2006

James J. McNulty  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
P.O. Box 3265  
Harrisburg, PA 17105-3265

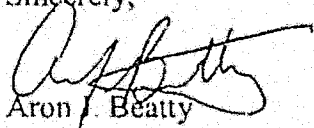
2006 MAY -5 PM 3:52  
SECRETARY'S BUREAU

RE County of Pike  
v.  
Pike County Light & Power Company  
Docket No. C-20065942

Dear Secretary McNulty:

Enclosed for filing, are an original and three (3) copies of the Motion for an Extension of Time for Prehearing Conference of the Office of Consumer Advocate, in the above-referenced proceeding.

Copies have been served on the parties of record as indicated on the enclosed Certificate of Service.

Sincerely,  
  
Aron J. Beatty  
Attorney I.D. #86625  
Assistant Consumer Advocate  
E-mail: [abeatty@paoca.org](mailto:abeatty@paoca.org)

DOCUMENT  
FOLDER

Enclosures  
cc: Parties of Record  
Harry Forbes, Pike County Commissioner  
Richard A. Caridi, Pike County Commissioner  
Karl A. Wagner, Jr., Pike County Commissioner  
Honorable Ember S. Jandebour  
00088242.DOC

103

CERTIFICATE OF SERVICE

County of Pike :  
v. : Docket No. C-20065942  
Pike County Light & Power Company :

I hereby certify that I have this day served a true copy of the foregoing document, Motion for an Extension of Time for Prehearing Conference of the Office of Consumer Advocate, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below.

Dated this 5<sup>th</sup> day of May 2006

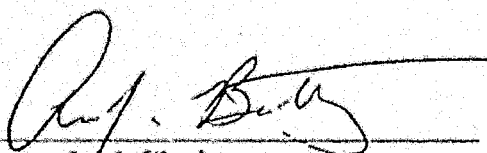
SERVICE BY F-MAIL and FIRST CLASS MAIL

Michael Hassell, Esquire  
Post & Schell, PC  
17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601

Daniel G. Asmus  
Assistant Small Business Advocate  
Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

County of Pike  
506 Broad Street  
Milford, PA 18337

John L. Carley  
Assistant General Counsel  
4 Irving Place  
New York, NY 10003-0987



Tanya J. McCloskey  
Attorney I.D. # 50044  
Senior Assistant Consumer Advocate  
E-mail: tmccloskey@paoca.org  
Aron J. Beatty  
Attorney I.D. #86625  
Assistant Consumer Advocate  
E-mail: abeatty@paoca.org

Counsel for  
Office of Consumer Advocate  
555 Walnut Street 5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
(717) 783-5048  
00087924 DOC

2006 MAY -5 PM 3:52  
SECRETARY'S BUREAU

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

County of Pike : C-20065942  
v. :  
Pike County Light & Power Company :

**DOCUMENT  
FOLDER**

2006 MAY -5 PM 3:52  
SECRETARY'S BUREAU

MOTION FOR AN  
EXTENSION OF TIME FOR PREHEARING CONFERENCE

**DOCKETED**  
MAY 18 2006

The Office of Consumer Advocat  
extension of time of 60 days for the conducting c  
for May 24, 2006 in the above-captioned proceed  
represents the following:

*Judge  
Landebruer  
Pike Commission  
Commissioner Wagner*

1. On January 1, 2006, the customer  
(Pike) experienced a 129% increase in their generation rates.
2. By Order dated September February 14, 2006, the Pennsylvania Public Utility  
Commission initiated a 60-day investigation into the competitive market conditions in Pike's  
service territory at Docket Number P-00052168. In its Order, the Commission directed parties to  
respond to a series of questions that addressed the lack of competitive options in Pike's service  
territory and the high cost of default generation service. The Order required the Commission's  
Law Bureau to file a report on the investigation after the conclusion of the investigation. The  
investigation report has not yet been issued.

3 On March 10, 2006, Direct Energy, LLC, a licensed electric generation supplier, filed a Petition with the Commission seeking to implement an auction for retail aggregation service in order to bring some rate relief to Pike's customers. The Commission approved Direct Energy's Petition, with modifications, on April 20, 2006. A Commission press release issued on April 28, 2006 indicated that Direct Energy was the winner of that bid, and that the auction produced "modest savings" for Pike customers. The retail aggregation rates should be in effect for the June 2006 billing cycle.

4. On March 1, 2006, the Pike County Commissioners filed a Formal Complaint against default generation rates that became effective on January 1, 2006. In their Complaint, the Pike Commissioners argued that the 129% generation increase produced an unfair burden on existing budgets.

5. On March 22, 2006, the Pike Commissioners received a Notice indicating that an Initial Prehearing Conference would be held on May 24, 2006 in Scranton, Pennsylvania. The Notice further indicated that Administrative Law Judge Ember S. Jandebour would preside at the Prehearing Conference.

6. The OCA filed a Notice of Intervention and Public Statement on April 5, 2006.

7. The Office of Small Business Advocate filed a Notice of Intervention and Public Statement on April 24, 2006.

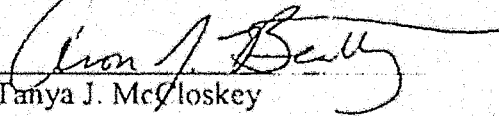
8 The OCA respectfully requests that the Initial Prehearing Conference be postponed 60 days. The issues being examined in the Commission investigation are similar to those present in the Pike Commissioners' Complaint. In addition, the OCA submits that the impact of the Direct Energy Retail Aggregation Program on Pike Customers is still being evaluated at this time.

9. The OCA submits that conducting the Prehearing Conference as currently scheduled could result in the duplication of efforts pending the results of the Commission's investigation. Postponing the Prehearing Conference will promote the efficient use of the parties' resources.

10. Importantly, the Pike Commissioners have authorized counsel for the OCA to state that they support an extension of time to conduct the Prehearing Conference. In addition, counsel for Pike County Light & Power has informed the OCA that the Company does not object to the postponement of the Prehearing Conference. The Office of Small Business Advocate has also indicated to the OCA that it supports the requested extension.

WHEREFORE, the Office of Consumer Advocate, respectfully request that the Initial Prehearing Conference be extended 60 days in order to incorporate the results of the Commission investigation and Direct Energy Retail Aggregation program into this proceeding and to avoid the possible duplication of efforts on these issues.

Respectfully Submitted,

  
Tanya J. McGloskey  
Attorney I.D. # 50044  
Senior Assistant Consumer Advocate

Aron J. Beatty  
Attorney I.D. #86625  
Assistant Consumer Advocate

Counsel for:  
Irwin A. Popowsky  
Consumer Advocate

Office of Consumer Advocate  
555 Walnut Street 5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
(717) 783-5048

May 5, 2006  
00088641