

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: ALJ
- 3. SECTION(S):
- 5. APPROVED BY: DIRECTOR: SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: C-00967749 *
- 4. PUBLIC MEETING DATE: 00/00/00
- 7. DATE FILED: 02/28/96
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT: TOWNSHIP OF SPRINGDALE

RESPONDENT/APPLICANT: DUQUESNE LIGHT COMPANY & WEST PENN PWR

COMP/APP COUNTY: ALLEGHENY

UTILITY CODE: 110150

ALLEGATION OR SUBJECT

COMPLAINANT CLAIMS RESIDENTS ARE REQUESTING SERVICE FROM WEST PENN POWER COMPANY. THEY ARE CURRENTLY SERVED BY DUQUESNE LIGHT. THE COMPANIES ARE STALEMATED IN THE TRANSFER OF ELECTRIC SERVICE IN THE AREA OVER A DISPUTE AS TO HOW TO CALCULATE THE PURCHASE PRICE OF THE DISTRIBUTION FACILITIES OF THE COMPANIES CERTIFIED SERVICE AREA OF SPRINGDALE TOWNSHIP.

37
FEB 29 1996

DOCUMENT
FOLDER

STEPHEN YAKOPEC, JR.
ATTORNEY AT LAW

1706 FIFTH AVENUE
ARNOLD, PA 15068
TELEPHONE: (412) 339-3377
FAX: (412) 339-3414

BY APPOINTMENT:
241 KENTUCKY DRIVE
LOWER BURRELL, PA 15068
TELEPHONE: (412) 335-8773

February 21, 1996

C.967749

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105

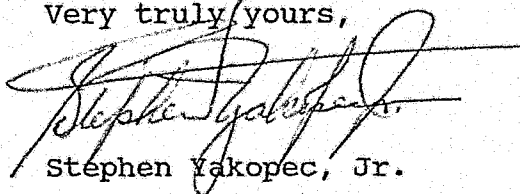
Re: Springdale Township

Gentlemen:

Enclosed please find a formal complaint form from the Township of Springdale in its own behalf and on behalf of 200 residents of the Township.

If you have any questions, please feel free to call.

Very truly yours,



Stephen Yakopec, Jr.

SYJR/cd

Enclosure

cc: Donna M. Diehm w/enclosures
John L. Munsch, Esquire w/enclosures
Larry R. Crayne, Esquire w/enclosures

DOCUMENT
FOLDER

West Penn's depreciated cost offer to purchase is \$149,774.00. Duquesne is not willing to sell on a depreciated facility cost basis. Duquesne wants to sell on a different theory, namely recapturing the burden of stranded generation, transmission and other regulatory asset costs. Copies of the May 27, 1994 letter of John L. Munsch, Esquire of West Penn to Solicitor Steve Yakopec, Jr. is enclosed as well as a copy of the June 9, 1995 letter of Larry R. Crayne, Chief Counsel to Duquesne Light to John L. Munsch, Esquire. It is now February of 1996 and this transfer of electric facilities and services is at a standstill. The residents contained in the petition originally requested a transfer due to the fact that when problems occur with electric service the residents call Duquesne Light Company. Duquesne Light Company tells them that they don't provide electric service to the residents and to call West Penn Power. The residents then respond that they are billed by Duquesne Light and they in fact pay Duquesne Light for their power. Long delays then occur while the people at Duquesne Light try to figure how they are servicing people in West Penn's service area. The township residents then become frustrated as they go this every time there is a problem. They would like to be serviced by West Penn.

4. What do you want the Public Utility Commission to do about your complaint?

Please step in to the stalemate between Duquesne Light and West Penn Power to obtain the transfer of the distribution facilities from Duquesne Light to West Penn Power. Additionally, please provide and preside over the dispute concerning the purchase of the distribution facilities by West Penn Power from Duquesne Light. Duquesne Light and West Penn Power can litigate this before the Public Utility Commission as to the proper method of payment.

POOR ORIGINAL

(If you need more space use additional paper and attach to this form).

5. You must sign and date your complaint.

The information I have placed on this form is true and correct to the best of my knowledge. I understand that I could be punished under Pennsylvania State Law if I purposely give false information.

Stephen Yakopiec, Solicitor Springdale Twp.
Signature of complaining person, or officer

2-20-96
Date Signed

(if customer is a corporation, trust or association) or member (if customer is a partnership). Make sure the complaint form with your original signature is one of the copies you return to the Commission.

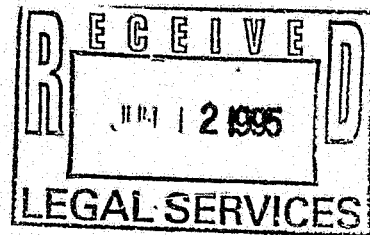
6. If you are represented by a lawyer you must provide your lawyer's name, address and telephone number.

Lawyer's Name Stephen Yakopiec, Jr., Esquire
Street 1706 Fifth Avenue
City Arnold, State PA Zip 15068
Telephone Number - Area Code (412) 339-3377



Duquesne Light Company

Legal Unit
One Oxford Centre
301 Grant Street
Pittsburgh, Pennsylvania 15279
(412) 393-6000
FAX: (412) 393-6645



Writer's DIRECT DIAL Number:

(412) 393-6049

June 9, 1995

John L. Munsch, Esquire
West Penn Power Company
800 Cabin Hill Drive
Greensburg, Pennsylvania 15601-1689

Re: Springdale Township

Dear Mr. Munsch:

As you know, Duquesne Light Company has been in contact with you and other representatives from West Penn Power Company concerning the transfer of over 200 Duquesne customers to West Penn. In your letter of July 12, 1994, you notified our then General Counsel, Edwyna Anderson, that West Penn had received written requests (in the form of two separate petitions) from more than 250 Springdale Township residents requesting that they be served by West Penn. In your letter, you also indicated that West Penn's review of the petitions indicated that the persons shown on the petitions appeared to be located within West Penn's service territory. Finally, your letter identified Richard Phillips as the appropriate person at West Penn to contact regarding this matter.

Subsequent to your letter, Mr. Phillips transmitted a letter to Mr. James Coulter of Duquesne reciting that West Penn had received two petitions from residents of Springdale requesting service from West Penn and also outlining a proposal to purchase, at depreciated cost, certain distribution facilities identified on a map attached, thereto. Mr. Phillips indicated that West Penn was not interested in purchasing distribution transformers and associated fused disconnects, facilities associated with the Harwick substation, or any related 23kV facilities. At that time, Mr. Phillips recognized that assembling the necessary plant information would take time.

DELIVERING
QUALITY
ENERGY

John L. Munsch, Esquire
Page Two
June 9, 1995

Since receipt of those letters, Duquesne has undertaken considerable effort to respond to your request. First, Duquesne has conducted a thorough review of its billing records against the 258 names and addresses appearing on the petitions. Our records indicate that 221, not 258 accounts would be involved in a transfer of customers to West Penn Power. Second, we reviewed the circuit maps identifying the distribution facilities West Penn proposes to purchase and computed the depreciated cost of those facilities. The depreciated costs are \$149,774.00.

Finally, Duquesne has undertaken a review of the circumstances under which Duquesne has served customers residing in the Township of Springdale. Under the Articles of Agreement, dated April 16, 1916 between West Penn and Duquesne, the utilities agreed to transfer all operating rights lying within certain areas (Paragraphs First and Second). The described territory conveyed included the Township of Springdale. However, Duquesne retained the right to furnish electric power to other areas where certain mining properties were located in the Township (Paragraph Fifteen). The Agreement was filed with the Pennsylvania Public Service Commission which subsequently issued a certificate of Public Convenience by report and order dated June 27, 1923.

West Penn, therefore, holds a certificate of public convenience to provide electric service to the Township. Although Duquesne ceased mining operations in the Township in the 1960's, Duquesne continued to serve this area without objection for more than twenty-five years. The agreement did not require that we cease providing service when mining operations were closed. The contract is, at best, ambiguous on whether service should continue.

Nevertheless, Duquesne is willing to discuss the appropriate terms of prospectively transferring these customers to West Penn. In general, Duquesne agrees with West Penn that a utility has an obligation under current public utility law to provide service upon request from a person or persons located within its certified service area. However, in this circumstance, we do not agree that the facilities that serve these customers should be transferred to West Penn at depreciated book value. Transferring these facilities at the depreciated book value of the 24kV distribution facilities would force Duquesne shareholders and its remaining customers to bear the burden of stranded generation, transmission and other regulatory asset costs.

Duquesne believes that recovery of such costs is appropriate for several reasons. First, Duquesne has provided exclusive retail service to the customers since 1916. The Company has planned its generation, transmission and distribution systems with the expectation that it would continue to serve load in this area. Second, recovery of stranded costs resulting from retail customers switching suppliers is a legitimate charge to insure that Duquesne's shareholders and remaining customers are not adversely impacted and to insure that electric service continues to be provided on an economically efficient basis. Both Duquesne and West Penn supported recovery of

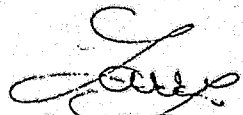
John L. Munsch, Esquire
Page Three
June 9, 1995

stranded costs in PaPUC Docket I-940032. Also, West Penn has recognized the importance and propriety of recovering stranded costs in its wholesale rate filing with the FERC, Docket No. ER94-1659-000.

Duquesne is undertaking an analysis of the assets and associated costs that would be stranded as a result of transferring the Springdale Township customers to West Penn. There are several computational issues that need to be resolved in order to determine an appropriate charge. Some of these involve the period of time over which stranded costs are to be recovered, how load growth is to be accounted for and the appropriate credits, if any, for mitigating stranded costs. In addition, it is expected that the PaPUC will soon issue its report on the recently concluded competition investigation at Docket I-940032, which may provide some guidance on handling these and other methodological issues.

Duquesne proposes that a meeting be arranged, at a mutually convenient time and place, between representatives from both companies to discuss the terms of the transfer price and any other related issues. We are confident that we can reach a satisfactory agreement given the similarity of views on the importance of stranded cost recovery. In the interim, Duquesne sees no reason why we should delay proceeding with the steps necessary to effectuate the physical transfer of these customers to West Penn. Please contact me at 393-6049 if you have any questions regarding this matter.

Very truly yours,



Larry R. Crayne
Chief Counsel

LRC/njp:035C

PETER J. DAILEY
Attorney

MICHAEL D. McDOWELL
Attorney

JOHN L. MUNSCH
Attorney

DAVID L. WILLIAMS
Attorney



800 Cabin Hill Drive
Greensburg, PA 15601-1689
(412) 837-3000 FAX (412) 838-6177
May 27, 1994

Stephen Yakopec, Jr., Esquire
1706 Fifth Avenue
Arnold, PA 15068

RE: Township of Springdale

Dear Mr. Yakopec:

This is in response to your letter of May 16, 1994, which was accompanied by petitions of more than 200 residents of Springdale Township, who are currently served by Duquesne Light, and who are requesting that West Penn Power Company provide them electric service.

I agree with your general characterization of the Public Utility Code as conferring a duty on jurisdictional Pennsylvania electric utilities to provide electric service to persons within their certificated service areas.

The first step to accomplish the transfer, it seems to me, is for West Penn Power to determine that the listed persons are, in fact, in West Penn's service area. If they are, then the second, more difficult, step will be for West Penn Power to determine the most efficient, reliable and economic method of providing electric service to the persons. This will likely entail negotiation with Duquesne Light Company about the purchase of all or some of Duquesne Light's facilities serving those customers.

The next step would be for West Penn Power to file a Petition with the Pennsylvania Public Utility Commission requesting approval of the sale of facilities by Duquesne to West Penn Power.

The last step would be the construction of new facilities, where necessary, and the transfer of facilities.

Of course, this process could diverge significantly from what I've described. Divergence would be especially likely if Duquesne disagrees that West Penn has a legal duty to serve the customers. Our initial review of the situation leads us to be hopeful, however, that there is not a factual dispute as to whether or not the customers are in West Penn's franchise area and that the project can proceed without litigation.

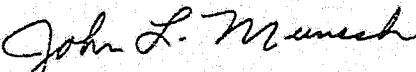
I also want to point out that this appears to be a rather large project, and I want to ask your clients' or constituents' indulgence in advance if it appears to them to be taking a long time to accomplish.

Stephen Yakopec, Jr., Esquire
May 27, 1994

Page 2

In any event, this is to acknowledge your letter and the accompanying petitions, to thank you for your efforts to secure electric service for your clients from West Penn Power Company and to assure you that West Penn Power is initiating the process I have described. We propose to remain in communication with you as the process develops. Please feel free to call me at (412) 838-6210.

Very truly yours,


John L. Munsch

JLM:bb

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

DATE SERVED: February 29, 1996

C-00967749

DUQUESNE LIGHT COMPANY
WESLEY W VON SCHACK PRES
411 SEVENTH AVENUE 16-006
PITTSBURGH PA 15230-1930

Dear Mr. Von Schack:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Township of Springdale. 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.

DOCUMENT
FOLDER

C-00967749

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

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,



for John G. Alford
Secretary

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: February 29, 1996

Township of Springdale
Complainant

VS.

Complaint Docket
No: C-00967749

Duquesne Light Company
Respondent

FORMAL COMPLAINT
NOTICE TO RESPONDENT
TO ANSWER OR SATISFY

TO: Duquesne Light Company

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 17120, an answer (original and two 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).

FEB 29 1996

DOCUMENT
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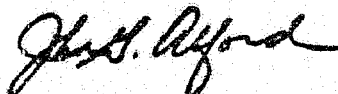
2. If you fail to either satisfy this complaint or to file answer or other responsive pleading within twenty (20) days, you will be deemed to have admitted all the allegations in this complaint in accordance with Section 5.61 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. 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

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John G. Alford
Secretary

(SEAL)

Certified Mail
Return Receipt Requested

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

DATE SERVED: February 29, 1996

C-00967749

WEST PENN POWER COMPANY
KENNETH D MOWL, SECRETARY
800 CABIN HILL DRIVE
GREENSBURG PA 15601

Dear Mr. Mowl:

A complaint has been filed against you before the Pennsylvania Public Utility Commission by Township of Springdale. 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.

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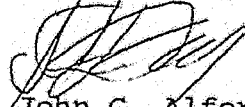
C-00967749

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

Very truly yours,



for John G. Alford
Secretary

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DATE SERVED: February 29, 1996

Township of Springdale
Complainant

VS.

Complaint Docket
No: C-00967749

West Penn Power Company
Respondent

FORMAL COMPLAINT
NOTICE TO RESPONDENT
TO ANSWER OR SATISFY

TO: West Penn Power Company

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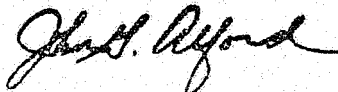
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prescribes a payment schedule or which authorizes termination of utility services. In the imposition of a penalty after a hearing the Administrative Law Judge is not bound by the relief sought by the complainant in paragraph 4 of the attached complaint.



John G. Alford
Secretary

(SEAL)

Certified Mail
Return Receipt Requested



Duquesne Light Company DOCUMENT
FOLDER

Assistant General Counsel

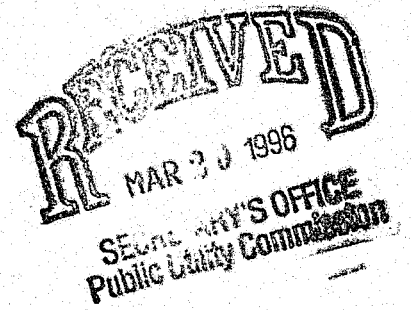
Legal Unit
411 Seventh Avenue
P.O. Box 1930
Pittsburgh, Pennsylvania 15230-1930
Phone: (412) 393-6000
Fax: (412) 393-6645

Writer's DIRECT DIAL Number:
(412) 393-6049

March 20, 1996

Via Overnight Express Delivery Service

John G. Alford, Secretary
Pennsylvania Public Utility Commission
North Office Building, Room G-23
North Street & Commonwealth Avenue
Harrisburg, PA 17105-3265



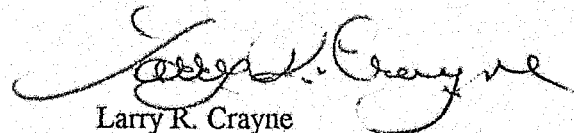
Re: Township of Springdale v. Duquesne Light Company and West Penn Power
Company
Docket No.: C-00967749

Dear Secretary Alford:

Enclosed for filing in the above-referenced matter are an original and two copies of the Answer of Duquesne Light Company. A copy of this Answer has been served upon the Complainant in accordance with Commission rules.

Thank you for your attention to this matter.

Very truly yours,


Larry R. Crayne

LRC/jas:spgdans.doc

Enclosures

c: Stephan Yakopec, Jr., Esquire (w/enclosure)
John L. Muncsh, Esquire (w/enclosure)

a. Admitted in part. Duquesne admits that on or about May 16, 1994, it received a copy of a Petition addressed to West Penn filed by Springdale signed by 258 Springdale residents requesting electric service from West Penn. Duquesne has no information concerning whether or when this Petition was received by West Penn.

b. Admitted in part. Duquesne provides electric service to a number of customers located in Springdale. Duquesne has conducted a thorough review of its billing records concerning the 258 names and addresses appearing on the Petition described in the above paragraph. Duquesne's records indicate that 221, not 258, of its accounts are located in Springdale.

c. Although this allegation constitutes a legal conclusion to which no response is required, Duquesne agrees generally that a public utility has an obligation under the Public Utility Code to provide service upon request from a person or persons located within its certificated service area.

d. Admitted. Duquesne admits that Springdale is physically located within the borders of West Penn's certificated service area. By way of further response, Duquesne submits that it lawfully provides service in Springdale pursuant to Articles of Agreement dated April 16, 1917 between Duquesne and West Penn. These Articles were approved by the Public Utility Commission ("Commission") in a Certificate of Public Convenience dated June 27, 1923.

e. Denied as stated. Duquesne offered to cooperate with West Penn to transfer the Springdale customers from Duquesne to West Penn. To this point, Duquesne has unsuccessfully requested meetings with West Penn to coordinate the transfer of these customers to West Penn.

f. Denied as stated. Duquesne admits that it is engaged with West Penn in a dispute over how to calculate the purchase price of Duquesne's Springdale distribution facilities. This dispute, however, has not "stalelated" the transfer of electric service from Duquesne to West Penn in Springdale. Duquesne submits there is no reason to delay further the transfer of the Springdale customers to West Penn. West Penn has acknowledged Duquesne's willingness to transfer these customers and facilities. Duquesne submits that the determination of the appropriate cost of its assets left stranded as a result of the transfer of these customers is a related but separable issue which can be decided at a later stage in this complaint proceeding.

g. Admitted. Duquesne has not accepted West Penn's offer to acquire Duquesne's distribution facilities at depreciated book value. Duquesne has calculated that the distribution facilities West Penn proposes to purchase have a depreciated cost of \$149,774.00. Duquesne submits that appropriate compensation for the transfer of the Springdale customers should reflect the generation, transmission, and other regulatory asset costs which will become stranded as a result of

the transfer of these customers. West Penn has so far refused to pay such costs.

h. Denied. Duquesne denies that it has failed to provide continuous and adequate electrical service to the residents of Springdale. Duquesne has incurred substantial costs to provide continuous and adequate electrical service to Springdale from 1917 until the current time.

4. This paragraph constitutes a prayer for relief to which no response by Duquesne is necessary.

NEW MATTER.

Pursuant to Section 5.62(a) of the Commission's regulations, 52 Pa. Code 5.62(a), Duquesne alleges the following as New Matter by reason of the presence of common questions of law and fact raised in this Complaint proceeding, and requests relief from the additional respondent in this matter, West Penn. In support of its New Matter, Duquesne respectfully represents the following:

1. On April 16, 1917, Duquesne and West Penn entered into Articles of Agreement ("Articles") for the purpose of consolidating the territories in which each provided public utility service. The Articles provided for the exchange of certain service territories as described in that document. A true and correct copy of the Articles are attached to this New Matter as Exhibit A.

2. In the fifteenth paragraph of the Articles, Duquesne reserved the right to furnish electrical service to coal mining

properties it owned or controlled situated in several Townships, including Springdale.

3. The Articles were filed with the Pennsylvania Public Utility Commission, which issued a Certificate of Public Convenience by Report and Order dated June 27, 1923. A true and correct copy of this Certificate is attached to this New Matter as Exhibit B.

4. Since the 1917 Agreement, and continuing to the present day, Duquesne has provided adequate and continuous electric service to Springdale. To provide this service, Duquesne has undertaken substantial investments in generation, transmission, and distribution plant, with the reasonable expectation of serving the long-term requirements of its Springdale customers. These costs were incurred pursuant to Duquesne's contractual obligation to serve the customers in Springdale, which was approved by the Commission in its June 27, 1923 Certificate of Public Convenience.

5. In 1969, Duquesne sold its interest in the Springdale mining properties identified in Paragraph 15 of the Articles. Duquesne did not, however, cease to provide electrical service to the residents of Springdale. Duquesne has continued to provide electric service to the Springdale area without objection for over twenty-five years.

6. While Duquesne no longer owns the Springdale mining property, its rights under the Articles have not been terminated. Paragraph 15 exempts Springdale from the transfer to West Penn of

Duquesne's service authority within the described territory. This exception was not contingent upon Duquesne's continued ownership of the mining properties. Duquesne's right to continue to provide electric service to its Springdale customers survived Duquesne's sale of its ownership interest in the mining properties.

7. Duquesne has agreed to the transfer of these customers to West Penn. West Penn was notified of Duquesne's position on this transfer in a letter to its counsel in July, 1994.

8. Duquesne has requested West Penn to reimburse the cost of Duquesne's assets used to provide service to the residents of Springdale. Duquesne submits that depreciated cost, or net book cost, is inadequate compensation for the assets which have become stranded by virtue of the transfer of these customers to West Penn. Net book cost is inadequate compensation for the substantial investments Duquesne has undertaken since 1916 to provide service to its Springdale customers.

9. The recovery of stranded costs resulting from retail customers switching utility suppliers is necessary to insure that Duquesne's shareholders and remaining customers are not inequitably impacted and to insure that electric service continues to be provided on an economically efficient basis. Indeed, West Penn supported the "fair non-preferential recoupment of stranded costs" in its testimony submitted for this Commission's Investigation into Electric Power Competition.

Direct Testimony of Jay S. Pifer (on Behalf of West Penn Power

Co.) Before the Pa. P.U.C., Docket No. I-00940032: Investigation into Electric Power Competition (Nov. 6, 1995).

10. The imposition of the stranded costs resulting from the transfer of the Springdale customers upon Duquesne's remaining customers and shareholders would be unjust and unreasonable.

11. The Federal Government has approved the concept of stranded cost recovery by public utilities in the context of the recent deregulation of the gas and electric industries. In 1992, the Federal Energy Regulatory Commission ("FERC") issued Order No. 636, Pipeline Service Obligation and Revisions to Regulations Governing Self-Implementing Transportation Under Part 284 of the Commission's Regulation and Regulation of Natural Gas Pipelines After Partial Well Head Decontrol, III F.E.R.C. Stats. and Regs. ¶ 30, 939 (Apr. 8, 1992), which directed interstate pipelines to restructure their service and unbundle their sales, storage, and transportation services. Order 636 recognizes that pipelines will experience costs as a result of implementing the changes in the FERC's regulations. Order 636 accordingly permits pipelines to recover prudently incurred stranded costs in a general rate filing under Section 4 of the Natural Gas Act. In 1995, the FERC published its Supplemental Notice of Proposed Rulemaking on Recovery and Stranded Costs by Public Utilities and Transmitting Utilities, 60 Fed. Reg. 17689 (Apr. 7, 1995) ("Supplemental NOPR"), which determined that all "legitimate and verifiable" stranded costs incurred by an electric utility in moving to a competitive market should be recoverable. Id. at 17702.

Significantly, the FERC also "holds the strong expectation that states will provide procedures for, and the full recovery of, legitimate and verifiable stranded costs." Id. at 17708.

12. The federal courts directly addressed the issue of stranded costs in the electric power industry in the case of Cajun Electric Power Cooperative, Inc. v. F.E.R.C., 28 F.3d 173 (D.C. Cir. 1994) (hereinafter Cajun). In Cajun the D.C. Circuit remanded the case to the FERC for hearings to determine whether the recovery of stranded investment costs, as permitted in an open access transmission tariff approved by the FERC, was anti-competitive and would preclude mitigation of the market power of the utility requesting the tariff. The court in Cajun argues that regulatory mechanisms for the recovery of stranded costs may in some situations fall into the category of illegal tying arrangements. Cajun, 28 F.3d at 176-78. The FERC, in its Supplemental NOPR, correctly refuses to interpret the Cajun decision as explicitly barring the recovery of stranded costs in all circumstances. This Commission has nevertheless expressed a concern that the FERC's analysis of the Cajun decision does not address in an entirely persuasive manner the Cajun court's attack of stranded costs recovery on antitrust grounds. Comments of the Pennsylvania Public Utility Commission on the FERC's Supplemental Notice of Proposed Rulemaking on Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, pp. 69-70. In the instant case, however, the facts can be distinguished from the facts in Cajun. Duquesne is not tying a charge to former

customers for the use of its Springdale transmission facilities to a separate stranded-cost surcharge; Duquesne is proposing, inter alia, to sell its Springdale facilities in their entirety to West Penn for a price which Duquesne asserts correctly reflects the substantial investment Duquesne has made in those assets over the years.

13. This Commission has permitted gas utilities to recover transition and stranded costs associated with the restructuring of the natural gas industry. The Commission has adopted policy statements concerning the recovery of take-or-pay costs (52 Pa. Code §69.181) and Order 636 transition and stranded costs (52 Pa. Code §69.341) ("The Commission will permit [local distribution companies] the opportunity for the full recovery of Transition costs in the nature of [Gas Supply Realignment] costs and stranded costs through the filing of a tariff or tariff supplement. . . "). See Pennsylvania Public Utility Commission v. UGI Utilities, Inc., Docket No. R-00932927, 1994 Pa. PUC LEXIS 9 (June 30, 1994) (Commission rejects scheme applying exit fees to gas utility bypass customers, but not to customers leaving the system for reasons other than bypass, while acknowledging the need for "market based rates" in potential bypass situations).

14. This Commission has also stated on several occasions its support for the concept of stranded cost recovery in the electric utility industry. In a recent Opinion and Order

published within the context of this Commission's ongoing investigation into electric power competition, this Commission cited the following language of the statement of the Massachusetts Department of Public Utilities:

Responsible policy must provide electric utilities a reasonable opportunity to recover net, non-mitigatable stranded costs during the transition period. . . Such a policy is in the public interest.

Opinion and Order, Investigation into Electric Power Competition, Docket No. I-940032, published at 25 Pennsylvania Bulletin 4283, 4287 (Oct. 7, 1995).

15. This Commission has also expressed its strong agreement with the FERC "that the recovery of legitimate and verifiable stranded costs is critical to the successful transition of the electric utility industry. . ." Comments of the Pennsylvania Public Utility Commission to the FERC's Supplemental NOPR on Recovery of Stranded Costs, Doc. No. RM94-7-001, at p. 66 (Aug 4, 1995). This Commission has also endorsed the FERC's finding that direct assignment of the stranded costs to departing customers is the appropriate method for recovery of such costs. Id. at 70. This Commission has also stated its agreement with the principle espoused by the FERC, that stranded costs should never be borne by the remaining customers or by the utilities shareholders. Id. at 71. Finally, this Commission has also expressed its agreement with the "reasonable expectation" standard adopted by the FERC in its analysis of whether to allow recovery of stranded costs. Id. at 66.

16. Duquesne has been unable to reach an agreement with West Penn on a methodology to calculate an appropriate price that recognizes all of the assets and associated investment costs that will be stranded as a result of the transfer of the Springdale customers to West Penn.

17. Duquesne asserts that West Penn, not the residents of Springdale, is responsible for compensating Duquesne for its stranded costs that result from the transfer of these customers to West Penn.

WHEREFORE, the Duquesne Light Company respectfully requests the Public Utility Commission to:

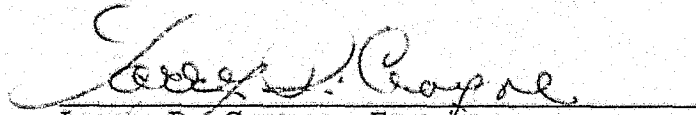
1. Order West Penn to cooperate with Duquesne to accomplish the immediate transfer of the Springdale customers to West Penn;

2. Order West Penn to negotiate in good faith with Duquesne to determine an appropriate price for the generation, transmission and distribution assets which have become stranded as a result of the transfer of the Springdale customers to West Penn;

3. In the event West Penn and Duquesne are unable to reach an agreement on the appropriate price for the stranded assets, schedule an expedited hearing before an Administrative Law Judge on the methodology to be used to determine an appropriate price, and

4. Grant any additional relief that is just and reasonable under the circumstances.

Respectfully submitted,



Larry E. Crayne, Esquire

Duquesne Light Company
411 Seventh Avenue
16th Floor (16-006)
Pittsburgh, PA 15230-1930
(412) 393-6049

Counsel for Duquesne Light Company

Dated: March 20, 1996

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

TOWNSHIP OF SPRINGDALE
Complainant

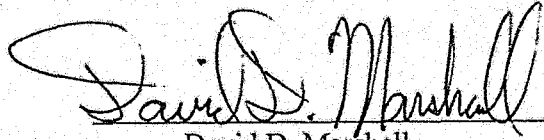
v.

DUQUESNE LIGHT COMPANY, and
WEST PENN POWER COMPANY,
Respondents

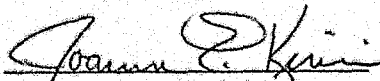
Docket No. C-00967749

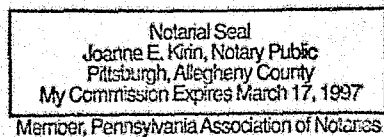
AFFIDAVIT

David D. Marshall, being duly sworn according to law, deposes and says that he is President and Chief Operating Officer, for the Duquesne Light Company, that he is authorized to and makes the affidavit for it, and the facts set forth in the foregoing Answer and New Matter are true and correct to the best of his knowledge, information and belief and he expects the said Duquesne Light Company to be able to prove the same at any hearing hereof.


David D. Marshall

Sworn to and subscribed
before me this 20th day
of March, 1996.


Notary Public



Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

TOWNSHIP OF SPRINGDALE,
Complainant,

v.

DUQUESNE LIGHT COMPANY, and
WEST PENN POWER COMPANY,
Respondents.

Docket No. C-00967749

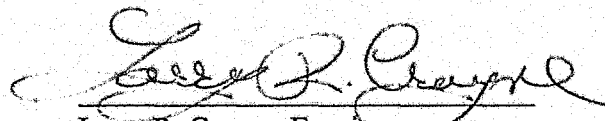
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant) and 52 Pa. Code § 1.55 (relating to service on an attorney):

Stephan Yakopec, Jr., Esquire
Solicitor, Springdale Township
1706 Fifth Avenue
Arnold, PA 15068

John L. Munsch, Esquire
West Penn Power Company
800 Cabin Hill Drive
Greensburg, PA 15601-1689

Dated: March 20, 1996




Larry R. Crayne, Esquire
Assistant General Counsel
Counsel for:
Duquesne Light Company
411 Seventh Avenue, 16-006
Pittsburgh, PA 15230-1930
(412) 393-6049
(412) 393-6645 (FAX)

MICHAEL D. McDOWELL
Counsel

PETER J. DAILEY
Attorney

JOHN L. MUNSCH
Attorney

DAVID L. WILLIAMS
Attorney

 **West Penn Power Company**
Part of the Allegheny Power System

800 Cabin Hill Drive
Greensburg, PA 15601-1689
(412) 837-3000 FAX (412) 838-6177

March 25, 1996

UPS NEXT DAY DELIVERY

John G. Alford, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED
MAR 25 1996

SECRETARY'S OFFICE
Public Utility Commission

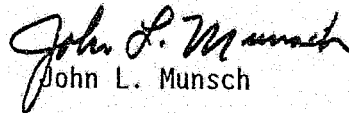
RE: Township of Springdale vs. Duquesne Light Company and
West Penn Power Company
PA Public Utility Commission Docket No. C-00967749

Dear Secretary Alford:

Enclosed please find for filing on behalf of West Penn Power Company in the above-captioned matter an original and two copies of an Answer and New Matter.

Filing hereof is made by overnight express delivery so that the filing date is deemed to be today, March 25, 1996.

Very truly yours,


John L. Munsch

JLM:bb

Enclosure

DOCUMENT
FOLDER

ORIGINAL

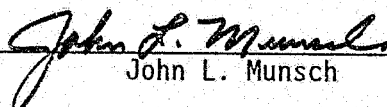
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Answer and New Matter upon the following persons by next-day express delivery:

Stephen Yakopec, Jr., Esquire
1706 Fifth Avenue
Arnold, PA 15068

Larry R. Crayne, Esquire
Duquesne Light Company
Legal Unit
411 Seventh Avenue
PO Box 1930
Pittsburgh, PA 15230-1930

Dated: March 25, 1996



John L. Munsch

incorrect about the number of residents of the Township who would be affected by the transfer. The facts asserted at the close of Paragraph No. 3 about the adequacy or reliability of the electric service of Duquesne Light Company ("Duquesne") are outside of the knowledge of West Penn and are therefore denied.

4. Paragraph No. 4 constitutes a request for relief which need not be admitted or denied.

NEW MATTER

Pursuant to Section 5.62 of the Rules and Regulations of the Pennsylvania Public Utility Commission, 52 Pa. Code §5.62, West Penn hereby submits New Matter.

1-4. West Penn hereby incorporates Paragraphs No. 1 through 4 of its Answer as if fully set forth herein.

5. West Penn received two petitions from residents in the area of Springdale Township stating that they are in West Penn's service area but that they receive electric service from Duquesne. The Petitioners request that West Penn provide their electric service. The first petition contains 202 signatures. A true and correct copy of the first Petition is attached hereto as Exhibit No. 1. The second petition contains 54 signatures and a true and correct copy thereof is attached hereto as Exhibit No. 2. The

6. The Petitioners shown in Exhibits 1 and 2 contend that they are in the service territory of West Penn and, therefore, that West Penn generally has a legal duty to provide them electric service.

7. At Application Docket No. 1360-1917 the Pennsylvania Public Service Commission entered a Report and Order, dated August 15, 1917, approving Articles of Agreement dated April 16, 1917 between West Penn and Duquesne wherein the parties established and clarified their respective service territories. The Articles of Agreement clarify that West Penn would serve the area of the Township of Springdale. However, the Articles of Agreement provide that Duquesne would "have the right to furnish electric current for light, heat and power to coal mining properties now or hereafter owned or controlled by it ... situate in the Townships of Harmar, Springdale, Indiana, East Deer and West Deer and the Borough of Springdale and Cheswick, Allegheny County, Pennsylvania...."

8. Insofar as West Penn is aware, one of the coal mining properties referred to in the Articles of Agreement is the area which is the subject of Springdale Township's Complaint known as Harwick Village. It is West Penn's understanding that Duquesne and/or its affiliates or former affiliates have ceased ownership or "control" of the area known as Harwick Village.

9. West Penn and Duquesne have had a general course of performance whereby customers served by Duquesne in West Penn's service area are transferred to West Penn, upon the customers' request, and the facilities

servicing the customers are transferred by Duquesne to West Penn at a value representing trended original cost minus depreciation.

10. West Penn and Duquesne have communicated concerning the requests of the Township of Springdale residents. Duquesne has identified 221 customer accounts that would be subject to the transfer. However, Duquesne and West Penn have been unable to come to terms over the price to be paid for transfer of the facilities. In general, West Penn is willing to pay a value representing trended original cost minus depreciation. Duquesne, on the other hand, wants to transfer the facilities at a value reflecting a purported burden of stranded generation, transmission and other regulatory asset costs. Duquesne has not been quantified its "stranded asset" value.

11. Recovery of stranded cost is not applicable to Duquesne's transfer of facilities serving Harwick Village. Duquesne's service to Harwick Village was finite in terms of time and was dependent upon factors under the control of Duquesne or its affiliates. Duquesne's investment to serve Harwick Village was made at its own risk.

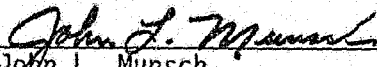
12. West Penn submits that the customers' choice should be a prevailing consideration as between electric service provided by Duquesne or by West Penn.

13. West Penn is prepared and able to provide electric service to Harwick Village upon resolution of this dispute.

13. West Penn is prepared and able to provide electric service to Harwick Village upon resolution of this dispute.

WHEREFORE, West Penn Power Company hereby requests that the Pennsylvania Public Utility Commission (a) determine that West Penn Power Company is the appropriate retail electric supplier to the area known as Harwick Village; (b) direct Duquesne Light Company to transfer affected facilities serving Harwick Village to West Penn Power Company at a value of trended original cost minus depreciation; and (c) grant West Penn Power Company such other relief as is just and reasonable under the circumstances.

Respectfully submitted



John L. Munsch

Attorney for
West Penn Power Company
800 Cabin Hill Drive
Greensburg, PA 15601
(412) 838-6210

TO: West Penn Power

We, the undersigned individuals are residents, taxpayers and/or property owners of the Township of Springdale, Allegheny County, Pennsylvania. Currently, we are served by Duquesne Light Co. We desire to receive electric service from West Penn Power Co. It is our belief that we live within the service territory of West Penn Power Co. under the rules and regulations of the Pa. Public Utility Commission. Under the law, you have the duty to provide us with service. Please take whatever steps are necessary to provide us with service.

NAME

ADDRESS

Anne R Miller Jr
Joanne Kiley
Darryl Winters
Russ J Drake
Jack L Seltz
Scott Mishler
Mary C Teisk.

841 Thompson Run Rd Harwick PA 15046
845 Thompson Run Rd Harwick
851 Thompson, P . . Harwick PA
843 THOMPSON RUN RD HARWICK PA
849 THOMPSON RUN RD Harwick PA
821 THOMPSON RUN RD Harwick
808 Thompson Run Rd Harwick

TO: West Penn Power

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NAME

ADDRESS

<u>M/M CASMER BOCCAR</u>	<u>328 HAMILTON HARWICK PA 15049</u>
<u>M/M Arthur G. Borek</u>	<u>336 Hamilton Harwick PA 15049</u>
<u>M/M John B. Wilcox</u>	<u>324 N. Hamilton St. Harwick 15049</u>
<u>Ann Fortner</u>	<u>316 Hamilton - Harwick Pa 15049</u>
<u>Hilda Suidy</u>	<u>315 North Hamilton Harwick PA</u>
<u>Merton Hock</u>	<u>329 N Hamilton St Harwick, Pa</u>
<u>Mrs. Kathy Beardson</u>	<u>1416 Pillow Ave. Harwick, Pa. 15049</u>
<u>Mr. Joseph A. Beardson</u>	<u>1416 Pillow Ave Harwick Pa 15049</u>
<u>M/M Clement Lepish</u>	<u>211 S. Hamilton Street, Harwick, Pa. 15049</u>
<u>James Chestnuz</u>	<u>205 S. Hamilton Ave</u>
<u>Abel D. D'Amico</u>	<u>220 S Hamilton Ave</u>
<u>North H. Felt</u>	<u>304 Hamilton Ave Harwick, Pa 15049</u>
<u>Sharon M. Mckelie</u>	<u>219 Hamilton, Harwick Pa 15049</u>
<u>Don Schneider</u>	<u>301 Hamilton St. Harwick, Pa. 15049</u>
<u>Michael Sofuhamich</u>	<u>210 South Hamilton Ave Pa 15049</u>
<u>Tammy White</u>	<u>1571 Lantz Rd. Harwick 15049</u>
<u>Ann Mckelie</u>	<u>321 HAMILTON AVE HARWICK 15049</u>

TO: West Penn Power

We, the undersigned individuals are residents, taxpayers and/or property owners of the Township of Springdale, Allegheny County, Pennsylvania. Currently, we are served by Duquesne Light Co. We desire to receive electric service from West Penn Power Co. It is our belief that we live within the service territory of West Penn Power Co. under the rules and regulations of the Pa. Public Utility Commission. Under the law, you have the duty to provide us with service. Please take whatever steps are necessary to provide us with service.

NAME

ADDRESS

Walter Duhn	800 ISOBEL ST
Walter Duhn	800 Isobel St
Charles W. Duhn	800 Isobel St
John Beadling	800 Isobel St.
Theresa Schreckengost	804 Isobel St.
Richard A. Schreckengost	804 Isobel St.
Kirkol P. Bee	808 Isobel St
Deane J. Robinson	808 Isobel St
Harold W. Robinson	808
Tim Mahon	812 Isobel St.
Mrs. Edward E. Mahon	824 Isobel St.
Don Lewis	816 ISOBEL ST.
Donna M. C. Roe	828 Isobel St
TOM CARLIN	901 ISOBEL ST
Robert L. Brown	832 ISOBEL ST Hazwick
Cheryl L. Brown	911 Isobel St.
J. Brown	917 Isobel St

TO: West Penn Power

We, the undersigned individuals are residents, taxpayers and/or property owners of the Township of Springdale, Allegheny County, Pennsylvania. Currently, we are served by Duquesne Light Co. We desire to receive electric service from West Penn Power Co. It is our belief that we live within the service territory of West Penn Power Co. under the rules and regulations of the Pa. Public Utility Commission. Under the law, you have the duty to provide us with service. Please take whatever steps are necessary to provide us with service.

<u>NAME</u>	<u>ADDRESS</u>
<u>Boyer LeDeuseroth</u>	<u>317 Spring St Harwick Pa</u>
<u>Michelle Stent</u>	<u>914 MAIN ST HARWICK PA</u>
<u>Emma Thompson</u>	<u>916 main St. Harwick, Pa 15049</u>
<u>Scott Francis</u>	<u>926 Main St Harwick, Pa 15049</u>
<u>Jennie Meyron</u>	<u>924 Main St Harwick Pa 15049</u>
<u>Sue Francis</u>	<u>926 Main St Harwick Pa 15049</u>
<u>Jim Fogel</u>	<u>924 Main St Harwick 15049</u>
<u>Michael Keuff</u>	<u>914 Main St. Harwick, PA 15049</u>
<u>Alex Stent</u>	<u>914 Main St Harwick PA 15049</u>
<u>Laura Callan</u>	<u>934 Main St. Harwick Pa 15049</u>
<u>Jack Thompson</u>	<u>916 Main St Harwick Pa</u>
<u>Laura Callan</u>	<u>934 MAIN ST HARWICK PA</u>
<u>W.D. Smith</u>	<u>932 MAIN ST Harwick PA</u>
<u>JM Greer & MA</u>	<u>932 Main St Harwick PA 15049</u>

TO: West Penn Power

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NAME

ADDRESS

Jeanne Kesorney	839 Main St.
Rosemarie Strella	835 Main St.
Mary Ann Gallipri	832 Main St.
Anne Raymond	819 Main St.
John McClintock	833 MAIN ST.
Nara Naccarato	813 main St.
Stella Gladowski	821 main St.
Patty Pindilke	812 main St
Helen Krueck	817 Main St
Beth Viala	820 main St.
Deborah Oden	808 Main St.
Karen Sauer	821 main St.
Pat Penn	828 main St
Michael K. SAULA	824 MAIN ST.
Jeff Altmejer	825 MAIN ST
John Keltonhan	800 Main St
Lennie Gladowski	805 main St.

TO: West Penn Power

We, the undersigned individuals are residents, taxpayers and/or property owners of the Township of Springdale, Allegheny County, Pennsylvania. Currently, we are served by Duquesne Light Co. We desire to receive electric service from West Penn Power Co. It is our belief that we live within the service territory of West Penn Power Co. under the rules and regulations of the Pa. Public Utility Commission. Under the law, you have the duty to provide us with service. Please take whatever steps are necessary to provide us with service.

NAME

ADDRESS

Mike Bann	145 Spring St Harwick PA 15049
Margaret Manhart	143 Spring St Harwick Pa 15049
Anna Balogh	127 Spring St. Harwick Pa. 15049
Robert P. Walker III	135 Spring St. Harwick PA. 15049
Cynthia A. Walker	135 Spring St. Harwick PA 15049
Nancy Burton	129 Spring St. " " "
John Leggers	125 SPRING ST " " "
Bob Price	123 Spring St Harwick Pa 15049
Thomas James Petola	110 Spring St HARWICK, PA 15049
Conrad L. DeBalt	121 1/2 Spring St, Harwick, PA 15049
Chris W. Fox	121 1/2 Spring St. Harwick PA 15049
Ed McCall	119 Spring St. Harwick Pa 15049
Milly Rome	117 Spring St. Harwick Pa. 15049
Traci Harper	115 Spring St. Harwick Pa 15049
Roberta Roming	111 Spring St. Harwick Pa 15049
Cyrus Rowley	106 Spring St. Harwick Pa 15049
Bruce L. Kell	1610 Willow Ave. Harwick

TO: West Penn Power

We, the undersigned individuals are residents, taxpayers and/or property owners of the Township of Springdale, Allegheny County, Pennsylvania. Currently, we are served by Duquesne Light Co. We desire to receive electric service from West Penn Power Co. It is our belief that we live within the service territory of West Penn Power Co. under the rules and regulations of the Pa. Public Utility Commission. Under the law, you have the duty to provide us with service. Please take whatever steps are necessary to provide us with service.

<u>NAME</u>	<u>ADDRESS</u>
<u>Mr. Steve Petarra</u>	<u>1224 PILLLOW AVE HARWICK PA 15049</u>
<u>Mr. Mike Marsh</u>	<u>1212 P. HOW AVE HARWICK PA 15049</u>
<u>Mr. & Mrs. Tom Stewart</u>	<u>1216 PILLLOW AVE HARWICK PA 15049</u>
<u>Mr. & Mrs. Rudy Cech</u>	<u>1220 PILLLOW AVE HARWICK PA 15049</u>
<u>Mr. & Mrs. Lawrence E. Egan</u>	<u>1228 PILLLOW AVE HARWICK PA 15049</u>
<u>Mr. & Mrs. Wm. R. Timmon</u>	<u>1232 PILLLOW AVE HARWICK PA 15049-8910</u>
<u>Mr. & Mrs. Floyd L. Hoover</u>	<u>1300 PILLLOW AVE HARWICK PA 15049</u>
<u>Mr. & Mrs. Robert J. ...</u>	<u>1308 PILLLOW AVE HARWICK PA 15049</u>
<u>Mr. & Mrs. Donald Kiphart</u>	<u>1312 PILLLOW AVE HARWICK PA 15049</u>
<u>Mr. & Mrs. August Roginski</u>	<u>1329 PILLLOW AVE HARWICK PA 15049</u>
<u>Mr. & Mrs. Joseph Swanson</u>	<u>1416 PILLLOW AVE HARWICK PA 15049</u>
<u>Mr. & Mrs. Joseph ...</u>	<u>1509 PILLLOW AVE HARWICK PA 15049</u>
<u>Andy ...</u>	<u>1509 PILLLOW AVE HARWICK PA 15049</u>
<u>Janette ...</u>	<u>1422 PILLLOW AVE HARWICK PA 15049</u>
<u>John ...</u>	<u>1409 PILLLOW AVE HARWICK PA 15049</u>
<u>John J. ...</u>	<u>1621 PILLLOW AVE HARWICK PA 15049</u>
<u>Richard J. ...</u>	<u>1621 PILLLOW AVE HARWICK PA 15049</u>

TO: West Penn Power

We, the undersigned individuals are residents, taxpayers and/or property owners of the Township of Springdale, Allegheny County, Pennsylvania. Currently, we are served by Duquesne Light Co. We desire to receive electric service from West Penn Power Co. It is our belief that we live within the service territory of West Penn Power Co. under the rules and regulations of the Pa. Public Utility Commission. Under the law, you have the duty to provide us with service. Please take whatever steps are necessary to provide us with service.

NAME

ADDRESS

<u>Helen Rasdale</u>	<u>225 Spring St Harwick,</u>
<u>Paul Randas</u>	<u>225 Spring St Harwick Pa 15049</u>
<u>Marye Fabritack</u>	<u>234 Spring St Harwick Pa 15049</u>
<u>William Copeland</u>	<u>227 Spring St Harwick 15049</u>
<u>Mabel Copeland</u>	<u>227 Spring St Harwick Pa 15049</u>
<u>Dana Strelles</u>	<u>218 Spring St Harwick Pa 15049</u>
<u>Wendy A. Posner</u>	<u>325 Spring St. Harwick PA 15049</u>
<u>Arleta Pernon</u>	<u>224 Spring St Harwick Pa</u>
<u>Helen Simon</u>	<u>222 Spring St. Harwick, Pa.</u>
<u>Knee Bullick</u>	<u>229 Spring St Harwick Pa 15049</u>
<u>David Herchel</u>	<u>235 Spring St. Harwick Pa 15049</u>
<u>Carol Lampus</u>	<u>237 Spring St. Harwick Pa 15049</u>
<u>Luther Bowman</u>	<u>241 Spring St Harwick Pa 15049</u>
<u>Joe Bowman</u>	<u>243 Spring St Harwick Pa 15049</u>
<u>Dean Bowman</u>	<u>243 Spring St Harwick 15049</u>
<u>Russell Wallace</u>	<u>313 Spring St Harwick 15049</u>
<u>Barbara Deeseuth</u>	<u>317 Spring Street Harwick 15049</u>

TO: West Penn Power

We, the undersigned individuals are residents, taxpayers and/or property owners of the Township of Springdale, Allegheny County, Pennsylvania. Currently, we are served by Duquesne Light Co. We desire to receive electric service from West Penn Power Co. It is our belief that we live within the service territory of West Penn Power Co. under the rules and regulations of the Pa. Public Utility Commission. Under the law, you have the duty to provide us with service. Please take whatever steps are necessary to provide us with service.

<u>NAME</u>	<u>ADDRESS</u>
Kathy A. Bruno	204 Spring St Harwick, Pa. 15049
Tom Bruno	204 Spring St Harwick, 15049
Pam Bruce	206 Spring St Harwick, 15049
J. P. ...	225 Spring St Harwick 15049
Michelle Soble	228 Spring St Harwick 15049
James E. Makara	230 Spring St Harwick 15049
Steve J. Calligan	230 Spring St. " " "
Domini R. ...	233 Spring St " "
Andrew J. ...	226 Spring St " " 15049
Laura J. ...	238 Spring St " " "
Nancy K. Johnson	246 Spring St. " " 15049
Andrew ...	300 Spring St " " "
Elizabeth ...	304 Spring St. " " "
John ...	308 Spring St. " " 15049
Ethel ...	308 Spring St " " 15049
Margaret ...	316 Spring St. " " 15049
Darren ...	214 Spring St. " " "

TO: West Penn Power

We, the undersigned individuals are residents, taxpayers and/or property owners of the Township of Springdale, Allegheny County, Pennsylvania. Currently, we are served by Duquesne Light Co. We desire to receive electric service from West Penn Power Co. It is our belief that we live within the service territory of West Penn Power Co. under the rules and regulations of the Pa. Public Utility Commission. Under the law, you have the duty to provide us with service. Please take whatever steps are necessary to provide us with service.

NAME

ADDRESS

<u>Marianne Mordling</u>	<u>212 Spring St.</u>
<u>Brian E Mordling</u>	<u>212 Spring St.</u>
<u>McDonald W. Aufhaeckle</u>	<u>210 Spring St.</u>
<u>Chilton, Cliff</u>	<u>213 Spring St.</u>
<u>E L Wilson</u>	<u>209 Spring St.</u>
<u>Joseph P. Schelller</u>	<u>211 Spring St.</u>
<u>Jane L. Schelller</u>	<u>211 Spring St.</u>
<u>Mary B. Bazzetti</u>	<u>207 Spring St.</u>
<u>Jim Simon Jr</u>	<u>201 Spring St.</u>
<u>Paula Riggs Jr.</u>	<u>219 Spring St.</u>
<u>Larry P. Riggs Jr.</u>	<u>219 Spring St.</u>
<u>John W. Smith</u>	<u>223 Spring St.</u>
<u>Dale W. Smith</u>	<u>223 Spring St.</u>
<u>Louis Bazzetti</u>	<u>214 Spring St.</u>

10

We, the undersigned property owners on School Street, Harwick, Springdale Township, Pennsylvania, are wrongfully being provided with electricity by the Duquesne Light Company; however, we are located in the West Penn Power Company franchise zone. We respectfully request to be served by the West Penn Power Company for our electrical needs. This would reduce our electric bill to approximately one half the amount we are presently paying. Enclosed is a copy of a map showing that we are legally located out by the Duquesne Light Company franchise zone.

Bernard Kusyagowski 119-131 School St HARWICK, PA.
Louis Magliardi SCHOOL ST HARWICK PA
Betty Moore 207 School St Harwick Pa.
Rosalee Carlucci 200 School St Harwick Pa 15049
Lothie Young 218 School St.
Kim Kemaley 211 School St.
Marilyn Thompson, 217 School St.
Arnie Bretzer, 131 School St.
Edna Davis 666 1914 School Street Harwick PA 15049
Angela Swartz Landlord of 207 School St.

10

We, the undersigned property owners on Pillow Avenue, Harwick, Springdale Township, Pennsylvania, are wrongfully being provided with electricity by the Duquesne Light Company; however, we are located in the West Penn Power Company franchise zone. We respectfully request to be served by the West Penn Power Company for our electrical needs. This would reduce our electric bill to approximately one half the amount we are presently paying. Enclosed is a copy of a map showing that we are legally located out by the Duquesne Light Company franchise zone.

- Paul Zroh ¹⁴⁰⁵ 1407 Pillow Ave Harwick, Pa.
- Lori Day 1600 Pillow Ave Harwick Pa
- Heraldine M. Piazio 1606 Pillow Ave Harwick, PA
- Gene Eddy 1619 Pillow Ave Harwick PA
- Carol Kowaley 1508 Pillow Ave Harwick Pa
- Virginia Albayer 1610 Pillow Ave Harwick, Pa.
- Lynette A. Leitch 1614 Pillow Ave Harwick PA.
- Linda A. Leitch 1616 Pillow Ave Harwick PA.
- Rosanne Cuslock 1620-1622 Pillow Ave Harwick Pa
- Charles Snyder Corner Pillow & School St Harwick Pa.

We, the undersigned property owners on Yutes Run Road, Harwick, Springdale Township, Pennsylvania, are wrongfully being provided with electricity by the Duquesne Light Company; however, we are located in the West Penn Power Company franchise zone. We respectfully request to be served by the West Penn Power Company for our electrical needs. This would reduce our electric bill to approximately one half the amount we are presently paying. Enclosed is a copy of a map showing that we are legally located out by the Duquesne Light Company franchise zone.

- Helena J. Papiela 1120 Yutes Run Rd Harwick
- Dorene Paszkow 1074 Yutes Run Rd Harwick
- Marela J. Cracolin Box No Yutes Run Rd, Harwick
- Victoria Balazik 1064 " " " "
- R. F. Ch. Box Yutes Run Rd, HARWICK
- Henry Paszkow 1084 Yutes Run Rd, HARWICK
- Bonnie Paszkow 1084 Yutes Run Rd, HARWICK
- Verna Czuzniak 1098 Yutes Run Rd, HARWICK
- John A. Cohen 1106 Yutes Run Rd, HARWICK
- Pauline A. Cohen " Yutes Run Rd, HARWICK
- Mary Ann Lewis 1050 Yutes Run Rd, HARWICK
- Jeffrey Paszkow 1084 REAR Yutes Run Rd, HARWICK
- Henry Paszkow 1074 Yutes Run Rd, HARWICK

We, the undersigned property owners on the southern portion of Thompson Run Road, Harwick, Springdale Township, Pennsylvania, are wrongfully being provided with electricity by the Duquesne Light Company; however, we are located in the West Penn Power Company franchise zone. We respectfully request to be served by the West Penn Power Company for our electrical needs. This would reduce our electric bill to approximately one half the amount we are presently paying. Enclosed is a copy of a map showing that we are legally located out by the Duquesne Light Company franchise zone.


- Joseph Glodowski 876 THOMPSON RUN RD. HARWICK, PA.
- Raymond Arch Sr. 854 Thompson St Harwick Pa.
- Raymond Arch Sr. 850 Thompson St Harwick Pa.
- Gene S. Arch 846 Thompson Ln Harwick Pa.
- Fathy Marsh 800 Thompson Run Rd Harwick Pa.
- Walter Glodowski 868 Thompson Run Rd Harwick Pa.
- Paul Zorck 820 Thompson Run Harwick, Pa.
- Paul Zorck 822 Thompson Run Rd.
- Paul Zorck 824 "
- Paul Zorck 826 "
- Paul Zorck 828 "
- Paul Zorck 830 "
- Paul Zorck 832

MICHAEL D. McDOWELL
Counsel

PETER J. DAILEY
Attorney

JOHN L. MUNSCHE
Attorney

DAVID L. WILLIAMS
Attorney

 **West Penn Power Company**
Part of the Allegheny Power System

800 Cabin Hill Drive
Greensburg, PA 15601-1689
(412) 837-3000 FAX (412) 838-6177

April 1, 1996

ORIGINAL

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APR 01 1996

SECRETARY'S OFFICE
Public Utility Commission

UPS NEXT DAY DELIVERY

John G. Alford, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

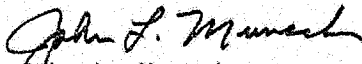
RE: Township of Springdale vs. Duquesne Light Company and
West Penn Power Company
PA Public Utility Commission Docket No. C-00967749

Dear Secretary Alford:

Enclosed please find for filing on behalf of West Penn Power Company in the above-captioned matter an original and two copies of Reply to New Matter.

Filing hereof is made by overnight express delivery so that the filing date is deemed to be today, April 1, 1996.

Very truly yours,


John L. Munsch

JLM:bb

Enclosure

**DOCUMENT
FOLDER**

128

Certificate of Public Convenience and Report and Order was of 1917. It is further denied that Duquesne attached Exhibit B to its New Matter.

4. The averments contained in New Matter Paragraph 4 are admitted in part and denied in part. It is admitted that since the 1917 agreement Duquesne has provided electric service to at least a few customers in the Township of Springdale. The adequacy or nature of Duquesne's service is beyond the knowledge of West Penn and is therefore denied. The averment that Duquesne undertook substantial investments in generation, transmission and distribution with the expectation of serving Springdale customers is denied as it is beyond the knowledge of West Penn and strict proof thereof is requested. It is further denied that such expectation, if any, was reasonable.

5. The averments contained in New Matter Paragraph 5 are beyond the knowledge of West Penn and are therefore denied.

6. The statements contained in New Matter Paragraph 6 need not be admitted nor denied as they constitute legal argument. By way of further answer, if they constitute averments of fact they are denied. West Penn submits that upon Duquesne Light's ceasing to own or control the area in question, the right or duty to serve the area reverted to West Penn, or in the alternative, that the electric service provider is determined by choice of the patrons in question.

7. The averments contained in New Matter Paragraph 7 are denied. Duquesne has not agreed to transfer the customers because it has not offered to sell the affected facilities at a reasonable price or at any quantified price and, therefore, as a practical matter, has blocked the transfer of the customers.

8. The averments contained in New Matter Paragraph 8 are denied as stated. West Penn submits that depreciated trended original cost is adequate compensation for Duquesne's facilities. The allegation that Duquesne has made substantial investments is denied as being beyond the knowledge of West Penn and proof thereof is requested.

9. The averments contained in New Matter Paragraph 9 are denied. It is denied that there will be stranded costs resulting from the transfer to West Penn of Springdale Township customers as well as facilities serving those customers. West Penn denies that the testimony of West Penn President J. S. Pifer in the Commission's Investigation into Electric Power Competition, at Commission Docket No. I-00940032, is true as stated by Duquesne. To the contrary, J. S. Pifer stated that stranded cost-recovery is appropriate and reasonable under very limited situations.

10. The statements contained in New Matter Paragraph 10 need not be admitted nor denied as they constitute conclusions of law.

11. The statements contained in New Matter Paragraph 11 constitute recitation of the contents of public documents which speak for

themselves, therefore the allegations, arguments and positions contained in New Matter Paragraph 11 need not be admitted nor denied.

12. The statements contained in New Matter Paragraph 12 constitute legal arguments and therefore need not be admitted nor denied. By way of further answer, West Penn submits that recovery of stranded investments, if any exist, by Duquesne is inappropriate where the investment was made in an area outside Duquesne's service area. In the alternative, West Penn submits that all Duquesne's arguments concerning reasonableness of recovery of its costs are premature, because Duquesne has not quantified in dollar terms its claimed costs.

13. The statements contained in New Matter Paragraph 13 constitute legal arguments and therefore need not be admitted nor denied. By way of further answer, West Penn submits that recovery of stranded investments, if any exist, by Duquesne is inappropriate where the investment was made in an area outside Duquesne's service area. In the alternative, West Penn submits that all Duquesne's arguments concerning reasonableness of recovery of its costs are premature, because Duquesne has not quantified in dollar terms its claimed costs.

14. The averments contained in New Matter Paragraph 14 constitute legal arguments and therefore need not be admitted nor denied. By way of further answer, West Penn submits that recovery of stranded investments, if any exist, by Duquesne is inappropriate where the investment was made in an area outside Duquesne's service area. In the alternative, West

Penn submits that all Duquesne's arguments concerning reasonableness of recovery of its costs are premature, because Duquesne has not quantified in dollar terms its claimed costs.

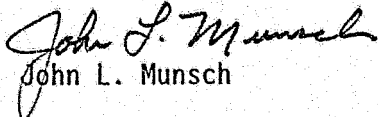
15. The averments contained in New Matter Paragraph 15 constitute legal arguments and therefore need not be admitted nor denied. By way of further answer, West Penn submits that recovery of stranded investments, if any exist, by Duquesne is inappropriate where the investment was made in an area outside Duquesne's service area. In the alternative, West Penn submits that all Duquesne's arguments concerning reasonableness of recovery of its costs are premature, because Duquesne has not quantified in dollar terms its claimed costs.

16. The statements contained in New Matter Paragraph 16 are admitted in part and denied in part. It is denied that Duquesne's attempt to recover "stranded" investment costs is appropriate.

17. The averments contained in New Matter Paragraph 17 are denied. It is denied that any stranded costs are appropriate and reasonable for recovery by Duquesne in this situation. It is denied that any purported stranded costs or other transition costs should be assigned to West Penn. To the contrary, they should be assigned to, or among, the remaining customers of Duquesne, the shareholders of Duquesne, or the departing customers of the Township of Springdale.

WHEREFORE, West Penn Power Company respectfully requests that the Pennsylvania Public Utility Commission a) determine that West Penn Power Company is the appropriate retail electric supplier to the area known as Harwick Village; b) direct Duquesne Light Company to transfer affected facilities serving Harwick Village to West Penn Power Company at a value of trended original cost minus depreciation; and c) grant West Penn Power Company such other relief as is just and reasonable under the circumstances.

Respectfully submitted,


John L. Munsch

Attorney for
West Penn Power Company

800 Cabin Hill Drive
Greensburg, PA 15601
412-838-6210

April 1, 1996

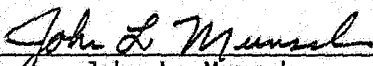
CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Reply to New Matter upon the following persons by next-day express delivery:

Stephen Yakopec, Jr., Esquire
1706 Fifth Avenue
Arnold, PA 15068

Larry R. Crayne, Esquire
Duquesne Light Company
Legal Unit
411 Seventh Avenue
PO Box 1930
Pittsburgh, PA 15230-1930

Dated: April 1, 1996



John L. Munsch



Duquesne Light Company

Legal Unit
411 Seventh Avenue
P.O. Box 1930
Pittsburgh, Pennsylvania 15230-1930
Phone: (412) 393-6000
Fax: (412) 393-6645

Writer's DIRECT DIAL Number:

LARRY R. CRAYNE
Assistant General Counsel

ORIGINAL

(412) 393-6049

April 2, 1996

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PR 2 1996

Via Overnight Express Delivery Service

Mr. John G. Alford, Secretary
Pennsylvania Public Utility Commission
North Office Building, Room G-23
North Street and Commonwealth Avenue
Harrisburg, Pennsylvania 17105-3265

SECRETARY'S OFFICE
Public Utility Commission

Re: Township of Springdale v. Duquesne Light Company and West Penn Power
Docket No. C-00967749

Dear Secretary Alford:

Enclosed for filing are an original and two (2) copies of Exhibits A and B to the New Matter of Duquesne Light Company in the above-referenced proceeding. The Answer and New Matter was originally sent to you under cover letter dated March 20, 1996. Exhibits A and B were unintentionally omitted.

Thank you for your attention to this matter. Contact me if you have any questions.

Very truly yours,

Larry R. Crayne
Assistant General Counsel

LRC/njp:026C

Enclosures

cc: Stephan Yakopec, Jr., Esquire (w/enclosures)
John L. Munsch, Esquire (w/enclosures)

DOCUMENT
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said equipment being as set forth in Bill of Sale to be executed by said Duquesne Light Company to said West Penn Power Company, copy of which is attached hereto and made part hereof, for the consideration of the sum of \$24,748.00 cash to be paid upon delivery of said Bill of Sale, duly executed by said Duquesne Light Company.

5. It is understood and agreed that said agreement of April 16th, 1917 shall remain in full force and effect, except as herein expressly modified.

IN WITNESS WHEREOF, the said parties hereto have caused these presents to be executed by their duly authorized officers hereunto subscribing their corporate names and affixing hereto their corporate seals, duly attested, this 15 day of April, A.D. 1923.

WEST PENN POWER COMPANY

BY

R. M. Cuddy
Vice President

ATTEST:

M. M. Murie
Asst. Secretary

DUCUESNE LIGHT COMPANY

BY

W. H. Thompson

ATTEST:

W. B. [unclear]
Secretary

Handwritten initials

ORIGINAL

STEPHEN YAKOPEC, JR.
ATTORNEY AT LAW

1706 FIFTH AVENUE
ARNOLD, PA 15068
TELEPHONE: (412) 339-3377
FAX: (412) 339-3414

BY APPOINTMENT:
241 KENTUCKY DRIVE
LOWER BURRELL, PA 15068
TELEPHONE: (412) 335-8773

0237

June 5, 1996

John G. Alford, Secretary
Pennsylvania Public Utility Commission
North Office Building, Room G-23
North Street and Commonwealth Avenue
Harrisburg, PA 17105-3265

Re: Township of Springdale vs. Duquesne Light Company
and West Penn Power Company
Docket No. C-00967749

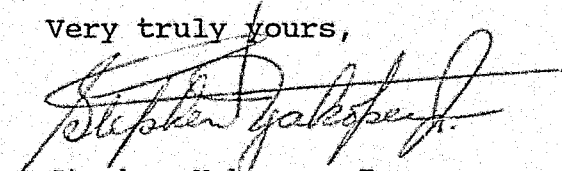
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Dear Secretary Alford:

JLS

Enclosed for filing please find an original and two (2) copies of the response of the Township of Springdale to the New Matter of West Penn Power Company. A copy of this response has been served upon West Penn Power Company. Thank you for your attention to this matter.

Very truly yours,



Stephen Yakopec, Jr.

SYJR/cd

Enclosures

cc: John L. Munsch, Esquire w/enclosures
Larry R. Crayne, Esquire
Administrative Law Judge James D. Porterfield

DOCUMENT
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ORIGINAL

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

TOWNSHIP OF SPRINGDALE,)
)
 Complainant,)
)
 vs.)
)
 DUQUESNE LIGHT COMPANY and)
 WEST PENN POWER COMPANY,)
)
 Respondents.)

Docket No. C-00967749

RESPONSE TO NEW MATTER OF
WEST PENN POWER COMPANY

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Filed on behalf of Complainant:

TOWNSHIP OF SPRINGDALE

Counsel of Record for this
Party:

STEPHEN YAKOPEC, JR., ESQUIRE
1706 Fifth Avenue
Arnold, PA 15068

(412) 339-3377

PA I.D. #41017

000238

DOCKETED
JUN 14 1996

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

TOWNSHIP OF SPRINGDALE,)
)
Complainant,) Docket No. C-00967749
)
vs.)
)
DUQUESNE LIGHT COMPANY and)
WEST PENN POWER COMPANY,)
)
Respondents.)

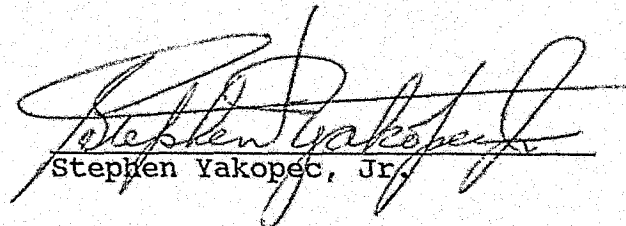
RESPONSE TO NEW MATTER OF WEST PENN POWER COMPANY

AND NOW, comes the complainant, Township of Springdale, and makes the following response to the New Matter of West Penn Power Company.

1. Paragraphs 1 through 14 of West Penn Power's New Matter are directed towards Duquesne Light Company. Therefore, no response is required by the Township of Springdale.

WHEREFORE, the Township of Springdale respectfully requests the Public Utility Commission to resolve the dispute over how to calculate the purchase price of Duquesne Light Company Springdale Township Distribution facilities by West Penn Power Company.

Respectfully submitted,


Stephen Yakopec, Jr.

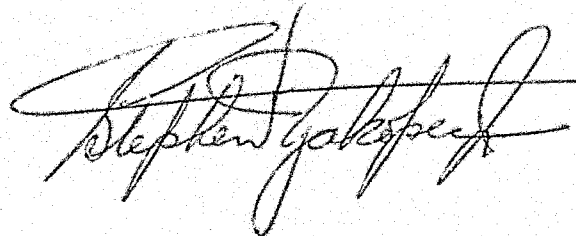
CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Response to New Matter of West Penn Power Company was served on _____, 1996 by first class mail, postage pre-paid, on the following counsel:

Larry R. Crayne, Esquire
Duquesne Light Company
411 Seventh Avenue
P. O. Box 1930
Pittsburgh, PA 15230-1930

John L. Munsch, Esquire
West Penn Power Company
800 Cabin Hill Drive
Greensburg, PA 15601-1689

Administrative Law Judge James D. Porterfield
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

A handwritten signature in cursive script, appearing to read "Stephen G. [unclear]". The signature is written in dark ink and is positioned in the lower right quadrant of the page.

STEPHEN YAKOPEC, JR.
ATTORNEY AT LAW

3705 FIFTH AVENUE
ARNOLD, PA 15068
TELEPHONE: (412) 339-3377
FAX: (412) 339-3414

BY APPOINTMENT:
241 KENTUCKY DRIVE
LOWER BURRILL, PA 15068
TELEPHONE: (412) 335-8773

241

June 5, 1996

The Honorable James D. Porterfield
Administrative Law Judge
Pennsylvania Public Utility Commission
1103 Pittsburgh State Office Building
Pittsburgh, PA 15222

Re: Township of Springdale v. Duquesne Light Company
and West Penn Power Company
No. C-00967749

Dear Judge Porterfield:

Reference is made to the May 31, 1996 Notice of Pre-Hearing Conference in the above captioned case.

The complainant, the Township of Springdale, has claimed that residents currently serviced by Duquesne Light Company request service from West Penn Power Company. Duquesne Light Company and West Penn Power Company are stalemated in the transfer of electric service in the area over a dispute as to how to calculate the purchase price of the distribution facilities of Duquesne Light by West Penn in the certified service area of Springdale Township.

JLS

In Paragraph 10 of West Penn Power Company's Answer, West Penn Power Company admits that "Duquesne and West Penn have been unable to come to terms over the price to be paid for transfer of the facilities."

Paragraph 3f of the Answer of Duquesne Light Company admits that "Duquesne admits that it is engaged with West Penn in a dispute over how to calculate the purchase price of Duquesne's Springdale Distribution facilities."

In Paragraph 3c of its Answer, Duquesne Light "agrees generally that a public utility has an obligation under the public utility code to provide service upon request from a person or persons located within its certified service area."

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JUN 14 1996

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The Honorable James D. Porterfield
June 5, 1996
Page 2

In Paragraph 3d of its Answer, "Duquesne admits that Springdale is physically located within the borders of West Penn's certificated service area."

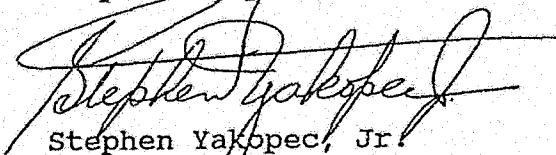
The Answers of both West Penn and Duquesne Light make clear that a dispute exists as to how to calculate the purchase price of the distribution facilities of Duquesne Light Company by West Penn Power Company in Springdale Township. A review of the Answers of Duquesne Light and West Penn Power indicate that West Penn Power is willing to serve these residents of Springdale Township (West Penn Answer Paragraph 13) and that Duquesne Light is willing to transfer these customers and facilities to West Penn (Duquesne Answer Paragraph 3f).

The dispute in this matter is solely over how to calculate the purchase price of the distribution facilities by West Penn Power.

Accordingly, based upon the admissions of the respondents, Springdale Township will have limited participation in these proceedings.

If you have any questions, please feel free to call.

Respectfully submitted,



Stephen Yakopec, Jr.

SYJR/cd

cc: John L. Munsch, Esquire
West Penn Power Company

Larry R. Crayne, Esquire
Assistant General Counsel

John G. Alford, Secretary
Pennsylvania Public Utility Commission

STEPHEN YAKOPEC, JR.
ATTORNEY AT LAW

ORIGINAL

1706 FIFTH AVENUE
ARNOLD, PA 15068
TELEPHONE: (412) 339-3377
FAX: (412) 339-3414

BY APPOINTMENT:
241 KENTUCKY DRIVE
LOWER BURRELL, PA 15068
TELEPHONE: (412) 335-8773

000233

June 5, 1996

John G. Alford, Secretary
Pennsylvania Public Utility Commission
North Office Building, Room G-23
North Street and Commonwealth Avenue
Harrisburg, PA 17105-3265

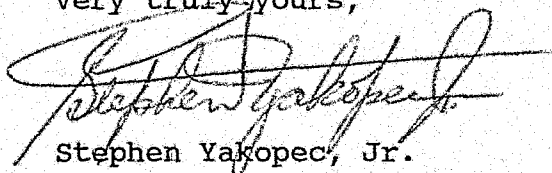
Re: Township of Springdale vs. Duquesne Light Company
and West Penn Power Company
Docket No. C-00967749

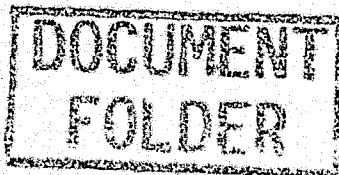
Dear Secretary Alford:

JLS

Enclosed for filing please find an original and two (2) copies of the response of the Township of Springdale to the New Matter of Duquesne Light Company. A copy of this response has been served upon Duquesne Light. Thank you for your attention to this matter.

Very truly yours,


Stephen Yakopec, Jr.



SYJR/cd

Enclosures

cc: John L. Munsch, Esquire w/enclosures
Larry R. Crayne, Esquire
Administrative Law Judge James D. Porterfield

ORIGINAL

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

TOWNSHIP OF SPRINGDALE,)
)
 Complainant,)
)
 vs.)
)
 DUQUESNE LIGHT COMPANY and)
 WEST PENN POWER COMPANY,)
)
 Respondents.)

Docket No. C-00967749

RESPONSE TO NEW MATTER OF
DUQUESNE LIGHT

DOCKETED
JUN 14 1996

Filed on behalf of Complainant:

TOWNSHIP OF SPRINGDALE

Counsel of Record for this
Party:

STEPHEN YAKOPEC, JR., ESQUIRE
1706 Fifth Avenue
Arnold, PA 15068

(412) 339-3377

PA I.D. #41017

**DOCUMENT
FOLDER**

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INFORMATION
JUN 14 1996

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

TOWNSHIP OF SPRINGDALE,)
)
Complainant,) Docket No. C-00967749
)
vs.)
)
DUQUESNE LIGHT COMPANY and)
WEST PENN POWER COMPANY,)
)
Respondents.)

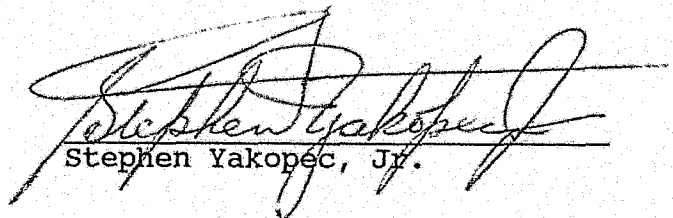
RESPONSE TO NEW MATTER OF DUQUESNE LIGHT

AND NOW, comes the complainant, Township of Springdale, and makes the following response to the New Matter of Duquesne Light Company.

1. Paragraphs 1 through 17 of Duquesne Light's New Matter are directed to West Penn Power Company and not the Township of Springdale. Accordingly, no response is required by the Township of Springdale.

WHEREFORE, the Township of Springdale respectfully requests the Public Utility Commission to resolve the dispute over how to calculate the purchase price of Duquesne Light Company Springdale Township Distribution facilities by West Penn Power Company.

Respectfully submitted,


Stephen Yakopiec, Jr.

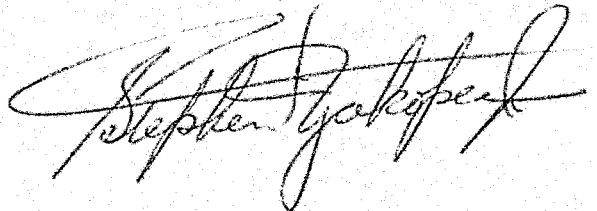
CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing Response to New Matter of Duquesne Light was served on _____, 1996 by first class mail, postage pre-paid, on the following counsel:

Larry R. Crayne, Esquire
Duquesne Light Company
411 Seventh Avenue
P. O. Box 1930
Pittsburgh, PA 15230-1930

John L. Munsch, Esquire
West Penn Power Company
800 Cabin Hill Drive
Greensburg, PA 15601-1689

Administrative Law Judge James D. Porterfield
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222

A handwritten signature in cursive script, appearing to read "Stephen J. Kopeck". The signature is written in dark ink and is positioned in the lower right quadrant of the page.



Duquesne Light Company

Legal Unit
411 Seventh Avenue
P.O. Box 1930
Pittsburgh, Pennsylvania 15230-1930
Phone: (412) 393-6000
Fax: (412) 393-6645

ORIGINAL

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INFORMATION SYSTEMS

Writer's DIRECT DIAL Number: 393-6129

(412) 393-6129

June 18, 1996

Mr. John G. Alford, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
North Office Building
North Street and Commonwealth Avenue
Harrisburg, Pennsylvania 17105-3265

Re: *Township of Springdale v. Duquesne Light Company
and West Penn Power Company*
Pa. P.U.C. Docket No. C-00967749

Dear Secretary Alford:

Enclosed for filing are an original and two copies of my Notice of Appearance in the above-captioned matter.

Very truly yours,

R.S. Herskovitz
Richard S. Herskovitz
Corporate Attorney

JLS

RSH/njp:014C

Enclosures

cc: The Honorable James D. Porterfield
PARTIES OF RECORD

ORIGINAL

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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000116

TOWNSHIP OF SPRINGDALE)

v.)

Docket No. C-00967749

DUQUESNE LIGHT COMPANY)

and)

WEST PENN POWER COMPANY)

NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf of Duquesne Light Company (in addition to Larry R. Crayne). I am authorized to accept service on behalf of Duquesne Light Company in this matter.

On the basis of this Notice, I request a copy of each document hereafter issued by the Commission in this matter.

Dated this 18th day of June, 1996.

Richard S. Herskovitz
Richard S. Herskovitz, Esquire
Corporate Attorney
Duquesne Light Company
411 Seventh Avenue, 16-006
P.O. Box 1930
Pittsburgh, Pennsylvania 15230-1930

RSH/njp:014CX

DOCKETED
JUN 26 1996

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FILED

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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TOWNSHIP OF SPRINGDALE

v.

DUQUESNE LIGHT COMPANY
and
WEST PENN POWER COMPANY

)
)
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)
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Docket No. C-00946104

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Stephen Yakopec, Jr., Esquire
1706 Fifth Avenue
Arnold, Pennsylvania 15068

John L. Munsch, Esquire
West Penn Power Company
800 Cabin Hill Drive
Greensburg, Pennsylvania 15601

Dated this 18th day of June, 1996.

R.S. Herskovitz
Richard S. Herskovitz, Esquire
Corporate Attorney
Duquesne Light Company
411 Seventh Avenue, 16-006
P.O. Box 1930
Pittsburgh, Pennsylvania 15230-1930

RSH/njp:014CXX



Commonwealth of Pennsylvania

Pennsylvania Public Utility Commission
PO Box 3265, Harrisburg, PA 17105-3265

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July 29 1996
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IN REPLY PLEASE
REFER TO OUR FILE

000673

In Re: C-00967749

95 JUL 29 11 4 29

JLS

(See letter dated 5\31\96)

Township of Springdale

v.

Duquesne Light Company and West Penn Power Company

Complainant claims residents currently serviced by Duquesne Light Company are requesting service from West Penn Power Company. Duquesne Light Company and West Penn Power Company are stalemated in the transfer of electric service in the area over a dispute as to how to calculate the purchase price of the distribution facilities of both electric companies certified service area of Springdale Township.

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

- Type: Initial
- Date: Tuesday, December 10, 1996 - 10:00 a.m.
Wednesday, December 11, 1996 - 10:00 a.m.
Thursday, December 12, 1996 - 10:00 a.m.
- Location: 11th Floor Hearing Room
Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, Pennsylvania
- Presiding Officer: Administrative Law Judge James D. Porterfield
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
Telephone: (412) 565-3550

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

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JUL 30 1996
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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.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you have questions about this hearing, please call (717) 787-1388 on or before December 2, 1996.

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 Norma Lewis at the Public Utility Commission:

- Scheduling Office: 717-787-1399
- AT&T Relay Service number for persons who are deaf or hearing impaired: 1-800-654-5988.

pc: Judge Porterfield
Consumer Advocate
Norma Lewis
Janice Zurat, Scheduling Officer
Calendar File
Beth Plantz
Docket Section

ORIGINAL Duquesne Light Company

Legal Unit
411 Seventh Avenue
P.O. Box 1930
Pittsburgh, Pennsylvania 15230-1930
Phone: (412) 393-6000
Fax: (412) 393-6645

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95 JUL 25 11:00
Writer's DIRECT DIAL Number:

(412) 393-6129

July 23, 1996

Mr. John G. Alford, Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
North Office Building
North Street and Commonwealth Avenue
Harrisburg, Pennsylvania 17105-3265

JLS

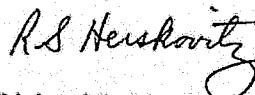
Re: *Township of Springdale v. Duquesne Light Company
and West Penn Power Company*
Pa. P.U.C. Docket No. C-00967749

Dear Secretary Alford:

Enclosed for filing are an original and two copies of the Prehearing Memorandum of Duquesne Light Company.

Thank you.

Very truly yours,



Richard S. Herskovitz
Corporate Attorney

RSH/njp:025C

Enclosures

cc: The Honorable James D. Porterfield
PARTIES OF RECORD

SEARCHED
SERIALIZED
INDEXED
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ORIGINAL

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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TOWNSHIP OF SPRINGDALE)
)
 v.)
)
 DUQUESNE LIGHT COMPANY)
 and)
 WEST PENN POWER COMPANY)

Docket No. C-00967749

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JUL 30 1996

**PREHEARING MEMORANDUM
OF DUQUESNE LIGHT COMPANY**

I. History of the Case

The instant proceeding was initiated by the Township of Springdale ("Township") against Duquesne Light Company ("Duquesne") and West Penn Power Company ("West Penn") by a Complaint filed on February 28, 1996. The Complaint alleges, *inter alia*, that more than 200 residents of the Township who are being served by Duquesne are located within West Penn's certificated service area. These residents now request electric service from West Penn in lieu of Duquesne. The Township requests the Commission to resolve the dispute between West Penn and Duquesne over the purchase price of the facilities to be transferred from Duquesne to West Penn to serve these residents.

In its Answer and New Matter filed on March 20, 1996, Duquesne contends, *inter alia*, that it is willing to transfer the customers and facilities to West Penn without delay, and that the issue of calculating the purchase price of Duquesne's Springdale distribution facilities can be determined at a later stage of the proceeding. Duquesne submits that the appropriate compensation for the transfer of the Springdale customers and facilities should reflect the

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generation, transmission, and other regulatory asset costs which will become stranded as a result of the transfer of these customers.

In its Answer and New Matter, West Penn contends, *inter alia*, that it is willing to pay a value representing trended original cost minus depreciation for the transfer of the facilities.

By Notice dated May 31, 1996, a Prehearing Conference was scheduled on July 25, 1996, before Administrative Law Judge Porterfield. The Notice also advised that a Commission Mediator would be contacted and present by telephone at the time of the conference.

II. Issues

As neither Duquesne nor West Penn object to the transfer of the Springdale customers and facilities as requested by the Township, the primary issue in this proceeding is the compensation due Duquesne for the transfer. As stated above, Duquesne requests recovery of "stranded costs" for the transfer, while West Penn is only willing to pay the value of trended original cost minus depreciation.

III. Preliminary Order

Duquesne has no objection to the issuance of a Preliminary Order directing it to immediately transfer the Springdale customers and facilities to West Penn.

IV. Stay of Remainder of Proceeding

Duquesne has not calculated a final figure as to what it claims is due the Company as stranded costs in this proceeding primarily because the Commission has not yet defined the components of such a calculation. As part of the Commission's Report and Recommendation to the Governor and General Assembly (re: restructuring of the electric industry) issued on July 3, 1996, which resulted from its investigation concerning electric competition at Docket No. I-

00940032, the Commission recommended that all Pennsylvania electric utilities file a tentative restructuring plan by April 1997. These plans are to include the utility's proposal for calculating its stranded costs.

Once Duquesne develops its calculation of stranded costs in compliance with Commission directives, it will be in a position to accurately calculate the costs it seeks as compensation in this proceeding. Until such time as its calculation of stranded costs is fully developed in the restructuring proceeding, any such calculation will be difficult due to the uncertainty involved in the components of the calculation. (For example, at this time it is uncertain as to the number of years to be used in calculating stranded costs.) It is anticipated that the Commission will set guidelines on such variables as the restructuring of the electric industry evolves.

In light of the above, Duquesne requests that the determination of its compensation for the transfer of its customers and facilities to West Penn in this proceeding be stayed until April 1997, at which time Duquesne anticipates that its recovery plan will be developed and filed with the Commission pursuant to the above-referenced Report. No party will be prejudiced by such a delay in this proceeding inasmuch as the actual transfer of the customers and facilities will have already taken place by virtue of the Preliminary Order recommended above. In addition, Duquesne is the only party that will be due any compensation for this transfer, and it is willing to defer the determination and receipt of that amount until next year.

V. Mediation

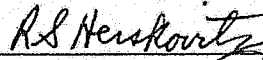
Due to the requested stay of this proceeding and the reasons therefore, Duquesne does not desire mediation at this time.

VI. Conclusion

Based on the foregoing, Duquesne requests issuance of a Preliminary Order directing the immediate transfer of its Springdale customers and facilities to West Penn and a stay until April 1997, of that portion of the proceeding involving the appropriate compensation due Duquesne for the transfer.

Respectfully submitted,

DUQUESNE LIGHT COMPANY
By Counsel:



Richard S. Herskovitz
Corporate Attorney
Duquesne Light Company
411 Seventh Avenue, 16-006
P.O. Box 1930
Pittsburgh, PA 15230-1930
412/393-6129
412/393-6645 (FAX)

RSH/njp:025CX

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

TOWNSHIP OF SPRINGDALE)

v.)

DUQUESNE LIGHT COMPANY)

and)

WEST PENN POWER COMPANY)

Docket No. C-00967749


CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Stephen Yakopec, Jr., Esquire
1706 Fifth Avenue
Arnold, Pennsylvania 15068

John L. Munsch, Esquire
West Penn Power Company
800 Cabin Hill Drive
Greensburg, Pennsylvania 15601

Dated this 23rd day of July, 1996.



Richard S. Herskovitz, Esquire
Corporate Attorney
Duquesne Light Company
411 Seventh Avenue, 16-006
P.O. Box 1930
Pittsburgh, Pennsylvania 15230-1930

RSH/njp:025CXX

APPEARANCE SHEET

ALJ HEARING REPORT

Docket No. C-00967749

Case Name Township of Springdale

v.

Duquesne Light Company and

West Penn Power Company

Location Pittsburgh

Date July 25, 1996

ALJ Porterfield

Reporting Firm KERNER

CHECK THOSE BLOCKS WHICH APPLY:

Prehearing held	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Hearing held	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Testimony taken	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Transcript due	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Hearing concluded	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Further hearing needed	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Estimated add'l days	<u>2</u>	
	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

DATE _____

Briefs to be Filed

DATE _____

BENCH DECISION

YES NO

DOCKETED

AUG 01 1996



DOCUMENT FOLDER

REMARKS: Please schedule for hearing, December 10, 11, & 12, 1996

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
PLEASE PRINT CLEARLY
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS	APPEARING FOR
<u>John L. Munsch</u> Telephone No. _____	<u>800 Cabin Hill Dr</u> City <u>Greensburg</u> State <u>PA</u> Zip <u>15601</u>	<u>West Penn Power Co.</u>
<u>RICHARD S. HERSKOVITZ</u> Telephone No. <u>(412) 393-6129</u>	<u>411 SEVENTH AVE., 16-006</u> <u>P.O. BOX 1930</u> City <u>PGH.</u> State <u>PA</u> Zip <u>15230-1930</u>	<u>Duquesne Light Co.</u>
<u>STEPHEN YAKOPEC JR.</u> Telephone No. <u>(412) 339-3377</u>	<u>1706 5TH AVE</u> City <u>ARNOLD</u> State <u>PA</u> Zip <u>15068</u>	<u>SPRINGDALE TWP.</u>

INFO CONTROL
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CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

REPORTER