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COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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

Initial telephone post-hearing conference. :  
----- X

Pages 276 through 283 State Office Building  
300 Liberty Avenue  
Pittsburgh, Pennsylvania 15222

Friday, June 12, 1998

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

JAMES D. PORTERFIELD, Administrative Law Judge

APPEARANCES:

STEPHEN YAKOPEC, JR., Esquire  
1706 5th Avenue  
Arnold, Pennsylvania 15068  
(For the Township of Springdale)

RICHARD S. HERSKOVITZ, Esquire  
Seventh Avenue 16-066  
Pittsburgh, Pennsylvania 15230  
(For Duquesne Light Company)

**DOCKETED**

JUN 29 1998

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KEENAN REPORTING SERVICE  
Barbara A. Spin  
87 South Grant Street  
Manheim, Pennsylvania 17545

SECRETARY'S BUREAU

JUN 29 1998 PM 2:41

(Handwritten initials)

RECORDED

APPEARANCES (Continued):

DAVID L. WILLIAMS, Esquire  
800 Cabin Hill Drive  
Greensburg, Pennsylvania 15601  
(For West Penn Power Company)

C O N T E N T SWITNESSESDIRECT CROSS REDIRECT RECROSS

(No witnesses called.)

E X H I B I T SNUMBERSFOR IDENTIFICATION IN EVIDENCE

(No exhibits offered.)

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P R O C E E D I N G S

10:15 a.m.

ADMINISTRATIVE LAW JUDGE JAMES D. PORTERFIELD:

1  
2  
3  
4 Good morning. I am Administrative Law Judge James  
5 Porterfield. Pursuant to notice to the parties on May  
6 27th, 1998, a post-hearing telephone conference was  
7 scheduled in the matter of the Township of Springdale  
8 versus Duquesne Light Company and West Penn Power Company  
9 at Docket C-00967749. It being June the 12th, 1998, at  
10 now approximately 10:15, it is the date and time for the  
11 scheduled telephonic hearing.

12 The subject proceeding has been briefed, and at the  
13 request of Complainant's counsel, Mr. Yakopec who has  
14 entered an appearance this morning on behalf of the  
15 Complainant and township, the matter has been stayed after  
16 the completion of the briefing in view of the apparent  
17 then pending merger of Duquesne Light Company and West  
18 Penn Power Company.

19 The terminology may not be exact inasmuch as we are  
20 dealing with Allegheny Power, DLE and holding companies  
21 and so forth, but basically there is a pending merger in  
22 the background and it was uncertain just how that merger  
23 may impact the resolution of this case or anything that I  
24 might initially decide in the matter.

25 In any case, there was a stay put on the proceeding

1 at Mr. Yakopec's request, and there were periodic reports  
2 from counsel regarding the status of the merger.

3           This morning, as I indicated at the outset, I would  
4 like to see this case move along and I did not see how the  
5 township would be prejudiced by any decision I might make  
6 initially regardless of the outcome of the pending merger  
7 proceeding which, as Mr. Herskovitz, who has entered an  
8 appearance this morning on behalf of Duquesne Light  
9 Company, has indicated, it is certainly not for him a lead  
10 pipe cinch.

11           My impression from the media is that there are  
12 still -- nobody knows where the merger is at this point is  
13 what it amounts to, the status of the merger.

14           Mr. Yakopec raised the question during our  
15 discussions before going on the record whether settlement  
16 might be a more acceptable method of resolving this matter  
17 if the merger went through.

18           This morning, David L. Williams, by the way, has  
19 entered an appearance on behalf of Allegheny Power or West  
20 Penn Power Company. The consensus seemed to be that  
21 because of the very speculative nature of the merger  
22 proceeding at this point, it was just not possible to  
23 address whether or not a settlement might be a more  
24 acceptable method of resolving this matter in the event  
25 that the merger were consummated.

1           One of the other items that arose in our discussion  
2 before going on the record was that I asked counsel their  
3 impression regarding any need to supplement the briefs  
4 that have been filed in this matter, and there was no  
5 desire to do that.

6           However, Mr. Herskovitz, on behalf of Duquesne  
7 Light Company, indicated that in view of the Commission's  
8 treatment of the restructuring and merger proceedings, he  
9 desired 30 days to submit a recalculation of the stranded  
10 costs matters involved in this case, that is that a  
11 different methodology would be applied.

12           Mr. Williams indicated that he would wish to  
13 reserve an additional 30 days after that submission by  
14 Duquesne Light to have Allegheny Power's personnel review  
15 the calculation to see if there was any response to it.

16           At this time I would invite counsel, if you have  
17 anything to add, anything that you want to put on the  
18 record or make clear or correct anything that I may have  
19 misrepresented as to what we did before going on the  
20 record, to please do that.

21           Mr. Yakopec?

22           MR. YAKOPEC: Nothing, Your Honor.

23           JUDGE PORTERFIELD: Mr. Herskovitz?

24           MR. HERSKOVITZ: I have nothing, Your Honor.

25           JUDGE PORTERFIELD: Mr. Williams?

1 MR. WILLIAMS: Nothing further, Your Honor, except  
2 to say that as far as we are concerned, this proceeding  
3 rests on the facts. Subject to Mr. Herskovitz's revised  
4 stranded costs and Mr. Munsch's reply thereto, the case is  
5 ripe for decision.

6 JUDGE PORTERFIELD: Mr. Herskovitz, I will expect  
7 that -- unless I hear otherwise from you, I will expect  
8 that sometime on or before July 12th, approximately 30  
9 days from today, and similarly Mr. Munsch's reply, if he  
10 has any, on or before August 12th, 1998.

11 If there is nothing else, we will adjourn the  
12 hearing at this time.

13 MR. HERSKOVITZ: Excuse me, Your Honor. You were  
14 breaking up a little bit. When you were saying the due  
15 dates, were you saying July 12th for...

16 JUDGE PORTERFIELD: Yes, July 12th, give or take a  
17 day, and August 12th for West Penn Power's reply or  
18 response.

19 MR. HERSKOVITZ: Will there be any order issued as  
20 a result of this?

21 JUDGE PORTERFIELD: I don't intend to issue an  
22 order, no.

23 MR. HERSKOVITZ: Okay.

24 JUDGE PORTERFIELD: If there is nothing else, we  
25 will conclude this morning's conference, and I thank you,

1 gentlemen for your cooperation and participation.

2 Good day to you all.

3 (Whereupon, at 10:25 a.m., the hearing was

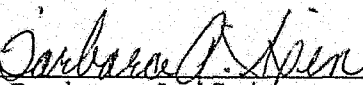
4 adjourned.)

C E R T I F I C A T E

1  
2 I hereby certify, as the stenographic  
3 reporter, that the foregoing proceedings were reported by  
4 me and thereafter reduced to typewriting by me or under my  
5 direction; and that this transcript is a true and accurate  
6 record to the best of my ability.

7 KEENAN REPORTING COMPANY

8 BY:

  
Barbara A. Spina