

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

Entered: March 21, 2002

CASE NO. 01-1495-E-PC

MONONGAHELA POWER COMPANY and
THE POTOMAC EDISON COMPANY, both
doing business as ALLEGHENY POWER.

Petition for consent and approval of
revisions to the previous customer
requirements for electric service.

RECOMMENDED DECISION

On October 31, 2001, Monongahela Power Company and The Potomac Edison Company, both doing business as Allegheny Power, public utility corporations, filed a petition seeking Public Service Commission approval and acceptance of their new proposed Customer Requirements for Electric Service under Rule 8.4.1 of the Commission's Rules and Regulations for the Government of Electric Utilities (Electric Rules).

On November 26, 2001, Commission Staff filed its Initial Joint Staff Memorandum in this matter. Staff stated that it was developing a data request to be sent to the Companies, and was continuing with its investigation. In light of these developments, Staff suggested that the Companies refrain from printing the new booklet until an Order has been entered in this proceeding. Staff stated that a final recommendation would be filed upon completion of its investigation.

By a Commission Referral Order entered December 5, 2001, this matter was referred to the Division of Administrative Law Judges for further proceedings with a decision due date of May 29, 2002.

On February 21, 2002, a Procedural Order was entered which scheduled the matter for hearing to be held on March 20, 2002, in Charleston, West Virginia.

On March 15, 2002, Commission Staff filed its Final Joint Staff Memorandum in this matter. Staff stated that the parties had negotiated a complete settlement of the dispute underlying this matter. An unsigned copy of a Joint Stipulation and Agreement for Settlement was attached to the Staff filing. Staff stated further that the parties were also in agreement that the hearing scheduled for March 20, 2002, was no longer required and should be cancelled.

By a Procedural Order entered on March 18, 2002, the hearing previously scheduled to be held on March 20, 2002, was cancelled, pending entry of a recommended decision in this matter.

Later, on March 18, 2002, the parties filed the actual formal Joint Stipulation and Agreement for

Settlement, duly executed by the Staff Attorney and by counsel for the Petitioners, Monongahela Power Company and The Potomac Edison Company and attached hereto as Appendix A. The agreement set out the revisions to the original document in detail and specifically resolved all differences between the parties.

Consequently, the petition filed in this matter on October 31, 2001, shall be granted and the proposed Customer Requirements for Electric Service, as revised, shall be approved for publication and use by the Petitioners.

FINDINGS OF FACT

1. On October 31, 2001, Monongahela Power Company and The Potomac Edison Company, both doing business as Allegheny Power, public utility corporations, filed a petition seeking Public Service Commission approval and acceptance of their new proposed Customer Requirements for Electric Service under Rule 8.4.1 of the Commission's Rules and Regulations for the Government of Electric Utilities. (See, petition filed October 31, 2001).

2. Pursuant to an extensive Staff review of the proposed Customer Requirements for Electric Service and negotiations between the parties, a formal Joint Stipulation and Agreement for Settlement which made several revisions and corrections in the original proposed Customer Requirements was executed by the parties and filed in this matter on March 18, 2002. (See, Final Joint Staff Memorandum filed March 15, 2002; Joint Stipulation and Agreement for Settlement filed March 18, 2002).

3. The Joint Stipulation and Agreement for Settlement negotiated between the parties addresses all substantive issues raised by Commission Staff in this matter, represents a complete settlement of the issues underlying this petition and is reasonable and in the public interest. (See, Final Joint Staff Memorandum filed March 15, 2002; Joint Stipulation and Agreement for Settlement filed March 18, 2002).

CONCLUSION OF LAW

Under the facts and circumstances of this case and the recommendation of Commission Staff, it is reasonable to accept and approve the Joint Stipulation and Agreement for Settlement filed herein, and to approve the Customer Service Requirements for Electric Service filed on October 31, 2001, as revised, for use, publication and distribution by the Petitioners, to be effective on and after the date this Recommended Decision becomes a final order of the Commission.

ORDER

IT IS, THEREFORE, ORDERED that the proposed Customer Requirements for Electric Service submitted for Commission approval on October 31, 2001, by Monongahela Power Company, doing business as Allegheny Power, shall be approved, as revised herein, for use, publication and distribution by the

Petitioners for all service rendered on and after the date this Recommended Decision becomes a final order of the Commission.

IT IS FURTHER ORDERED that the Joint Stipulation and Agreement for Settlement filed in this matter on March 18, 2002, and attached hereto as Appendix A, shall be adopted in settlement of the issues underlying this petition and made binding on the parties, and further, this matter should be

removed from the Commission's docket of open cases.

IT IS FURTHER ORDERED that the Commission's Executive Secretary serve a copy of this Order upon all parties to this proceeding by United States Certified Mail, return receipt requested, and upon Commission Staff by hand delivery.

Thomas N. Trent
Administrative Law Judge

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[Attachment A](#)