

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, Pennsylvania 17105-3265

**Petition of Pike County Light & Power
Company for Expedited Approval of
its Default Service Implementation
Plan**

**Public Meeting held February 5, 2009
C-0003**

Docket No. P-2008-2044561

STATEMENT OF VICE CHAIRMAN TYRONE J. CHRISTY

This case involving the Joint Petition for Approval of Settlement Agreement (Settlement) of the default service implementation plan filed by Pike County Light & Power Company (PCL&P) is unique in two respects. First, it is the first default service case to come before the Commission for decision since the enactment of Act 129 of 2008. Second, PCL&P is unique among Pennsylvania electric distribution companies (EDCs) due to its small size, the rate shock that its customers have experienced when their rate caps expired in 2006, and its position as the only EDC in Pennsylvania that is served by the New York wholesale energy market.

The convergence of these factors, in conjunction with the filing of the unanimous Settlement of PCL&P's default service plan, raises issues that lie beyond the four corners of the Settlement, which I believe is a reasonable proposal and which I support. My concerns lie in another direction. This case will be the first time that the Commission has commented officially on the fundamental changes to EDC procurement plans that are required by Act 129. My concern is that our action today may appear to avoid giving full force and effect to the requirements of Act 129, and that parties in future cases may attempt to use the order we adopt today as precedent in their efforts to dilute the requirements of the Act.

I would like to correct any such false impression that our approval of this Settlement may create. For the various reasons stated above, this is a unique case and should not be interpreted as creating precedent that can be relied upon with respect to the interpretation of Act 129. In that regard, I would like to highlight and emphasize the following provision of the Settlement:

The parties recognize that PCL&P's circumstances make it a unique EDC in Pennsylvania and, therefore, do not intend that this Joint Petition serve as precedent in any other proceeding, except to the extent required to implement the Settlement Agreement.

Settlement Agreement at 9, ¶ 27. We similarly do not intend that this Joint Petition serve as precedent in any other proceeding. In my view, this provision is key to the order we are adopting today.

DATE

TYRONE J. CHRISTY, VICE CHAIRMAN