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May 7, 2009

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Implementation of Act 129 of 2008 Phase 4 – Relating to the Alternative Energy Portfolio Standards Act; Docket No. M-2009-2093383;

Comments of West Penn Power Company d/b/a Allegheny Power

Dear Secretary McNulty:

West Penn Power Company d/b/a Allegheny Power (“Allegheny Power”) offers brief Comments in response to the Tentative Order of the Pennsylvania Public Utility Commission entered April 17, 2009 at the above-captioned docket.

Allegheny Power suggests that the Commission consider the calculations on page eight of the Tentative Order regarding quarterly measurements for Tier I megawatt-hour (“MWh”) sales and ensure that the calculations are completed at a consistent service level (generation level versus premise level). In particular, if the 132,000 MWh numerator figure is measured at the generator level, then the denominator figure, 4,130,750, also should be at the generator level so as not to overstate the new percentage of Tier I requirement for the distribution companies. Moreover, the 4,130,750 figure would need to be grossed up by line losses at the transmission and distribution levels. If average line losses are 7.5 percent, then the new denominator would be 4,439,750 and the resulting percentage would be 0.02973 instead of 0.032.

Pages four and five of the Tentative Order should also be clarified to state that if either of the two resources (qualifying low impact hydro and qualifying bio mass) is certified as a Tier I resource under Act 129 then that resource can no longer be considered a Tier II resource.

Sincerely,


John L. Munsch
Attorney

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