

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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Consumer Advocate

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July 7, 2009

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

RE: Petition of West Penn Power Company d/b/a Allegheny Power for Approval of its Energy Efficiency and Conservation Plan, Approval of Recovery Costs through a Reconcilable Adjustment Clause and Approval of Matters Relating to the Energy Efficiency and Conservation Plan
Docket No. M-2009-2093218

Dear Secretary McNulty:

Enclosed for filing is the Notice of Intervention and Public Statement of the Office of Consumer Advocate, in the above-referenced proceeding.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Christy M. Appleby".

Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824

Enclosures

cc: Chief Administrative Law Judge
Office of Special Assistants

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

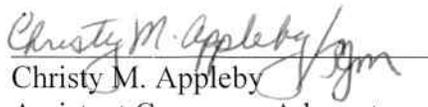
Petition of West Penn Power Company	:	
d/b/a Allegheny Power for Approval of its	:	
Energy Efficiency and Conservation Plan,	:	Docket No. M-2009-2093218
Approval of Recovery of Costs through a	:	
Reconcilable Adjustment Clause and	:	
Approval of Matters Relating to the Energy	:	
Efficiency and Conservation Plan	:	

NOTICE OF INTERVENTION

Pursuant to 52 Pa. Code Sections 5.71-74, the Office of Consumer Advocate hereby gives Notice of Intervention in the above-captioned proceeding. A copy of all correspondence and notices, documents, orders or other communications with respect to the above-captioned proceeding should be addressed to the following:

Tanya J. McCloskey
Senior Assistant Consumer Advocate
PA Attorney I.D. # 50044
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Christy M. Appleby
Assistant Consumer Advocate
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E-Mail: CApplby@paoca.org
Office of Consumer Advocate
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Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152

Respectfully Submitted,


Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824
E-Mail: CApplby@paoca.org

DATE: July 7, 2009

PUBLIC STATEMENT OF THE
OFFICE OF CONSUMER ADVOCATE
PURSUANT TO 71 P.S. SECTION 309-4(e)

Act 161 of the General Assembly, 71 P.S. § 309-2, as enacted July 9, 1976, authorizes the Consumer Advocate to represent the interests of consumers before the Pennsylvania Public Utility Commission (PUC or Commission). In accordance with Act 161, and for the following reasons, the Consumer Advocate to Intervene in the Petition of West Penn Power Company d/b/a Allegheny Power for Approval of its Energy Efficiency and Conservation Plan, Approval of Recovery of Costs through a Reconcilable Adjustment Clause and Approval of Matters Relating to the Energy Efficiency and Conservation Plan at Docket No. M-2009-2093218.

On July 1, 2009, Allegheny Power Company (Allegheny Power or the Company) filed its Petition and Energy Efficiency and Conservation (EE&C) Plan with the Pennsylvania Public Utility Commission (Commission) pursuant to Section 2806.1 of the Public Utility Code, 66 Pa. C.S. § 2806.1, and pursuant to the Implementation Order entered by the Commission on January 16, 2009, at Docket No. M-2008-2069887. Petition at 1. Allegheny Power requests in the Petition that the Commission approve the Company's proposed EE&C Plan, including cost recovery via the reconcilable surcharge for "reasonable and prudent" costs for the EE&C Plan. Id. The Company's Plan proposes to address the requirements of Act 129 through the implementation of twenty-two (22) programs for residential, commercial, industrial, and governmental/non-profit customers. Petition at 3. Allegheny Power has proposed residential programs including: (1) Residential Energy Star and High Efficiency Appliance Program; (2) Compact Fluorescent Lighting (CFL) Rewards Program; (3) Residential HVAC Efficiency Program; (4) Residential Home Performance Program; (5) Residential Low-Income Home Performance Check-up Audit and Appliance Replacement Program; (6) Residential Low-Income

Joint Utility Usage Management Program; (7) Residential Low-Income Room Air Conditioner Replacement Measure; and (8) Programmable Thermostat Program. Petition at 3-7. The Company has also proposed several new residential rates including: (1) Residential Efficiency Rewards Rate; (2) Pay Ahead Service Rate; (3) Critical Peak Rebate Rate; (4) Time of Use with Critical Peak Pricing Rate; and (5) Hourly Pricing Option Rate. Petition at 5-8.

The Consumer Advocate determined to intervene in this proceeding to protect the interests of Allegheny Power's customers; to ensure that the proposed EE&C Plan and the proposed programs are in accordance with Act 129 and all other applicable statutes, regulations and case law; and to ensure that any increase in rates resulting from the adoption of the proposed programs and any related expenses are just and reasonable.

The OCA intends to review several areas of Allegheny Power's proposed plan including the design of the proposed programs; the cost effectiveness of the proposed programs and plan; and the Company's proposed cost recovery mechanisms. The OCA will seek to ensure that any costs that are sought to be recovered are consistent with Commission regulations, statutes and applicable case law and result in rates that are just and reasonable.

CERTIFICATE OF SERVICE

Petition of West Penn Power :
Company d/b/a Allegheny Power for :
Approval of its Energy Efficiency :
and Conservation Plan, Approval of : Docket No. M-2009-2093218
Recovery Costs through a Reconcilable :
Adjustment Clause and Approval of :
Matters Relating to the Energy :
Efficiency and Conservation Plan :

I hereby certify that I have this day served a true copy of the foregoing document, Notice of Intervention and Public Statement of the Office of Consumer Advocate, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 7th day of July 2009.

SERVICE BY E-MAIL and INTEROFFICE MAIL

Johnnie E. Simms, Esquire
Office of Trial Staff
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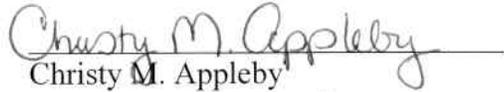
SERVICE BY E-MAIL and FIRST CLASS MAIL

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