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Attorneys and Counsellors at Law

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July 28, 2009

EFILE

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P. O. Box 3265
Harrisburg, PA 17105-3265

In re: Docket No. M-2009-2093218
Petition of West Penn Power Company dba Allegheny Power

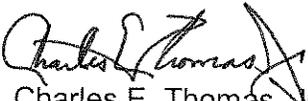
Dear Secretary McNulty:

Enclosed for filing on behalf of The Pennsylvania State University is its original Petition to Intervene in the above matter. Copies of the Petition to Intervene are being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, LONG, NIESEN & KENNARD

By


Charles E. Thomas, Jr.

Encl.

cc: Certificate of Service (w/encl.)
Robert E. Cooper, P.E. (w/encl.)

090728-McNulty (Petition to Intervene).wpd

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of the West Penn Power : Docket No. M-2009-2093218
Company dba Allegheny Power for :
Approval of its Energy Efficiency :
and Conservation Plan :**

**PETITION TO INTERVENE OF
THE PENNSYLVANIA STATE UNIVERSITY**

AND NOW, comes The Pennsylvania State University ("Penn State" or "University"), by its attorneys, and, pursuant to 52 Pa. Code § 5.71, *et seq.*, petitions to intervene in the above captioned proceeding. In support of its intervention, Penn State submits as follows:

I. INTRODUCTION

1. This proceeding concerns the Energy Efficiency and Conservation Plan filed by West Penn Power Company dba Allegheny Power ("Allegheny") and dated June 30, 2009.

2. Penn State's address for the purpose of this proceeding is:

Office of Physical Plant
The Pennsylvania State University
Room 208 Physical Plant Building
University Park, PA 16802-1118

Attn: Robert E. Cooper, P.E.
Director, Energy and Engineering

3. The names, postal addresses, voice and fax numbers and email addresses of Penn State's attorneys are:

Charles E. Thomas, Jr., Esquire
PA ID 07262
Thomas T. Niesen, Esquire
PA ID 31379
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PENN STATE'S INTEREST IN THE PROCEEDING

4. On or about June 30, 2009, Allegheny filed its Energy Efficiency and Conservation Plan ("EE&C Plan") with the Public Utility Commission ("Commission"). The EE&C Plan was accompanied by a Petition asking that the Commission approve the EE&C Plan and related requests, including the recovery via a reconcilable surcharge of reasonable and prudent costs for providing and managing the EE&C Plan.

5. Penn State is a major generation, transmission and distribution service customer of Allegheny at its University Park campus receiving service through Allegheny PA Retail Tariff 37. In 2008, the University received 305,449,972 Kwh of electric energy from Allegheny at the University Park campus and paid Allegheny \$15,305,251 for generation, transmission and distribution service.¹

¹ The University also receives generation, transmission and distribution service from Allegheny under rate schedules other than PA Retail 37 for approximately 100 additional accounts at the University Park campus and campuses at New Kensington, Fayette and Mont Alto. In 2008, the University received 36,832,132 Kwh of electric energy from Allegheny and paid Allegheny \$2,265,441 for generation, transmission and distribution service through these other accounts.

GROUNDS FOR PENN STATE'S INTERVENTION

6. Allegheny's EE&C Plan includes proposed energy efficiency and conservation plan services for the University's University Park campus under PA Retail Tariff 37 as well as proposed energy efficiency and conservation plan services for all other Allegheny customers under Tariff 39. The cost recovery surcharge mechanism proposed by Allegheny as part of its EE&C Plan anticipates an Allegheny monthly service to the University of \$17,725.29, or approximately \$210,000 annually, under Tariff 37.

7. Penn State has obvious grounds to intervene in this proceeding to address the proposed EE&C Plan, the proposed surcharge mechanism and the allocation of EE&C Plan costs to and the recovery of EE&C Plan costs from Tariff 37. The University will be directly affected by the outcome of this proceeding. As the only customer served under Allegheny's Tariff 37, Penn State's interest is not adequately represented by any other potential participant and it may be bound by the action of the Commission.

PENN STATE'S POSITION

8. Penn State is reviewing Allegheny's EE&C Plan, the proposed surcharge mechanism and the allocation of EE&C Plan costs to and the recovery of EE&C Plan costs from Tariff 37. Penn State will participate in this proceeding as an active party.

9. While reserving the right to present additional issues as this matter progresses, the University, at the present time, would intend to raise the following for Commission consideration:

- a. Is the EE&C Plan for Tariff 37 reasonable and appropriate and consistent with statutory requirements and regulatory principles?

- b. Is the proposed surcharge mechanism for Tariff 37 reasonable and appropriate and consistent with statutory requirements and regulatory principles?
- c. Is the allocation of EE&C Plan costs to Tariff 37 reasonable and appropriate and consistent with statutory requirements and regulatory principles?
- d. Is the recovery of EE&C Plan costs from Tariff 37 reasonable and appropriate and consistent with statutory requirements and regulatory principles?

WHEREFORE The Pennsylvania State University requests that the Pennsylvania Public Utility Commission grant this petition and authorize the University's intervention and participation in this proceeding as a full and active party.

Respectfully submitted,

By  _____

Charles E. Thomas, Jr. Esquire

PA ID 07262

Thomas T. Niesen, Esquire

PA ID 31379

THOMAS, LONG, NIESEN & KENNARD

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P.O. Box 9500

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Attorneys for

The Pennsylvania State University

Dated: July 28, 2009

PSU Petition to Intervene in West Penn EE&C Plan v1.wpd

VERIFICATION

I, Robert E. Cooper, Director, Energy and Engineering, The Pennsylvania State University, hereby state that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

A handwritten signature in black ink, appearing to read 'R. E. Cooper', is written over a solid horizontal line.

Robert E. Cooper

**Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of the West Penn Power : Docket No. 2009-2093218
Company dba Allegheny Power for :
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CERTIFICATE OF SERVICE

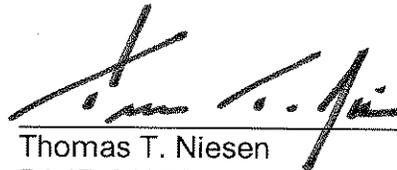
I hereby certify that I have this 28TH day of July, 2009, served a true and correct copy of the Petition to Intervene of The Pennsylvania State University, upon the persons and in the manner set forth below:

BY EMAIL AND FIRST CLASS MAIL, POSTAGE PREPAID

Honorable Katrina L. Dunderdale
Administrative Law Judge
Pennsylvania Public Utility Commission
1103 Pittsburgh State Office Building
300 Liberty Avenue
Pittsburgh, PA 15222
kdunderdal@state.pa.us

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