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July 31, 2009

VIA E-FILING

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
400 North Street, 2nd Floor
Commonwealth Keystone Building
Harrisburg, PA 17120

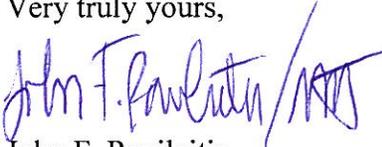
Re: Petition of West Penn Power Company d/b/a Allegheny Power for
Approval of its Energy Efficiency and Conservation Plan, Approval
of Recovery of its Costs through a Reconcilable Adjustment Clause
and Approval of Matters Relating to the Energy Efficiency and
Conservation Plan, Docket No. M-2009-2093218

Dear Mr. McNulty:

In accordance with the Second Prehearing Order issued in the above-captioned matter, West Penn Power Company d/b/a Allegheny Power files this letter response to the petitions to intervene in above-captioned proceeding filed separately by Clear Choice Energy ("Clear Choice") and the E Cubed Company, LLC ("E Cubed"). Allegheny Power files this letter response in lieu of filing a formal answer.

Allegheny Power agrees with the decision in the Second Prehearing Order to deny the petitions to intervene filed separately by corporate entities Clear Choice and E Cubed because of their failure to be represented by a licensed Pennsylvania attorney. However, it is our understanding that the procedural defect will be cured by Clear Choice, as it intends to make a further filing indicating that it is a registered Conservation Service Provider ("CSP") in Pennsylvania and that it has obtained legal representation. Therefore, Allegheny Power does not oppose the intervention of Clear Choice, provided that the procedural defect is, in fact, cured and that the scope of its intervention is limited to the CSP-related issues identified in its petition to intervene. Allegheny Power's non-opposition is without prejudice to any future position that it may take on the issues addressed in Clear Choice's petition to intervene.

Very truly yours,



John F. Povilaitis

JFP/ck
Enclosures

- c. Certificate of Service
The Honorable Katrina L. Dunderdale

**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, Approval of Recovery of its Costs : Docket No. M-2009-2093218
through a Reconcilable Adjustment Clause :
and Approval of Matters Relating to the :
Energy Efficiency and Conservation Plan :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing documents in accordance with the requirements of 52 Pa. Code § 1.54 et seq. (relating to service by a participant).

VIA FIRST CLASS AND
ELECTRONIC MAIL

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Date: July 31, 2009



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