

PENNSYLVANIA UTILITY LAW PROJECT

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November 8, 2010

Via E-Filing

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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 Secretary Chiavetta:

Please accept for filing in the above captioned proceeding the Prehearing Memorandum on behalf of Pennsylvania Communities Organizing for Change ("PCOC"). Notice to all parties was made by electronic mail.

Thank you for your assistance, and please feel free to contact me directly should you have any questions.

Very truly yours,



Harry S. Geller, Esq.

**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 through : Docket No. M-2009-2093218
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 today served a true copy of the Prehearing Memorandum upon the parties of record in this proceeding listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Via Electronic Mail

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Jonathan P. Nase, Esq. Kathryn G. Sophy, Esq. Office of Special Assistants PA Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105 (717)787-1827 jnase@state.pa.us ksophy@state.pa.us	Richard A. Kanaskie, Esq. Adeolu A. Bakare, Esq. Office of Trial Staff PA Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105-3265 (717)787-1976 rkanaskie@state.pa.us abakare@state.pa.us
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<p>Pamela C. Polacek, Esq. Susan E. Bruce, Esq. Shelby A. Linton-Keddie, Esq. McNees Wallace & Nurick, LLC 100 Pine St., P.O. Box 1166 Harrisburg, PA 17108-1166 (717)232-8000 ppolacek@mwn.com sbruce@mwn.com skeddie@mwn.com</p>	<p>Theodore J. Gallagher Senior Counsel NiSource Corporate Services Co. 501 Technology Drive Canonsburg, PA 15317 (724)416-6355 tjgallagher@nisource.com</p>
<p>Lillian S. Harris, Esq. Thomas J. Sniscak, Esq. Hawke McKeon & Sniscak, LLP P.O. Box 1778 100 North Tenth Street Harrisburg, PA 17101 (717)236-1300 lharris@hmslegal.com tjsniscak@hmslegal.com</p>	<p>Paul Diskin Bureau of Fixed Utility Services PA Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105 (717)214-5558 pdiskin@state.pa.us</p>
<p>Mark C. Morrow, Esq. UGI Utilities, Inc. 460 North Gulph Road King of Prussia, PA 19406-2807 morrow@ugicorp.com</p>	<p>Scott H. DeBroff, Esq. Rhoads & Sinon LLP One South Market Square, 12th Floor P.O. Box 1146 Harrisburg, PA 17108-1146 (717)237-6716 Sdebroyff@rhoads-sinon.com</p>
<p>Wayne Williams Bureau of Conservation, Economics, and Energy Planning PA Public Utility Commission P.O. Box 3265 Harrisburg, PA 17105 (717)787-2139 waywilliam@state.pa.us</p>	<p>Carolyn Pengidore President/CEO ClearChoice Energy 180 Fort Couch Road, Suite 265 Pittsburgh, PA 15241 (724)825-5391 Carolyn@clearchoice-energy.com</p>

<p>Kurt E. Klapkowski, Esq. Department of Environmental Protection 400 Market St. – 9th Floor Harrisburg, PA 17101-2301 (717)787-7060 kklapkowski@state.pa.us</p>	<p>Christopher A. Lewis, Esq. Christopher R. Sharp, Esq. Blank Rome, LLP One Logan Square Philadelphia, PA 19103-6998 (215)569-5793 lewis@blankrome.com sharp@blankrome.com</p>
<p>Daniel Clearfield, Esquire Kevin J. Moody, Esquire Eckert Seamans Cerin & Mellot, LLC 213 Market Street, 8th Floor P.O. Box 1248 Harrisburg, PA 17108-1248 (717)237-7160 dclearfield@eckertseamans.com kmoody@eckertseamans.com</p>	<p>Lee Hartz, Esq. Assistance General Counsel National Fuel Gas Distribution Corp. P.O. Box 2081 Erie, PA 16512 (814)871-8060 hartzl@natfuel.com</p>



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Julie George, Esquire
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118 Locust Street
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Dated: November 8, 2010

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of West Penn Power Company :
d/b/a/ Allegheny Power for Approval of : Docket No. M-2009-2093218
Amended Energy Efficiency and :
Conservation Plan :**

**PREHEARING MEMORANDUM
OF
PENNSYLVANIA COMMUNITIES ORGANIZING FOR CHANGE (“PCOC”)**

In accord with the initial Pre-Hearing Conference Order issued in the above captioned matter, Pennsylvania Communities Organizing for Change (“PCOC”) provides the following information:

1. Counsel for PCOC is the: Pennsylvania Utility Law Project
Harry S. Geller, Esq.
Julie George, Esq.
118 Locust Street
Harrisburg, PA 17101
2. Harry S. Geller, Esq. may be the single listing on the service list using the following business postal mailing address, telephone number, fax and emailing address:

Harry S. Geller, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
Tel.: 717-232-2719
Fax: 717-233-4088
Email: pulp@palegalaid.net

3. PCOC has filed Comments in this matter addressing the application of Act 129 resources within the revised Allegheny EE&C Plan toward:

- a. Multi-family properties providing affordable housing to low-income families;
 - b. Leveraging Act 129 funds with other available federal weatherization funding, thereby increasing the impact of the project and meeting Act 129's mandate to coordinate its low-income Act 129 activities with other programs administered by the Commission or another federal or state agency; and
 - c. Operation of the Residential Joint Utility Usage Management Program – Low Income Weatherization Program (“JUMP”).
4. Allegheny's reply, dated and filed November 1, 2010, indicated a favorable disposition to accommodating PCOC concerns. PCOC is prepared to move ahead with amicable negotiations with Allegheny to clarify what appears to be agreement on these issues. To the extent that such clarification is reached, there may be no need for a witness to appear on behalf of PCOC. Should the parties be unable to achieve clarification on these issues, PCOC will present as its witness:

D. William Browning
Legislative Director
Pennsylvania Communities Organizing For Change
846 N. Broad St., 2nd Fl.
Philadelphia, PA 19130
215-839-3393

5. PCOC will work with the Administrative Law Judges and the parties to comply with whatever schedule is determined for the proceeding and resolution of this matter.

Respectfully Submitted,



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