

March 15, 2011

717-787-7060

Fax: 717-783-7911

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility  
Commission  
400 North Street, 2<sup>nd</sup> Floor  
P.O. Box 3265  
Harrisburg, PA 17105-3265

RE: Petition of West Penn Power Company d/b/a Allegheny  
Power for Expedited Approval of its Smart Meter Technology  
Procurement and Installation Plan  
PUC Docket No. M-2009-2123951

Dear Secretary Chiavetta:

The Pennsylvania Department of Environmental Protection (“Department”) submits this Letter of Non-opposition to the Amended Joint Petition for Settlement filed in this matter with the Public Utility Commission on March 9, 2011. As indicated in footnote one on page one of the Amended Joint Petition for Settlement, although not a signatory to the Joint Settlement the Department is not opposing the terms of the Settlement. Copies of this Letter have been served on all parties listed on the enclosed Certificate of Service.

Sincerely,

*/s/ Kurt Klapkowski*

Kurt Klapkowski  
Assistant Counsel

cc: Service List  
Hon. Mark A. Hoyer

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Petition of West Penn Power Company :  
d/b/a Allegheny Power for Expedited : Docket No. M-2009-2123951  
Approval of its Smart Meter Technology :  
Procurement and Installation Plan :**

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing document, Letter of Non-opposition to the Amended Joint Petition for Settlement of the Commonwealth of Pennsylvania, Department of Environmental Protection upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner upon the persons listed below:

**SERVICE BY FIRST CLASS MAIL**

The Honorable Mark A. Hoyer  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Pittsburgh State Office Building Rm. 1103  
300 Liberty Avenue  
Pittsburgh, PA 15222

John F. Povilaitis, Esquire  
Ryan, Russell, Ogden & Seltzer PC  
800 North Third Street, Suite 101  
Harrisburg, PA 17102-2026

Richard A. Kanaski, Esquire  
Adeolu A. Bakare, Esquire  
Pennsylvania Public Utility Commission  
Office of Trial Staff  
P O Box 3265  
Harrisburg, PA 17105-3265

John L. Munsch, Esquire  
Allegheny Energy  
800 Cabin Hill Drive  
Greensburg, PA 15601-1689

Harry S. Geller, Esquire  
John C. Gerhard, Esquire  
Pennsylvania Utility Law Project  
118 Locust Street  
Harrisburg, PA 17101

Pamela C. Polacek, Esquire  
McNees Wallace & Nurick LLC  
100 Pine Street  
P O Box 1166  
Harrisburg, PA 17108-1166

Susan E. Bruce, Esquire  
Barry A. Naum, Esquire  
McNees Wallace & Nurick LLC  
100 Pine Street  
P O Box 1156  
Harrisburg, PA 17108-1166

William R. Lloyd, Jr., Esquire  
Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101

Tanya McCloskey, Esquire  
Christy M. Appleby, Esquire  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5th Floor  
Harrisburg, PA 17101-1923

Divesh Gupta  
Constellation NewEnergy  
111 Market Place  
Suite 500  
Baltimore, MD 21202

Respectfully submitted,

*/s/ Kurt E. Klapkowski*

---

Kurt E. Klapkowski (Pa. No. 70281)  
Assistant Counsel  
kklapkovsk@state.pa.us

Commonwealth of Pennsylvania  
Department of Environmental Protection  
RCSOB, 9th Floor  
400 Market Street  
Harrisburg, PA 17101-2301  
717-787-7060  
717-783-7911 (Fax)

Dated: March 15, 2011