

Hawke
 Mckeon &
 Sniscak LLP
ATTORNEYS AT LAW

William T. Hawke
Kevin J. McKeon
Thomas J. Sniscak
Scott T. Wyland
Todd S. Stewart
Craig R. Burgraff
Janet L. Miller

Steven K. Haas
William E. Lehman
Judith D. Cassel
J. Aaron Winn

Of Counsel
Julia A. Conover
Christopher J. Knight

100 North Tenth Street, Harrisburg, PA 17101 Phone: 717.236.1300 Fax: 717.236.4841 www.hmslegal.com

September 7, 2011

BY HAND DELIVERY

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor (filing room)
PO Box 3265
Harrisburg, PA 17105-3265

RECEIVED
2011 SEP -7 PM 3:41
PA PUC
SECRETARY'S BUREAU

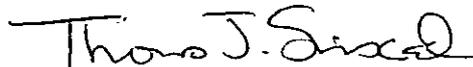
Re: Petition of West Penn Power Company for Amendment of the Orders Approving Energy Efficiency and Conservation Plan and Petition for Approval of Amended Energy Efficiency and Conservation Plan; Docket No. M-2009-2093218;
ANSWER AND COMMENTS OF THE PENNSYLVANIA STATE UNIVERSITY TO THE PETITION OF WEST PENN POWER COMPANY

Dear Secretary Chiavetta:

Enclosed for filing with the Public Utility Commission are an original and three (3) copies of the Answer and Comments of The Pennsylvania State University ("PSU") to the Petition of West Penn Power Company. Copies have been served in accordance with the attached Certificate of Service.

Should you have any questions or comments, please contact me.

Very truly yours,



Thomas J. Sniscak
William E. Lehman

Counsel for The Pennsylvania State University

TJS/das

Enclosures

cc: Honorable Dennis J. Buckley
Per the Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of West Penn Power Company, :
for Amendment of the Orders Approving :
Energy Efficiency and Conservation Plan, : Docket No. M-2009-2093218
and Petition for Approval of Amended :
Energy Efficiency and Conservation Plan :

**ANSWER AND COMMENTS OF
THE PENNSYLVANIA STATE UNIVERSITY
TO THE PETITION OF WEST PENN POWER COMPANY**

1. On or about August 9, 2011, West Penn Power Company (“West Penn” or the “Company”), filed with the Pennsylvania Public Utility Commission (“Commission” or “PUC”) a Petition for Amendment of the Orders Approving Energy Efficiency and Conservation Plan, and Petition for Approval of Amended Energy Efficiency and Conservation Plan (“EE&C Plan”).

2. PSU is a major customer of West Penn at its University Park Campus, receiving service through West Penn’s Tariff 37. PSU is the only customer taking service under Tariff 37. PSU also receives service from West Penn under Rate Schedules other than Tariff 37 for approximately 100 additional accounts at the University Park Campus and campuses at New Kingston, Fayette, and Mont Alto.

PSU will be represented by the following counsel in this matter:

Thomas J. Sniscak
William E. Lehman
Hawke McKeon & Sniscak LLP
100 North Tenth Street, P.O. Box 1778
Harrisburg, PA 17105-1778
Telephone: (717) 236-1300
Facsimile: (717) 236-4841
tjsniscak@hmslegal.com
welehman@hmslegal.com

RECORDED
2011 SEP -7 PM 3:41
PA PUC
SECRETARY'S BUREAU

3. PSU intervened in the proceeding and participated as an active party throughout. The focus of PSU's intervention and participation was and remains the EE&C Plan services for Tariff 37.

4. PSU is currently reviewing West Penn's EE&C Plan; however, at this preliminary stage PSU has concerns about the proposed surcharge mechanism in the allocation of EE&C Plan costs to and the recovery of EE&C Plan costs from Tariff 37 and other tariffs under which PSU takes service.

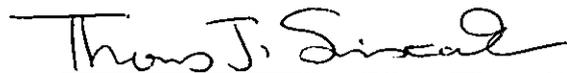
5. PSU also has serious concerns about the reliability and cost impacts of the proposed Conservation Voltage Reduction ("CVR") Program on PSU. Specifically, PSU's system is designed to work within a range of voltages, set by the PUC by means of its regulations. A reduction in voltage would cause motor loads to increase to maintain needed horsepower which could cause premature failure. These motors are frequently used in small stand-alone cooling systems serving critical research or computing rooms. Failures may have extremely costly consequences. In addition, where low voltages are determined to cause problems, PSU may be forced to raise the individual building voltage in 2.5% steps, which will have the undesirable effect of increasing some consumption. While West Penn suggests that major problems would be quickly detected after the fact, there are insufficient details in the EE&C Plan as to what protective and preventative methods and procedures will be in place. Thus, additional safeguards may be necessary to ensure that major problems are prevented or avoided in the first place.

6. While reserving the right to present additional issues as this matter progresses, and to respond and if necessary to present evidence or comments to any position taken by any party that is adverse to PSU, at the present time, PSU intends to raise the following for Commission consideration:

- a. Is the EE&C Plan for Tariff 37 and other tariffs under which PSU takes service reasonable and appropriate and consistent with statutory requirements and regulatory principles?
- b. Is the allocation of EE&C Plan costs to Tariff 37 and other tariffs under which PSU takes service reasonable and appropriate and consistent with statutory requirements and regulatory principles?
- c. Is the recovery of EE&C Plan costs from Tariff 37 and other tariffs under which PSU takes service reasonable and appropriate and consistent with statutory requirements and regulatory principles?
- d. Will the CVR have negative impacts on PSU's operation and maintenance of its facilities?
- e. Are additional safeguards, protective measures, notifications, customer-utility collaboration or reporting necessary for the CVR program and to promote reasonable service?

WHEREFORE, The Pennsylvania State University respectfully requests that the Commission consider its Answer and Comments in its consideration of West Penn's EE&C Plan.

Respectfully submitted,



Thomas J. Sniscak
William E. Lehman
Hawke McKeon & Sniscak LLP
100 North Tenth Street, P.O. Box 1778
Harrisburg, PA 17105-1778
Telephone: (717) 236-1300
Facsimile: (717) 236-4841
tjsniscak@hmslegal.com
welehman@hmslegal.com

*Counsel for
The Pennsylvania State University*

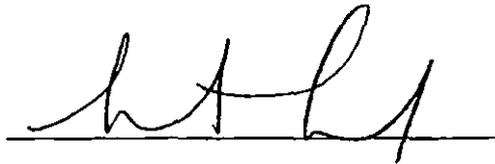
Dated: September 7, 2011

VERIFICATION

I, Robert E. Cooper, Director, Energy and Engineering, The Pennsylvania State University ("PSU"), 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 or any representative or witness on behalf of PSU expect to be able to prove the same at any 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).

Date

9/7/11



Robert E. Cooper

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

BY FIRST CLASS MAIL

John F. Povilaitis, Esquire
Buchanon Ingersoll & Rooney, P.C.
17 North Second Street, 15th Floor
Harrisburg, PA 17101-1503
John.povilaitis@bipc.com

Kathy J. Kolich, Esquire
FirstEnergy Service Company
76 South Main Street
Akron, OH 44309
kjkolich@firstenergycorp.com

Jonathan P. Nase, Esquire
Office of Special Assistants
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 3rd Floor East
PO Box 3265
Harrisburg, PA 17105-3265
jnase@pa.gov

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

William R. Lloyd, Esquire
Sharon E. Webb, Esquire
Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101
willlloyd@pa.gov
swebb@pa.gov

Kurt E. Klappkowski, Esquire
Department of Environmental Protection
RCSOB, 9th Floor
400 Market Street
Harrisburg, PA 17101-2301
kklappkowsk@state.pa.us

Richard A. Kanaskie, Esquire
Adeolu A. Bakare, Esquire
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120
rkanaskie@state.pa.us

Thomas T. Niesen, Esquire
Charles E. Thomas, Jr., Esquire
Thomas Long Niesen & Kennard
P.O. Box 9500
212 Locust Street, #500
Harrisburg, PA 17108-9500
tniesen@ttanlaw.com
cthomasjr@ttanlaw.com

John L. Munsch, Esquire
Amanda Skov, Esquire
Allegheny Energy
800 Cabin Hill Drive
Greensburg, PA 15601
jmunsch@alleghenyenergy.com
askov@alleghenyenergy.com

Lee Hartz, Esquire
National Fuel Gas Distribution Corp.
P.O. Box 2081
Erie, PA 16512
hartzl@natfuel.com

SECRETARY'S BUREAU

2011 SEP -7 PM 3:41

RECORDED

Harry S. Geller, Esquire
Julie George, Esquire
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101-1414
hgellerpulp@palegalaid.net
jgeorgegulp@palegalaid.net

Daniel Clearfield, Esquire
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
P.O. Box 1248
Harrisburg, PA 17108-1248
dclearfield@eckertseamans.com

Kevin J. McKeon, Esquire
Hawke McKeon & Sniscak LLP
P. O. Box 1778
100 North Tenth Street
Harrisburg, PA 17105
kjmckeon@hmslegal.com

Mark C. Morrow, Esquire
UGI Utilities, Inc.
460 North Gulph Road
King of Prussia, PA 19406
morrowm@ugicorp.com

Theodore J. Gallagher, Esquire
NiSource Corporate Services Company
501 Technology Drive
Canonsburg, PA 15317
tjgallagher@nisource.com

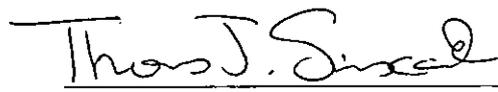
Carolyn Pengidore, Esquire
ClearChoice Energy
180 Fort Couch Road, Suite 265
Pittsburgh, PA 15241
Carolyn@clearchoice-energy.com

Pamela C. Polacek, Esquire
McNees Wallace & Nurick, LLC
P.O. Box 1166
Harrisburg, PA 17108-1166
ppolacek@mwn.com

Susan E. Bruce, Esquire
McNees Wallace & Nurick, LLC
P.O. Box 1166
Harrisburg, PA 17108-1166
sbruce@mwn.com

Divesh Gupta, Esquire
Constellation Energy
100 Constellation Way, Suite 500C
Baltimore, MD 21202
Divesh.gupta@constellation.com

Vasiliki Karandrikas
McNees Wallace & Nurick LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
vkandrikas@mwn.com


Thomas J. Sniscak
William E. Lehman

Dated this 7th day of September 2011.